

QUESTIONNAIRE TO STATES ON ANTI-MUSLIM HATRED AND DISCRIMINATION

Introduction

Denmark is, as the information provided below will show, actively committed to prevent and counter anti-Muslim hatred and discrimination both nationally and internationally.

In Denmark the respect for Freedom of Religion or Belief and to protect all religious minorities, including Muslims, is part of our fundamental values and integrated in our legal framework. It is also a deliberate part of our Foreign Policy.

When dealing with and communicating about the many issues addressed in this questionnaire Denmark recommends that the generic terms “hatred” and “discrimination” be used when characterizing the unfair and illegal treatment Muslims experience. In a number of ways, the term ‘islamophobia’ is considered to be counterproductive. It refers to a religion - not to people. It carries a suffix normally used to describe anxiety disorders. Furthermore, islamophobia has no agreed definition. When stressing the aspect of fear of Islam, Islamophobia easily lends itself to those seeking to outlaw blasphemy and suppress legitimate criticism of religion. Hence it tends to undermine not only Freedom of Expression, but also the Freedom of Religion or Belief that it claims to protect. In effect, the mere use of the term may even incite to hatred and violence and cause further radicalisation and extremism. A case in point was the mention of five Members of the Danish Parliament in a recent report by the Turkish NGO, SETA on Islamophobia in Europe, which led to serious concerns for their personal security.

DK policy towards promoting Freedom of Religion or Belief and protection of religious minorities in the world.

- a) General policy strategy
- b) Protection of Muslim minorities
- c) General approach towards combatting anti-muslim hatred and policy towards the concept of islamophobia

The Danish Government is actively engaged in the promotion of Freedom of Religion or Belief and protection of belief minorities based on ICCPR. The Danish Government’s strategy for engagement abroad contains five tracks:

- 1) Mobilisation of the international community for the promotion of Freedom of Religion or Belief and protection of faith based minorities;
- 2) A thematic focus on the two intersections between Freedom of Religion or Belief and Gender Equality, and Freedom of Religion or Belief and the Responsibility to Protect (R2P);
- 3) A geographical focus on the immediate neighbourhood of the EU, including the Middle East and North Africa (MENA);
- 4) Dialogue and cooperation with countries and faith based actors and institutions on freedom of religion or belief, where relevant and possible;
- 5) The tracking of a number of cases of individuals persecuted for belief or religious reasons.

The promotion of rights for Muslim minority groups is an integral part of all five tracks in the Danish strategy. Often the violation of Muslim minority groups rights also leads to

violations of other faith based minority groups, thus promotion of the rights of Muslim minority groups is linked to the overall promotion of human rights, also the right of Freedom of Religion or Belief for all citizens.

More specifically, the Danish Government has engaged in combatting anti-Muslim hatred and discrimination in Myanmar, Iran and Xinjiang in China through the UN, the HRC and the International Religious Freedom or Belief Alliance.

Combatting discrimination and hatred against Muslims has also been important in our bilateral work. For example the Danish TechPlomacy platform was used to host a high-level roundtable meeting between Facebook and key international stakeholders to discuss ways and means to counter online hate speech in Myanmar in the lead up to the general elections in November 2020.

In parallel to this initiative, Denmark launched a concrete project in Myanmar together with the Danish NGO *International Media Support*, local independent media outlets and tech-accountability organizations to help debunk disinformation and create counter narratives to hate speech in the run up to the general elections. These initiatives sought to ensure that Myanmar did not see the same level of hate speech and disinformation as in the lead-up to the August 2017 Rohingya crisis.

1. Muslims within the State

What part of the population within your jurisdiction identify as Muslim? Are there multiple Muslim groups within your State?

In Denmark there is no official registration of the population's affiliation to specific religious communities. Therefore, we are not able to estimate the number of inhabitants who identify themselves as Muslims.

However, it is estimated that almost 300,000 immigrants and descendants (incl. children) originate in countries that Pew Research Center characterizes as Muslim countries. Muslim countries are defined as countries where more than half of the population in the country are Muslims, cf. Pew Research Center, April 2, 2015, "The Future of World Religions: Population Growth Projections, 2010-2050".

2. The Right to Freedom of Thought, Conscience and Religion or Belief

- a) Does the State **recognise** the right to freedom of thought, conscience and religion or belief of all persons regardless of one's race, ethnicity, gender, language, nationality, religion or belief? What steps does the State take to promote respect for the right of all persons, including Muslims, to the equal enjoyment of freedom of thought, conscience and religion or belief? What are the protections provided in law and practice against coercion in matters of faith and belief, including in the right to have, adopt or change one's religious or non-religious beliefs?

