

National Analytical Study on Housing

RAXEN Focal Point for Denmark

**Documentation and Advisory Centre
on Racial Discrimination
(DACoRD)**

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1. EXECUTIVE SUMMARY

The report was written in the autumn 2003 and submitted 1st October 2003. This is the first report submitted on the issue of discrimination in relation to housing, and consequently, this report will not only include information from this year, but also include information from previous years.

The aim of the report is twofold. Firstly, to describe and analyse ethnic minorities' marginalized position in the housing/accommodation sector and the relevant policy strategies, and secondly, to describe and analyse the extent and nature of discrimination in the housing/accommodation sector and policy strategies confronting this problem.

NFP-Denmark is a consortium of organisations divided into core members and associate members, with the Documentation and Advisory Centre on Racial Discrimination (DACoRD) performing the task of coordinator. The core members are DACoRD, The Danish Institute for Human Rights, The Danish National Institute for Social Research (SFI), The Centre for Bilingualism and Interculturalism (UC2), The Umbrella Organisation of Ethnic Minorities (POEM), and The Council for Ethnic Minorities (REM). The core members' primary function is to contribute to the report writing and data collection and approve final reports. There are in addition a series of associate members that are directly informed about NFP-Denmark's activities, and they are drawn upon in the data collection process.

This report is an overview and analysis of existing data. It is therefore not a research project that has generated new data. The following material has been drawn upon from; Governmental reports and policy papers, ministries' publications plus reports and data produced by research institutions, and private organizations; statistics produced by the national statistics office; court case summaries; and newspaper articles and television interviews.

This report contains the following sections: Section 1 and 2 are the executive summary and table of contents respectively. Section 3 defines the various terms and operational concept of discrimination used in this report. Section 4 introduces the report by describing the aim, motivation and organization of the report. Section 5 broadly describes the Government's policies on integration, diversity, and anti-discrimination. Section 6 presents data describing ethnic minorities' position in the housing/accommodation sector, and other mainly statistical figures. Section 6 also contains data on residential patterns amongst ethnic minorities looking primarily at density rates according to municipality. It can be concluded that Third country immigrants and descendants tend to live in and around the larger urban areas such as Copenhagen, Århus, Odense, Ålborg, and Frederiksberg. Indeed, 40% of Third country immigrants and descendants live in these 5 municipalities. The figure for the rest of the population is 21.5%. Many of the larger towns on the island of Zealand - Roskilde, Ringsted, Slagelse, Korsør, Helsingør - also have relatively high population densities. In 243 of the 275 local municipalities in Denmark the population density of third country immigrants and descendants is below the national average of 5.8%. Whereas in several suburb municipalities to the capital the figure is around 20%.

Section 6 also contains data on housing standards and ethnicity, employment rates and transfer payments according to municipality. Finally, section 6 lists and summarises several evaluation reports assessing the praxis for allocating accommodation to newly arrived refugees who are subject to the Act on Integration. Plus, reports analysing housing patterns within ethnic minority communities.

Section 7 describes and analyses both the extent and nature of discrimination in Denmark. There are a limited amount of reports, which have directly attempted to investigate the extent and nature of discrimination in the housing/accommodation sector, though there are reports which attempt to describe the barriers and reasons that contribute to ethnic minorities' marginalized position in the housing/accommodation sector. As regards discrimination many of these reports conclude that it is hard to prove that discrimination occurs, although it cannot be dismissed that it does occur. It is difficult to obtain data on court cases concerning discrimination in the housing/accommodation sector, as there is no centralized system registering court cases. Therefore, the cases referred to are those that were known to the author at the time of writing having been supplied by DACoRD.

In section 7 two analyses are presented addressing, firstly, the issue of population density, segregation, choice and the possible affects on integration. Secondly, using Feagin and Eckberg's discrimination typology existing known cases of discrimination are presented and classified enabling some comments to be made on the nature and extent of the discrimination facing ethnic minorities in the housing sector in Denmark.

It is concluded that cases shows that individuals have been directly discriminated against in the housing and/or accommodation sector in relation to access to housing and in relation to harassment in the housing area where they live. As anti-discrimination legislation in this field happens to be in the form of criminal law it is rather difficult to make a legal assessment of the scope and extent of indirect discrimination, however, examples given proves that the explanation: "communicate not Danish" is used in order to exclude non-Danish speaking tenants from accommodation.

By using Feagin and Eckberg's typology of discrimination types, which is broader than the legal definition in the Danish legislation, it is possible to conclude that discrimination manifests itself in many different ways from incidents of direct racist actions, to the occurrence of some indirect structural discrimination caused by neutral criteria that have the effect of holding certain groups out. "Ethnic markers" such as an accent, religious clothing, "non-Danish" names can result in the individual experiencing some form of discrimination.

Section 8 presents anti-discrimination legislation, the Government's strategy for improving the housing situation amongst ethnic minorities and its anti-discrimination strategy plus relevant court cases. The report thus concludes that the Danish authorities approach to tackling racism and discrimination in the housing and/or accommodation sector is focusing on dispersal policy of newly arrived refugees rather than an anti-discrimination policy. It is argued that instead of initiating legislation and initiatives that directly and explicitly confront these issues amongst the majority, the authorities tends to

focus on the ethnic minorities by focusing on the dispersal of refugees and to some extent migrants as well. The Government believes this rather more indirect way of confronting discrimination will eradicate the discrimination and prejudice that does exist.

Section 9 draws conclusions based on the data provided in the report besides underlying a set of strategies to be followed.

The report ends with a summary of the series of conclusions reached throughout the report. A gap-analyse suggests that the extent and nature of discrimination in Denmark is, however, not so readily available. This report has primarily drawn on two categories of sources, which describe the extent and nature of discrimination in the housing/accommodation sector; i) reports published by governmental bodies, research institutes, and interest organizations, and ii) court cases and complaints filled with the DACoRD.

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3. GLOSSARY/DEFINITION OF TERMS AND CONCEPTS USED

3.1 - Definition of the groups in focus: migrants and minorities, first, second, third generation migrants, national and other minorities, asylum seekers, refugees etc in accordance with official documents, statistics, legislative acts

This section addresses i) Who are the groups in focus? And ii) what is housing and accommodation?

In 1955 the State of Denmark officially recognized the German minority in Denmark as a national minority. Being officially recognized as national minority gives certain rights, for example cultural rights (funding of language tuition, library, cultural institutions, etc.). However, when analysts describe the Danish housing market from integration and discrimination perspectives the German minority is not in focus.

The group of Danish citizens from Greenland and the Faroe Islands living in Denmark are other groups that due to their Danish nationality are easy to overlook. In January 2003, however, the Ministry published a report: *Hvidbog om socialt udsatte grønlandere i Danmark* (White book on socially marginalized Greenlanders in Denmark).¹ The White book tries to uncover the conditions for a group of marginalized Greenlanders residing in Denmark. The group of socially marginalized Greenlanders is estimated to be approx. 400-800 and many have experienced some sort of discrimination. The White Book recommends that the Danish authorities perceive the Greenlanders as an ethnic minority with special needs, thereby avoiding that their Danish citizenship becomes a disadvantage instead of an advantage. This may include a more targeted strategy in connection to efforts to provide housing to marginalized Greenlanders in Denmark.

It is, however, the people that have emigrated, voluntarily, or forced, to Denmark over the last 30-35 years from "Third countries" (i.e. non Nordic, EU or North America) and their direct descendants that are in focus for research and the official integration policies in Denmark. This report will critically use the official definitions as defined by The Ministry of Refugee Immigration and Integration Affairs (IM).

The present IM generally divides the population of Denmark into three categories: Immigrants (Indvandrere), descendants (efterkommere) and Danes (Danskere)².

Immigrants: An immigrant is a person born abroad, whose parents (or just one, if there is no information concerning the other) are foreign citizens or born abroad. If there is no information on either parent, and the person was born abroad, the person is also regarded as an immigrant. (Translation from text).

Descendant: A descendant is a person born in Denmark to parents, where neither is a Danish citizen born in Denmark. If there is no information about the parents, and the person is a foreign citizen, then the person is regarded as a descendant. (Translation from text).