Denmark recognises the right to freedom of thought, conscience and religion or belief of all persons regardless of race, ethnicity, gender, language, nationality, religion or belief. It is stated in section 67 of the Danish constitution, that citizens shall be at liberty to form congregations for the worship of God in a manner according to their convictions, provided

that nothing contrary to good morals or public order shall be taught or done. People are under no obligation to be members of the Evangelical-Lutheran Church of Denmark. People may worship their God as they will. The constitution further contains a prohibition on discrimination on the grounds of creed or descent according to section 70. Freedom of religion or belief is thus recognised for all citizens, including Muslims.

b) Does the State **restrict** the right of Muslims to manifest their freedom of religion or belief?

The right to freedom of religion is protected by the Danish constitution, section 67, which states that citizens shall be at liberty to form congregations for the worship of God in a manner according with their convictions, provided that nothing contrary to good morals or public order shall be taught or done. This applies to all citizens, including Muslims.

i. worship or assembly in connection with a religion or belief in public or in private, alone or in community with others; write, issue and disseminate publications offline and online material related to the rites, customs and teachings of Islam;

Section 67 of the Danish constitution protects freedom of religion or belief, including freedom of speech and assembly. The legislature is thus barred from restricting or prohibiting the worship of God in adherence to religious communities, as long as these actions are not considered to be contrary to morality or public order.

ii. observe practices related to the religious slaughter of animals; import halal meat or observe dietary requirements mandated by religious beliefs;

iii. display religious symbols, forms of dress and other personal representations of religious beliefs;

iv. establish and register religious organisations, charities or humanitarian institutions;

In Denmark, religious communities do not need any registration or official permission to run their community affairs. However, religious communities, who wish to conduct weddings with immediate legal effect under the Danish marriage law, need to be registered as a recognized religious community. Since 2018 the recognition as a religious community also gives access to apply for other rights, such as tax deduction for contributions to religious communities. Recognized religious communities are registered in the “Register of religious communities” (In Danish: Trossamfundsregistret).

i. train and appoint clergy without intervention;

The right to freedom of religion or belief entails a right for religious communities to appoint religious workers.

ii. exercise parental liberties regarding religious education of Muslim children

The right to freedom of religion or belief entails a right for religious communities to perform religious education. Religious education is central to many religious communities regardless of religious belief.

iii. observe holidays or days of rest in accordance with the Islamic faith.

- iv. establish and maintain free and peaceful contacts with other members of their group and with persons belonging to other minorities, as well as contacts across frontiers with citizens of other States to whom they are related by religious ties;*
- v. freedom of movement both within the country and across borders including for purposes of learning and pilgrimage.*

- c) Are there restrictions on the construction, maintenance and use of places of worship by Muslims in your State? Have there been any attacks on Muslim places of worship within your jurisdiction?

In Denmark, religious communities can establish religious buildings on the condition that other legislation on the construction of buildings are met.

Religious communities also have access to apply for permission to establish and run burial sites. The criteria for applying for permission to establish and run burial sites are found in the Act on Religious Communities outside the Established Church of Denmark (Folkekirken).

The Planning Act contains the overall rules regarding to the urban development. The local government is responsible for overall land-use regulation in their specific municipality. Every fourth year they publish a local authority plan for the local municipality. Local plans has to be aligned with the local authority plan, and are drawn up as needed, though major development projects cannot begin before the local government has adopted a local plan. Local plans determine how a smaller area can be developed and used, and are legally binding for property owners.

The local government have many opportunities in local planning to lay down rules for specifying the activities in a specific geographically area. They can decide that a specific area has to be used for e.g. residential buildings, for manufacturing companies, retail, cultural activities etc. A local plan may also contain rules regarding the size and appearance of buildings. This means a local government can adopt a local plan, which designates an area for residential purposes, in which case the area cannot be used for other purposes, including for constructing places of worship by any religion. However, a local plan cannot differ between religions.

The Planning Act gives the local government the opportunity to plan for the local urban development when it concerns the overall land use, the appearance of the buildings and the impact on the local area. It is though a basic principle in The Planning Act that planning must be based on reasonable consideration and must not discriminate on any grounds.

No attacks on Muslim places of worship has been registered in the system of the police.

- d) Are there any Islamic cultural sites in your country? Does the State support the preservation of these sites?

In Denmark, freedom of religion or belief is constitutionally guaranteed. All religious minorities, including Muslims, are protected. Article 67 of the Danish Constitution provides that “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”.

Religious communities can establish religious buildings on the condition that other legislation on the construction of buildings are met. Religious communities also have access to apply for permission to establish and run burial sites. Religious communities have to finance the establishment and running of religious buildings and burial sites by themselves.

In 2017, the Danish Parliament adopted the Act on Religious Communities outside the Established Church of Denmark (Folkekirken) that unifies and codifies previous rules and practices on religious communities into one single law and clarifies the rights and obligations imposed when a religious community obtains the status of recognized religious community in Denmark. The recognition as a religious community gives access to apply for other rights, such as tax deduction for contributions to religious communities.