¹ Socialministeriet (2003) "*Hvidbog om socialt udsatte grønlandere i Danmark*" available at (Danish only): http://www.sm.dk/publikationer/index_udsatte.html (05.08.2003)

² Denmark, Ministry of Refugee Immigration and Integration Affairs (2002), *Årbog om Udlændinge I Danmark*

Dane: Everyone else living in Denmark are defined as Danes. That is to be defined as a Dane a person has to be born to a parent who is a Danish citizen born in Denmark. (Own summary of what is written in the text).

This is a change in terminology from previous years, the difference being the introduction of the classification "Danes". Previously, this category was labelled as "the additional/rest of the population"³.

In the Ministry's reports, as the name of the report suggests, the two groups - immigrants and descendants - constitute the amount of "foreigners" living in Denmark. The report uses this figure to answer questions such as "how many foreigners live in Denmark? Where do they come from? How old are they? How many foreigners will there be in Denmark in 20 years?"⁴ The above definitions result in the following figures⁵. On 1.1.02 there were 321,794 immigrants and 93,537 descendants in Denmark. Added together this equals 415,331 or 7.7% of the population in Denmark. On 1.1.02 there were 259,301 foreign citizens living in Denmark or 4.8% of the population. According to this terminology, the Ministry classifies 156,030 Danish citizens as "foreigners" or at best as not being "Danes". The Ministry further divides the categories "immigrants" and "descendants" according to whether they/their parents come from a Nordic, EU or North American country or a "third country". This gives the following result; of the 415,331 immigrants and descendants living in Denmark 75% or 311,369 were persons from "Third countries", which equals 5.8% of the population. The terminology immigrants from "Western" and "non-Western countries" is also used to refer to these two groups. (See annex 1 for further statistics).

Generally, the term "immigrants" is used by the present government to refer to all categories of first generation arrivals, including refugees. This report will use the above terms and categories when referring to official statistics and government policy. However, the terms "people with ethnic minority background", "ethnic minorities", "New Danes" are also used to refer to the above-classified groups. Asylum seekers are first categorised as immigrants after they have received a residency permit after they have been granted asylum. (As regards an overview of "Danish Integration, Immigration and Discrimination Policy " as well as "special legislation or policies for integration and diversity" please consult annex 2 and 3).

The amount of "immigrants, descendants and Danes" living in Denmark is described above. This report will also take a brief look at the housing situation for asylum seekers even though this is not "housing", but rather accommodation in refugee centres established by the Danish Red Cross on behalf of the Danish State.

Housing and accommodation should in principal be understood as being anywhere where someone "lives". Lives in this sense can also be understood as meaning "sleeps at night". However, owing to the limitations imposed by the reports guidelines, plus the size of the categories in question, certain types of "housing and accommodation" will not be

³ In Danish: "den øvrige befolkning".

⁴ *ibid.*, p9. 20-21

⁵ *ibid.*

described and analysed. For example, prisons and other detention centres (not including asylum centres), crisis centres for women and centres for the homeless are not included in this report, nor the general situation facing the homeless. Illegal immigrants can be roughly divided into two groups, the first being illegal workers, mostly from Eastern Europe, who work on building jobs and farms. The second category is asylum seekers who have not been granted asylum and who have consequently “disappeared underground”. It is not known how many people can be classified into these two groups mostly because within the Danish context with its strict legal/illegal distinction these people live an anonymous life completely outside of the system. It is suggested though that these two groups are relatively small, which in many ways contributes to an even more marginalized livelihood.

Lastly, NFP- Denmark is aware of the ethnic group sometimes referred to as “Travellers”, however, Travellers are not a part of the Danish context and are thus not mentioned within the report. The group of “Romani”, however, is going to be mentioned along with other ethnic minority groups, as romani people are not travelling but living on a more permanent basis.

As regards definitions on types of housing please consult annex 5, table 5.2.

3.2 - Definitions of discrimination and anti-discrimination in housing/accommodation in use in this report

Section 1 of The New Act on equal treatment⁶ irrespective of ethnic origin prohibits:

“ all direct and indirect differential treatment according to race or ethnic origin.”

Direct discrimination should be understood as measures that specifically aim to exclude certain groups from housing on an equal footing with other applicants due to race or ethnicity.

Whereas **indirect discrimination** are seemingly neutral requirements or demands that have the actual effect of excluding certain groups from these sectors.

This is the legal definition of discrimination, however, when analysing the effects of discrimination we will also include other mechanisms such as an “unpleasant atmosphere” that might create a feeling amongst certain groups or individuals that they are not wanted in society, as this could effect a person’s decision to seek accommodation.

By using Feagin and Eckberg’s typology of 5 discrimination types it is possible to categorise and thereby better describe the many ways in which discrimination manifests itself from for example some incidents of direct racist actions, to the occurrence of some indirect structural discrimination caused by neutral criteria that have the affect of holding certain groups/individuals out. (cf. section 7.3.1)

⁶ Lov nr. 374 af 28/05/2003

It can also be added, that the concept of "integration" is from our point of view a dual process whereby the minority groups and the majority population have to participate in the process on an equal footing. Integration is not the assimilation of one (minority) group into another (majority) group but a joint process in respect of each other. In a Danish context, however, the concept of integration is more and more used as similar to assimilation, and also as a form of anti-discrimination policy. Consequently, in this report the concept of integration will be used more or less as similar to assimilation.

4. INTRODUCTION

The aim of the report is to give an overview of the housing situation facing ethnic minorities living in Denmark.

The goal is to present data such as housing situation, types of accommodation, an overview of present strategies by the relevant governmental actors, housing organizations and other relevant institutions and organisations, plus present, describe and analyse factors contributing to the ethnic minorities' relationship to the housing market in relation to the majority population as defined above. This might be a result of the lack of relevant network in order to gain accommodation as well as structural barriers i.e., however, other factors such as direct and indirect discrimination will be assessed as well. Additionally, focus will be especially placed on revealing the occurrence of discrimination, in terms of its nature, size and its effects.

5. LEGISLATION AND POLICIES CONCERNING THE HOUSING SECTOR OF RELEVANCE FOR MIGRANTS AND MINORITIES

5.1 - Short overview of special legislation or policies for integration and diversity (such as welfare state policies, giving minimum standard of living and social service)

In connection to the Danish ratification in 1971 of the International convention on the elimination of all forms of racial discrimination (ICERD) Denmark introduced The Criminal Act on the Prohibition of Discrimination on any Ground such as Race, Colour, National or Ethnic Background, Faith or Sexual Orientation. The prohibition of racial discrimination includes the housing sector, as well as access to education, access to shops and restaurants etc. As of July 1, 2003 a new Act on equal treatment irrespective of race and ethnic origin took effect. These Acts are further described in section 5.3. Housing is still covered by this new Act.

In 1994, the Danish government established a Committee of experts in order to analyse the need for further legislation in order to improve the integration process of refugees and migrants into the Danish society⁷. This work resulted in the first Danish Integration Act.

5.1.1 Integration Act as of 1998

The entry into force of the Act of the Integration of foreigners on 1st January 1999 made it possible to establish local municipal integration councils, if more than 50 persons jointly so request. The integration councils may give advisory opinions to the general integration efforts of the local authority, including amongst other questions relating to housing for ethnic minorities in the local areas.

The Act from 1998 also introduced a housing scheme for newly arrived refugees. Since 1998 a refugee who is granted a residence permit in Denmark, and who has never before had a residence permit in this country, is governed by the regulations listed in the Danish Integration Act relating to housing placement. These regulations specify that the Danish Immigration Service will decide where in Denmark the refugee will live (Allocation of Refugees). Moreover When a refugee then has moved into a municipality, he or she will be offered temporary accommodation, however, the municipality is obliged to provide permanent housing within a 3 months period. If the municipality does not fulfil this requirement the Danish Immigration Service will intervene to find the necessary permanent housing, but at the expense of the municipality. (Please note that these rules only apply to refugees, not to migrants.)

Simultaneously with the introduction of the new Integration Act, the Danish Aliens Act was also amended. Amongst other new requirements for those seeking family reunification in Denmark it was introduced, that the person already living in Denmark must have his or her own dwelling of a reasonable size. It is also a condition that she/he

⁷ Indenrigsministeriets integrationsudvalg 1997: Integraion (Betænkning nr. 1337).

must be the home owner, owner of a share of a cooperative housing society, tenant or otherwise. This means that the person must have a right to use his or her own dwelling. The housing condition is not fulfilled if the person only sublets or borrows a dwelling, or is living with his/her parents. The dwelling also has to be of a reasonable size. In practice this means that when the family has been reunited, the dwelling may accommodate no more than two occupants per bed and living room, or the dwelling must have an area of at least 20 square meters per occupant.