As far as the Danish Ministry of Culture and the Danish Ministry of Immigration and Integration are informed, there are no Islamic cultural sites (i.e. Islamic memorials, ancient monuments, historical buildings worthy of preservation etc.) in Denmark that meet the general criteria to be considered cultural sites. Neither are there any Islamic cultural sites in Denmark included by UNESCO in the World Heritage List. In this context, it should be noted that the practice of Islam only has started to emerge in recent times in Denmark. There is, however, an important collection of Islamic art in the museum “The David Collection”, which is owned by a private foundation and open to the public.

- e) Are there any places of Islamic education (madrasas, schools or universities) in your country? If so, are they accredited, recognised or funded by the State? Are Quran classes allowed in places of Muslim worship or other religious institutions?

The Danish Act on Free Schools (Friskoleloven), Section 1, states that private schools can offer education in accordance with the belief and values the school rests on. This includes providing education on the grounds of religious belief such as Islam. Under the Act on Free Schools private schools are required to prepare students to participate in a society with freedom and democracy, and are required to offer overall teaching equal to what is generally offered in the public, municipal school. Thus, in Denmark the private schools based on the grounds of religious belief such as Islam are not characterized as Madrasas but as schools with an education based on the Islamic belief rather than education in the laws of Islam.

The Danish Ministry for Children and Education keeps no official register of free and private schools offering education based on specific religious beliefs. An assessment by the Organization of Free Schools (Skoleforeningen Friskolerne) in 2017 identified 24 schools with an education based on the Islamic belief.

The private schools in Denmark receive a grant (per pupil per year) for their operational expenditures which in principle matches the public expenditures in the municipal schools – less the private school fees paid by the parents. This is to ensure that public expenditures for the private and municipal schools follow the same trend. The grant does not match the amount given to municipal schools, but is set at a certain percentage of that amount (set through political negotiation). In 2020 the grant percentage level of private schools is 76 % of that of municipal schools.

3. Equality and Non-Discrimination

- a) Please provide information and data on the prevalence and types of inequality and discrimination, reportedly experienced by Muslims in your country, including from a gender perspective.

As regards religious inequality, there is no official registration of the population's affiliation to specific religious communities. Therefore, we cannot provide information or data on the prevalence and types of inequality experienced by Muslims in Denmark.

- b) Please provide information on domestic laws (including relevant domestically implemented international law), policies, and practices that protect against or respond to discrimination against Muslims. How do you ensure the deradicalization programme, counter-terrorism and/or preventing extremism measures or legislations do not target any specific religious or ethnic group, including Muslims?

The Criminal Code

The Criminal Code does not discriminate on the basis of race or religious belief. The provisions in the Danish Criminal Code thus apply to the population in general, including Muslims. They do not apply to or protect only certain groups of people.

Section 266 b of the Danish Criminal Code has the following wording:

“(1) Any person who publicly, or with intent to disseminate to a wide group of people, issues a statement or other communication threatening, humiliating or degrading persons of a particular group because of their race, colour, national or ethnic origin, religious faith or sexuality is sentenced to a fine or imprisonment for a term not exceeding two years.

(2) When determining the penalty, it must be considered a particularly aggravating circumstance if the act is considered an act of propaganda.”

Section 266 b protects against various kinds of hate speech, including when directed against Muslims because of their religious faith. The Section was amended in 1971 in order to make it possible for Denmark to ratify the 1965 UN Convention on the Elimination of All Forms of Racial Discrimination.

Section 136(1) of the Danish Criminal Code has the following wording:

“(1) Any person who publicly incites to crime without deserving a more severe penalty by such act is sentenced to a fine or imprisonment for a term not exceeding four years.”

The Danish Act Prohibiting Discrimination on the Basis of Race etc. was intended to make it possible for Denmark to ratify the 1965 UN Convention on the Elimination of All Forms of Racial Discrimination. Section 1 of the act has the following wording:

“(1) Any person who within a commercial business or a business working for the common good on the basis of a person's race, colour, national or ethnic origin, faith or sexual orientation refuses to serve that person on the same terms as others, is sentenced to a fine or imprisonment for a term not exceeding six months.

(2) The same sentence applies to any person who based on any of the reasons stated in (1) refuses to give a person access on the same terms as others to a place, a performance, exhibition, gathering, or similar, open to the public.”

These provisions would also apply in order to protect Muslims.

Disengagement

Disengagement is a tool for countering terrorism and violent extremism based on an individual assessment of the person's risk and protective factors. The intervention needs to be guided by timely and relevant interventions that are tailor-made to the individual's needs.

The Danish Security and Intelligence Service (PET) has disengagement teams that handle cases of high risk concerns alone or in close collaboration with the local police. PET disengagement officers are highly trained police officers with extensive negotiator experience as well as interpersonal skills.

The aim of disengagement is to reduce the risk of concern from a specific individual by establishing relations that can support these individuals to reconsider their behaviors and if possible renounce their support for violence. They do this by working with the persons' intrinsic motivation. The supportive intervention is coordinated with in the info-house structure by the local police.