5.1.2 Amendments of the Integration Act 2002 (related to housing)

The amended Act on Integration of Foreigners in Denmark was adopted in September 2002. The changes of the Act were partly due to an agreement between the new Danish Government and the Danish Peoples Party (DPP). It was amongst other agreed between the DPP and the Government that the duty to provide permanent housing for newly arrived refugees no later than 3 months after arrival in the local municipality should be abolished. Now the municipality must only provide suitable permanent accommodation when it has it and in line with the needs of all the residents of the municipality.

5.2 - Legal basis for housing for migrants and minorities (such as policies for bank loans for housing, housing allowances, diversity in housing areas)

5.2.1 Governmental policy in the housing area

In May 2000, Parliament (social democratic government) adopted a number of amendments of various statutes in the housing area. The amendments formed part of the Government's overall action plan for improved integration, thereby constituting some urban and housing policy tools, which local authorities can apply to improve conditions in socially strained areas and to avoid the creation of "ghettos".

The first amending act concerned the Rent Act, the Act on Temporary Regulation of Housing Conditions and the Act on Subsidised Dwellings (occupant maximum). The Act intends to establish an occupant maximum of two persons per living room in rental accommodation. The other amending act concerned the Act on Subsidised Dwellings, the Act on Cooperative Housing Societies, etc. One of the most crucial amendments was the introduction of a system, according to which the city council can enter into agreements with non-profit housing organisations about letting subsidised dwellings on the basis of particular criteria. Such agreements can be entered into for as much as 90% of the vacant dwellings⁸, and the ordinary rental provisions are thereby set aside.

Linked to the object "Integration – a common concern" is the preparation of a town- and housing policy for neighbourhoods – inhabited mainly by immigrants – that suffer from

⁸ It should, however, be specified, that the 90 per cent do not include the dwellings that are allocated by the municipality as a means of complying with social needs. The municipality as a rule allocates 1 in 4 vacant public housing dwellings. Flexible letting is only applicable in up to 90 per cent of the remainder of the dwellings.

a.o. a high unemployment rate, drug-taking and criminality by the Ministry of Refugee, Immigration and Integration Affairs. Thus, the ministry has started 12 projects aiming at initiating a positive process in the creation of better neighbourhoods in 2002. Improvement of the physical and social environment in housing areas has also been the target for approximately 100 projects involving tenants, non-profit housing estates and municipalities.

As another vehicle to achieve better integration, development on the non-profit housing estates is proposed. This covers a quality lift in areas with housing estates without businesses, local workplaces etc. and a reform enabling the tenants to take over their home on a full or cooperative basis.

5.2.2 Special housing schemes for newly arrived refugees in Denmark

A refugee who is granted a residence permit in Denmark, and who has never before had a residence permit in this country, is governed by the regulations listed in the Danish Integration Act relating to housing placement. These regulations specify that the Danish Immigration Service will decide where in Denmark the refugee will live (Allocation of Refugees).

When a refugee has moved into a municipality, he or she will be offered an integration programme prepared by the local authority⁹.

When the Danish Immigration Service begins the allocation phase for a refugee, in order to decide in which municipality he or she will live, a final decision will be based on the number of refugees each municipality must accept (its quota), as well as the personal circumstances of the individual in question.

Each year, the Danish Immigration Service projects national totals for the three following years. The national totals are estimates of the number of refugees likely to be granted residence permits in Denmark for these given years, who will therefore need to live in Denmark. On the basis of these national figures, the regional associations of municipalities in the Danish counties attempt to reach a consensus on how the refugees should be distributed between various counties - according to county quotas. Following this, the municipalities in each county will try to reach an agreement on the distribution of the county quotas on municipal quotas. If an agreement cannot be reached regarding either of these levels, the quotas will be determined by the Danish Immigration Service. The principal purpose of the quotas is to ensure that refugees, in the interests of successful integration, are distributed evenly across the country. The distribution of refugees between the municipalities changes from year to year. Many municipalities are not required to integrate refugees, typically those consisting of large urban areas where there are many resident "foreigners" already.