Deradicalisation programmes are rooted in the general crime prevention structures and practice in Denmark developed in the 1970s called the Danish model on prevention of extremism:

The Danish model for prevention

The Danish approach to prevent radicalization is rooted in a comprehensive general crime prevention system that has existed since the 1970s. It is built around legally mandated systematized multi-agency collaborative structures, involving the police and various social service providers in all of Denmark's municipalities.

Crime prevention networks with representatives from schools, social services and the police (SSP) have existed since the mid 1970s in most Danish municipalities. These were established primarily to prevent young people under the age of eighteen from engaging in crime, and since then other networks have been established to focus on other target groups. In 2009, networks involving the police, social services and psychiatric health care (PSP) were created primarily to prevent individuals with psychiatric problems from engaging in crime. In 2010 similar networks involving the police, social services and the Prison and Probation Services (KSP) were created primarily to prevent individuals released from prison or other institutions from (re)engaging in crime.

Legal framework

The SSP, PSP and KSP networks (police and municipality networks) facilitate cooperation and information-sharing between different authorities and aim simultaneously to protect society from crime and to prevent individuals from engaging in crime. §115 of the Danish Administration of Justice Act allows the inter-agency sharing of information necessary for the preventive work (personal data which is otherwise protected under data protection laws) provided that the information sharing has a preventive purpose.

- c) Please provide information on specific gaps and challenges with regard to the elimination of discrimination against Muslims. Are there recent examples where the State has amended or rescinded legislation in order to combat discrimination against

Muslims? Do laws in your country guarantee equal rights, regardless of religion or belief, in terms of access to education, healthcare, housing, and employment?

The Danish government is not aware of such recent examples.

Individuals belonging to minority groups and non-citizens legally residing in Denmark enjoy equal access to, inter alia, employment, education, housing, health services, and to justice.

d) Are Muslims treated differently in their applications for asylum and citizenship?

In accordance with fundamental Danish and international legal principles, including the principle of non-discrimination, all asylum-seekers are treated equally and without consideration of their race, religion, nationality, sexual orientation, political opinion or other aspects of the asylum-seekers' identity. Consequently, Muslims are not treated differently in their application of asylum. Asylum will be granted to an alien that risks the death penalty or being subjected to torture or inhuman or degrading treatment or punishment if returning to his country of origin. Furthermore, asylum will be granted to an alien covered by the provisions of the Convention Relating to the Status of Refugees of 28 July 1951, including an alien with a well-founded fear of being persecuted for reasons of religion.

Muslims are not treated differently in their applications for Danish citizenship. When applying for Danish citizenship the applicant is not required – nor encouraged – to provide information regarding the personal beliefs, including religious observation, for the person concerned.

e) How does the State protect Muslims in potentially vulnerable situations such as (i) refugees and migrants (ii) children (iii) girls, women, and LGBT+ persons (iv) persons with disabilities (v) members of recognised and unrecognised minority Muslim sects, Muslims perceived to be secular or Muslims who converted into other religions or become atheists and (v) Muslims in the context of the COVID-19 pandemic.

The Danish welfare system as well as the overall integration policy in Denmark is founded on principles of universal and equal access to social services, integration programmes etc. All persons legally residing in Denmark enjoy the same rights and have access to the same support.

Refugees and family reunified who have been granted a residence permit can make full use of the free Danish education system (including tertiary education) and health care system on the same level as everyone else in Denmark who are residing legally.

Appropriate housing for refugees with a residence permit is provided by municipalities within a few months after receiving a residence permit. Refugees are offered an integration programme according to individual needs. Comprehensive and free language training and job training are key elements of this programme.

Moreover refugees granted a residence permit receive Danish language training and Job training and support if they are not able to support themselves.

Any person who is lawfully residing in Denmark is eligible to receive assistance under the Act of Social services, regardless of the religion they practice.

ii) Regarding the protection of children

The Act on Social Services makes it clear that all children have the right to be protected from all forms of abuse. The definition of ‘abuse’ is broad and includes, thus, both sexual abuse, physical violence and mental abuse. Anyone who becomes aware that a child is in need of special support has a duty to notify the social authorities.

If it is suspected that a child is a victim of any kind of abuse, then the municipality has a duty to investigate that suspicion and to initiate the necessary help and support for the child. These demands apply equally to all municipalities in Denmark. Among other things the municipalities are obliged to respond to all notifications about possible abuse within 24 hours.