⁹ The following description is based on information located on the website of the Danish Immigration Service, udlst.dk. Additional information on integration can be found on the website of the Ministry of Refugee, Immigration and Integration Affairs, inm.dk.

When the Danish Immigration Service prepares to allocate a refugee who has been granted a residence permit, the Service also takes the refugee's personal situation into account. These circumstances are generally recorded during the examination phase of the application for asylum, but it is important that the Danish Immigration Service is notified if any new circumstances arise that may be relevant to the refugee's case.

The local authorities have to find permanent housing as soon as possible when a refugee has moved into a municipality. Until then, the municipality will make use of temporary accommodation. If the local authorities do not make an effort to find permanent housing, The Immigration Service will intervene to find such housing at the expense of the municipality.

5.3 - Short overview of special anti-discrimination legislation in the housing sector

In connection to the Danish ratification in 1971 of the International convention on the elimination of all forms of racial discrimination (ICERD) Denmark introduced The Criminal Act on the Prohibition of Discrimination on any Ground such as Race, Colour, National or Ethnic Background, Faith or Sexual Orientation. The prohibition of racial discrimination includes the housing sector, as well as access to education, access to shops and restaurants etc.

In 1999 the Ministry of Justice established a Committee of Experts¹⁰ after Denmark had ratified the General Human Rights Conventions. The Committee was assigned to examine the advantages and disadvantages of incorporating the general human rights conventions into Danish Law, and particularly to examine whether the International Covenant on Civil and Political Rights with optional protocols (CCPR), the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD) were suitable for incorporation into Danish Law. The Incorporation Committee recommended incorporation of CCPR, CAT and CERD. So far the recommendations have not been implemented, which, otherwise, might improve the protection against discrimination in the housing sector as well as in many other areas of life.

At the EU level a new Directive 43/2000/EU was partly implemented into Danish legislation¹¹ by a new Act on equal treatment irrespective of race and ethnic origin as of 20th May 2003. This new Act consequently includes protection against unequal treatment in the housing market as required by Article 3(1) of the Race Directive. The new Directive 43/2000/EU was also partly implemented into Danish legislation by a new Act on Ethnic Equality, which took effect on July 1, 2003. This includes a civil prohibition against direct or indirect discrimination in the housing area.

¹⁰ Justitsministeriet 1407/2001

¹¹ Ligebehandlingsudvalget 1422/2002

In the preamble to “En ny udlændningepolitik”, (A new policy on foreigners) from January 2002, the Government underlines that its policies are based on respect for Denmark’s obligations towards international conventions¹²

As stated above, as part of the general efforts to combat racism and discrimination a follow-up initiative to the World Conference on Racism in Durban in 2001 was taken by the Ministry of Refugee Immigration and Integration Affairs in September 2002. In September 2003, however, a national plan of action is still not made public.

5.4 - Description of monitoring system(s) (such as Ombudsman etc)

5.4.1 The monitoring system before 2003

Up until this point The Board for Ethnic Equality, an independent body established by law in 1997, had functioned as a specialised body monitoring and analysing ethnic equality in all societal spheres in Denmark, however, it did not have the power to deal with individual complaints of racial discrimination. In practice it could receive individual complaints but it could not commence investigations and make conclusions. However, The Board had a statutory right to make general statements and could thus issue recommendations, publish reports and give opinions on general issues of racial discrimination.

Between 1995–2001 a non-profit organisation, The Documentation and Advisory Centre on Racial Discrimination¹³ (DACoRD) received a ministerial grant of approximately DKK 1.8 million a year in connection with its provision of free legal services for victims of discrimination. During this period DACoRD has dealt with many housing market cases (see section 7 + 8.1). The Board for Ethnic Equality was closed 1.1.03, and funding to DACoRD was removed 1.3.02.

During the election campaign which was held at the end of 2001 the now governing party The Liberal Party explained that they would dismantle a whole row of so-called unnecessary advisory committees and governmental funds in order to save money, which would then be spent on the health sector and later to cut taxes.

On 31st December 2001 The Danish People’s Party made the ultimate condition for voting for the Government’s national budget that a whole row of organisations working with issues such as integration, anti-discrimination and human rights be systematically dismantled. The Danish People’s Party named specifically The Board for Ethnic Equality, The Danish Centre for Human Rights, The Documentation and Advisory Centre on Racial

¹² Denmark, Ministry of Refugee Immigration and Integration Affairs (2002), A New Policy on Foreigners, p. 1.