Efforts for vulnerable children including children subject to abuse are a so-called critical function, which has been maintained during the period of COVID-19 including during the lockdown. The municipalities must thus ensure that vulnerable children and young people who need help and support can continue to receive the necessary help. Among other things, this means, that:

- All placement of children in places of residence and in foster families etc. has been maintained.
- The municipalities continue to process notifications of concerns about a child or young person and supply help and aid if needed e.g. in cases where a child is suspected of being abused.
- That children and young people should continue to receive the necessary support, including placement if they need it.

iii) Regarding girls and women

The Danish municipalities are according to the Social Services Act obligated to offer temporary accommodation to women who have been subjected to violence, received threats of violence or who are experiencing equivalent crisis situations in their family or their relationship.

Shelters have continued to operate during COVID-19. Since the women’s shelters experienced an increase in demand for vacant rooms, the Danish government decided to fund approximately 55 temporary rooms at women’s shelters across the country. Besides temporary accommodation at women’s shelters, several organizations offer outpatient counseling for victims of domestic violence.

The Danish national unit to combat violence in intimate relationships is responsible for a national hotline that offers help and guidance concerning violence in the family or violence in other close relationships. For instance, the hotline can give information regarding which shelters have vacant rooms.

iv) Regarding protection of persons with disabilities

In Denmark, the Act on Social Service contains a number of provisions aimed at giving individuals, including persons with disabilities, better possibilities of managing on their own or at easing their everyday existence and improving the quality of life. The Act on Social Service contains some fundamental principles on which the Danish policy on disability rests. Three of these principles are the principles of equal opportunities, solidarity, and compensation. The principle of equal opportunities establishes that public services should aim at supporting persons with disabilities in achieving their potential on equal terms with persons without disabilities. The principle of solidarity refers to the Danish tax funded welfare system, which ensures that almost all services to persons with disabilities are provided free of charge for the individual. The principle of compensation means that the support and assistance are provided to compensate the needs caused by reduced physical or mental function. The aid is also offered to improve the individual's social and personal level of function and his or her potential development.

Further, persons with disabilities enjoy the right of not being discriminated. The Act on Prohibition of Discrimination of Persons with Disabilities prohibits both public and private service providers outside the labor market to discriminate a person due to a disability. Persons with disabilities can file a complaint with the Board on Equal Treatment, which can then award compensation if it finds that discrimination, harassment or retaliation was experienced."

- f) **Representation and participation in public life:** Are there Muslims in the Government and the judiciary? Are Muslims represented in other public affairs or institutions, including legislative and equality bodies such as National Human Rights Institutions?

The Danish National Parliament consists of 179 members. According to Statistics Denmark 5 members (2.9 pct.) of the elected members in the Danish National Parliament in 2019 were immigrants or descendants. As there is no official registration of the population's affiliation to specific religious communities, we can neither estimate the number of Muslims in The Danish National Parliament or in other public affairs and institutions such as the judiciary.

This also applies to the National Human Rights Institution. Given that they do not register people by their religious belief, they are not able to answer this question.

- g) **Hate speech by politicians:** Does the State have a parliamentary or legislative code of conduct to deter politicians from making anti-Muslim, antisemitic, xenophobic, racist, homophobic, or other hateful remarks from the floor or in public appearances? Is there qualified or parliamentary immunity for hate speech?

Section 57 of the Danish Constitution states that no member of parliament (Folketing) shall be held liable to his utterances in the Folketing save by consent of the Folketing. The section thus further protects the freedom of expression of members of parliament when speaking in the Folketing, as this does not apply outside the Folketing.

- h) **Online hate speech:** Does the State monitor and investigate incidents of anti-Muslim hatred and discrimination online, including perpetrators' tools and tactics (e.g. use of bots, doxing, misinformation)? What data does the State have on how online hatred, harassment and political manipulation are affecting Muslims? Does the State have arrangements with private actors (e.g. social media companies) to access their data on

the incidence or effect of anti-Muslim hatred and discrimination online on those targeted?

All reported cases of hate crimes are monitored and investigated if the police find that the case holds enough evidence of anti-Muslim hatred and discrimination. The reported cases are gathered in yearly reports with data and analyses. The reports are made public at politi.dk. See also below.

- i) **Incitement to hatred or violence:** How is the prohibition of incitement to national, racial or religious hatred in international human rights law incorporated into domestic legislation? Are there specific offences in law regarding crimes of anti-Muslim hatred? Do the laws provide for imposition of enhanced penalties for crimes committed with anti-Muslim motivation? Is there a law on ‘takfirism’?

Reference is generally made to the answer to 3b) above.

According to section 81(1)(6) of the Danish Criminal Code, when determining a sentence, it must normally be considered an aggravating circumstance if the crime was based on the ethnic origin, religious faith or sexual orientation of others or similar issues. This also applies to crimes committed against Muslims with anti-Muslim motivation.

No law of takfirism exists in Denmark. Preventing a person from converting to another religion would be contrary to the freedom of religion or belief as set forth in the Constitutional Act, and it could – depending on the circumstances – be considered an offence according to the Criminal Act.

- j) **Countering Violent Extremism:** Are State strategies and practices to prevent/counter violent extremism grounded in human rights law? How does the State define ‘violent extremism’? Are the impacts on women and ethnic and religious groups on rights-limiting measures assessed?

The Danish Security and Intelligence Service (PET) defines extremism as “The will to use violence or commit other illegal acts in order to change existing social conditions” (VTD 2020). Regarding prevention efforts, reference is made to the answer to 2b).

- k) **Reporting, documenting and remedy:**

- i. Is there a specific State mechanism for reporting or recording incidents of anti-Muslim hatred or discrimination? Does the State take other measures to improve monitoring increase reporting and the documenting of such crimes? Is the number of such incidents rising or falling?

In 2015, The Danish National Police established a monitoring practice to strengthen the police’s work against hate crimes, including anti muslim hatred or discrimination, through gathering of information. The aim of the practice was to strengthen the registration of hate crimes and thus make a truer and fairer view of the number of hate crimes and the distribution on different types of motives, offences, crime scenes etc. The ongoing monitoring is also employed to ensure the quality of the police’s registration practice and to support the continuous focus on hate crimes.

The number of reported incidents have been rising in the recent years, not only concerning anti-muslim hatred and discrimination but hate crimes in general. The information gathered in the monitoring system is published in yearly national reports on hate crimes. The reports are available at politi.dk providing both statistical data and analyses of the data. The latest report on hate crimes for 2019 shows that the share of religiously motivated hate crimes in 2019 directed against Muslims has slightly decreased from 68% in 2015 to 61 % in 2019 with important fluctuations during the period.

- ii. Do you collect information on who the perpetrators of hate crimes are? If so, who are they and what are the common motives?

Denmark collects information regarding the perpetrators. It's not possible to give a general description of the perpetrator. But the perpetrator is most often male with varying age.

- iii. If applicable, what percentage of prosecutions of hate crimes in which Muslim identity was an aggravating factor are successful? How does the State ensure that victims of anti-Muslim hate speech, crimes or discrimination are provided with effective access to justice and remedies, including Muslim women and girls (e.g. does the State fund programme to help victims)?
- iv. Does the State provide security for Muslim schools or cultural sites (if so, please elaborate)? Are Muslims allowed to form community security groups? Are there cases of anti-Muslim violence, harassment, or desecration targeting individuals or their property, educational facilities or Muslim cultural or religious sites (if so, please provide details)?

As far as the Danish Ministry of Culture is informed, there are no Islamic cultural sites (i.e. Islamic memorials, ancient monuments, historical buildings worthy of preservation etc.) in Denmark that meet the general age criteria to be considered cultural sites, see also the answer on 2 b) above.

If there is a current and verified threat of an attack, against a Muslim school or a cultural site, security is provided by the state.

Every community in Denmark can form a security group if they want to as long as they obey the legislation, hence they can't carry weapons, they are now allowed to use violence etc.

Yes, there are examples of anti-Muslim violence, harassment etc. in Denmark. The numbers of reported incidents has increased in the resent years like hate crimes in general. Whether this is an expression of more hate crimes being committed or people being better at reporting hate crimes is uncertain.

4. State practices to promote tolerance and understanding, including with private and public actors

- a) **Training / awareness raising**: What training on anti-Muslim hatred and discrimination issues does the State provide to (i) police (ii) security forces (iii) judiciary (iv) teachers and (v) local religious actors to support their role as key actors in preventing incitement to hatred or violence? What form does that training take?

The National Center for Prevention of Extremism

The National Centre for Prevention of Extremism provides training in prevention of all types of extremism and does not offer training specifically directed at anti-Muslim hatred and discrimination issues. The Centre has, however, upon request carried out targeted counselling to municipalities experiencing challenges with specific types of extremism e.g. far right extremism.

The Centre's training on prevention of extremism consists of courses and presentations for practitioners on factors of motivation, patterns of recruitment and signs of concern in relation to young people who are at risk of becoming involved in extremist behavior.

The Centre has also carried out a number of method developing projects and offers specific tools, e.g. mentor and parent coaches, who are specially trained to work with at-risk individuals and their relatives, and a concept for action plans. The concept for action plans enables a cross-sectoral organization in the municipality and provides a basis for setting up guidelines for long term prevention efforts, including the broad, general prevention, for instance building up resilience in schools and residential areas, the handling of concrete concerns of youth being drawn into extremism and contingency plans for acute situations e.g. terror attacks. For the activities of the Centre, please also refer to the answers to question 4c and 4e below.

Danish Armed Forces

The multitude of tasks performed by Danish Armed Forces in international and national operations sets high demands on insight and broadly based respectful code of conduct towards all entities by all representatives of the Danish Armed Forces.

The Danish Armed Forces believe that focusing on a single religion may provoke stigmatization. As a consequence, the formation of tolerance and of religious understanding takes place in a broader context, as part of both general and mission-specific education and training in cultural awareness.

The training framework for the Danish Armed Forces is guided by a national military manual. The guidance provided by the national military manual applies to all ranks and functions in the armed forces. The military manual states, that everybody has the right of free thought and the right of freedom for conscience and religion.

Furthermore, the Danish armed forces have a general focus on reducing harassment within the armed forces. The Danish armed forces do not accept any harassment whether it be related to sexuality, religion, ethnicity or other individual observations.

Religious communities

Recognized religious communities in Denmark can apply for permission for religious workers within their community to perform marriages with immediate legal effect under the Danish marriage law. One of the criteria for obtaining a permission to perform

marriages with immediate legal effect is that the religious worker completes a course in Danish family law, freedom and democracy within 6 months after the permission is granted.

General training

Denmark will continuously focus on developing new and existing measures to prevent discrimination, intolerance and racism, and to preserve freedom of belief and to promote intercultural dialogue. In different contexts measures involve education materials, dialogue teams, online campaigns and skills upgrading with a focus on strengthening democracy and citizenship and critical thinking, preventing discrimination, racism and intolerance, challenging stereotypes and prejudice.

The Ministry of Education as an example provides course materials and training on how to educate students on issues of discrimination and stigmatization of particular groups in society. The Government has furthermore launched a 3-year effort to build resilience for children and young persons against radicalization, extremism and social control.

- b) **Removing barriers:** How does the State use public office to eliminate barriers between religious or belief communities and promote an inclusive society? Do such policies and practices include civil society and in particular, Muslims within those initiatives? Does the State have any initiatives (including non-legislative) in place to counter stigmatization and negative stereotyping of Muslims and incitement to religious hatred (e.g. facilitating exchange of information and resources on the ‘Istanbul Process’ and implementation of HRC Resolution 16/18, interfaith dialogues) and /or promote interfaith tolerance, understanding and public discussion?
- c) **Tackling extremism:** Has the State identified whether sectors of their population are at risk of radicalisation from extremist groups? What information is available on those groups’ recruiting techniques and mechanisms for targeting alienated youth? Is extremism in the political system an issue for the State?

The Danish effort to prevent extremism and radicalisation is described in the national action plan to prevent and counter extremism (2016). Radicalisation is considered a risk behaviour that along with other types of risk behaviour may lead to criminality. Thus, some of the same methods and tools that are used for other types of risk behaviour in regards to crime prevention and social work are also applied in the prevention effort. The approach is based on interagency collaborations across a wide range of sectors, involving both local and national authorities employing different types of interventions to address various target groups. This corresponds to how the Danish crime prevention effort is organised, and to a large extent the prevention of extremism builds on the same structures known from that area.

The terror threat assessment for Denmark states that the threat level is significant from militant Islamism, general for right-wing and limited for left-wing extremism.

The National Center for Prevention of Extremism

The National Center for Prevention of Extremism was established in 2017 with the purpose of strengthening the Danish efforts to prevent extremism. The Centre handles all

types of extremism and has experts on both far right extremism, left extremism and Islamic extremism.

An important part of the Centre's work is to disseminate knowledge about extremism to practitioners. The Centre publishes research articles, research summaries and is currently financing a post doc on far right and left extremism and a post doc on extreme Islamism in Denmark.

The Centre provides counselling to the municipalities and other relevant actors e.g. health care sector, educational institutions, social housing institutions and civil society organizations, in handling challenges concerning extremism.

The Centre conducts courses and presentations for practitioners on factors of motivation and patterns of recruitment and signs of concern in relation to young people, who are at risk of becoming involved in extreme groups.

The Centre has carried out a number of method-developing projects and offers specific tools for working with individuals at risk of being involved in extremism.

- d) **Media:** Does the State require private or public media entities to have professional ethics and/or press codes that sanction anti-Muslim stereotyping, hatred and discrimination? Are there policies and regulations to promote pluralism and diversity of the media (including online), and which promote equal, universal and non-discriminatory access to and use of means of communication?

The overall purpose of Danish media policy is to establish the framework conditions for ensuring media independence and media pluralism.

In recent years the basis for legislation in the area of radio and television has been political agreements between the government and one or more parties in the Danish Parliament (Folketinget), normally for a period of four years.

The framework conditions for the supply of radio and television programs are regulated by the Radio and Television Broadcasting Act. The Act contains rules concerning the right to provide radio and television services in Denmark, provisions on inter alia the public service activities of DR, TV 2 DANMARK A/S and the regional TV 2 stations, rules about organisational and financial matters concerning DR and the regional TV 2 stations, rules about the Danish regulatory authority – the Radio and Television Board – , rules about advertising, sponsoring and other commercial communication on radio and television, rules on protection against incitement to violence or hatred and public provocation to commit terrorist offences, rules regarding licenses etc.

Public service is a cornerstone in Danish media policy and regulation. By law public service media provide a versatile and balanced range of programs and services for all sections of the population. Public service activities in Denmark is to ensure that the Danish population has a wide choice of programs and services via television, radio, the internet or the like.

Public service activity is performed by different actors such as DR, TV 2/DANMARK A/S, the regional TV 2 stations and the new player, Radio Loud. DR is the biggest provider of public service in the Danish media market. DR is organised as an independent public institution which is fully financed by public funding.

Furthermore the Danish law on media support provides for aid to commercial printed and digital media. The purpose of the law is to maintain a diverse and versatile media market that can support the democratic, critical and independent functioning of the media, taking into account freedom of expression and information.

The law on media support concerns production and innovation aid for printed and digital media. Production aid is granted to news media production of editorial content. The aid scheme consists of a main and supplementary scheme. In addition to this innovation aid is granted for projects or feasibility studies concerning the establishment of new or development of existing media.

There is also a so called "Magazine Fund" to distribution of certain periodic journals and periodicals, mainly union magazines whose content is non-profit or of humanitarian nature or about culture, education, sports, environment and religion.

Furthermore Danish legislation provides for a pool from which grants can be awarded to non-commercial local radio and television. In addition Danish legislation provides for a pool from which grants can be awarded for the production of Danish public service television drama, television documentary programs and programs for children to be offered by other media service providers than DR, the regional TV 2 stations and non-commercial local TV stations

The content and conduct of the Danish media shall be in accordance with sound press ethics (Section 34(1) of the Media Liability Act).

The Press Council determines whether the conduct of the media is contrary to sound press ethics. Its decision is based on the "Advisory rules of sound press ethics" which formed part of the Media Liability Bill of 1991, but the "sound press ethics" standard keeps pace with developments in determination of what is unethical, and adopts standpoints on new situations that arise. The advisory rules of sound press ethics were revised on 22 May 2013.

It is a fundamental element of the press ethical rules that safeguarding the freedom of speech in Denmark is closely connected with the free access of the media to collect information and news and to publish it as correctly as possible. Free comment is part of the exercise of the freedom of speech. In attending to these tasks the media should recognise that the individual citizen is entitled to respect for his/her personal integrity as well as the sanctity of his/her private life and the need for protection against unjustified violation hereof. Visible and clear guidance on how to complain of media content and conduct should be made available by the media.

In accordance with the revised Audiovisual Media Services Directive (AVMSD) (Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU) the Radio and Television Broadcasting Act and Executive Orders on regulations of TV, video on demand and video-sharing platforms include rules on protection on TV and video on demand against incitement to violence or hatred and public provocation to commit terrorist offences. Video-sharing platforms are required to take appropriate measures to protect people from incitement to violence or hatred and content constituting criminal offences.

Thus, audiovisual media services provided by media service providers must not contain any incitement to violence or hatred directed against a group of persons or a member of a group based on any of the grounds referred to in Article 21 of the Charter, which forbids discrimination on grounds of sex, race, colour, ethnic or social origin, genetic features,

language, religion or other belief, political opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

Furthermore video-sharing platform providers must take appropriate measures to protect the general public from programs, user-generated videos and audiovisual commercial communications containing incitement to violence or hatred directed against a group of persons or a member of a group based on any of the grounds referred to in Article 21 of the Charter and content the dissemination of which constitutes an activity which is a criminal offence under Union law, namely public provocation to commit a terrorist offence, offences concerning child pornography and offences concerning racism and xenophobia.”

- e) **Online platforms:** How does the State create an environment for open robust debate and dialogue, including through a free and open Internet, in line with the rights to freedom of thought, conscience and religion or belief, freedom of opinion and expression, and non-discrimination? How does the State engage with social media companies to address online harassment of Muslims and coordinate efforts in response? Does the State regulate website-hosting companies that host hateful or harassing content? Does the State impose liability for web hosts that host hateful or harassing content?

Section 77 of the Danish Constitution protects freedom of speech and states that any person shall be at liberty to publish his ideas in print, in writing, and in speech, subject to his being held responsible in a court of law. Censorship and other preventative measures shall never again be introduced. Freedom of expression is also protected article 10 of the European Convention on Human Rights.

The government has initiated an interdepartmental working group, working with relevant actors, focusing on concrete initiatives and models of solution regarding regulating social media content as well as the question of responsibility in relation to social media.

In the field of preventing extremism the Ministry of Immigration and Integration has carried out various initiatives aimed at the online dimension:

- The Danish Centre for Prevention of Extremism train professionals in the local Municipalities, providing them with tools and methods in dealing with young people regarding online extremism and with ideas for preventive efforts.
- Teaching material that focuses on critical thinking, fake news, propaganda, and conspiracy techniques have been developed for teachers at primary and secondary schools and youth clubs to support dialogue about online behavior.
- Hackathon events with young people to build resilience to hateful content and extremism online have been facilitated by the Danish Centre for Prevention of Extremism. Municipalities and civil society can get help, with course materials and training, to facilitate hackathon events.