¹³ The Board for Ethnic Equality and The Documentation and Advisory Centre on Racial Discrimination were identified in the EU commissioned report as the two specialist bodies in Denmark dealing with discrimination issues, PLS Rambøll (2002), Specialised bodies to promote equality and/or combat discrimination

Discrimination, DAMES (Danish Centre for Migration and Ethnic studies) and The Council of Ethnic Minorities as those organisations to be closed¹⁴.

In his New Year's Day speech to the nation, the newly elected Prime Minister, Anders Fogh Rasmussen (The Liberal Party), confirmed that a whole row of advisory boards, committees, and centres would indeed be closed and/or has their funding removed. He justified his decision by labelling these bodies and organisations, plus the people working for them as the "judges of taste" (smagsdommere), accusing them of being so-called experts (meant negatively), of being "politically correct", of having the "correct opinions" and of attempting to "repress the public debate with their expert tyranny".

On the 11th January 2002 the Government issued a so-called "death list" containing the names of the advisory bodies and ministerial funds that would be affected by these cutbacks in the coming budget. The list contained a whole range of organisations from different specialist areas. Especially boards and organisations from the environmental, consumer and anti-discrimination/ethnic minority areas have been affected. Included on the 'death list' were the organisations named by The Danish People's Party on 31st December, plus a series of other organisations working with immigration and ethnic minority issues.

5.4.2 The monitoring system since 2003

In the spring of 2002, however, the Government and the Peoples Party reached an agreement leading to the Act No 411, on the establishment of The Danish Centre for International Studies and Human Rights (see annex 4). This Act states that the Race Directive Article 13 activities are to be placed under the new Institute for Human Rights. The Institute for Human Rights has thus been provided with the mandate to promote the equal treatment of all persons without discrimination on the grounds of racial or ethnic origin, by providing independent assistance to victims of discrimination in pursuing their complaints about discrimination without prejudice to the right of victims and of associations, organizations or other legal entities, by conducting independent surveys concerning discrimination, by publishing independent reports and by making recommendations on any issue relating to such discrimination.

In January 2003 the Government presented its proposal for the mandate of the new body in the Bill on Ethnic Equality (L155). The Bill will allow the new body to process individual complaints, cases relating to the housing sector as of July 1, 2003.

A budget of DKK 6 million has been proposed, which is less than the combined amount of DKK 7.8 million previously allocated to The Board for Ethnic Equality and DACoRD. On 20th May 2003 a majority of members in the Danish Parliament voted for the adoption of Bill No. 155 on equal treatment irrespective of ethnic origin. The adoption of the new Act is intended to secure the transposition of the areas covered by subparagraphs (e) to (h) of Article 3(1) of the Race Directive before the deadline in July 2003. The Institute has in

¹⁴ Jyllandsposten (31.12.01), p.1

accordance with the requirements of Article 13 in the Directive been given the power to assist victims of discrimination, to conduct surveys concerning discrimination and to publish reports and make recommendations on discrimination, including within the housing sector.

The new Act on equal treatment irrespective of race and ethnic origin as of 20th May 2003, does consequently include protection against unequal treatment in the housing market as required by Article 3(1) of the Race Directive.

The Danish Parliament has subsequently decided to further expand the powers of the Institute for Human Rights within the field of ethnic equality by granting the Institute the power to handle individual complaints on racial discrimination both on and outside the labour market. The establishment of an administrative complaints body is not required by the EU Racial Equality Directive, and the Danish parliament has, thus, moved beyond what was required by the Directive.

From October 1, 2003 the Institute has established a Complaints Committee with three members: Professor Claus Haagen Jensen University of Aalborg (legal dep.); Professor Ole Espersen University of Copenhagen (legal dept.), Post Doc. Pia Justesen University of Aarhus, (legal dept). The Complaints Committee, which is a free of charge administrative body, has the mandate to make assessments of whether the legislation has been violated or not amongst other in the area of housing. The Committee can make non-binding statements, however the Committee has no possibility of imposing sanctions. If, the Complaints Committee considers the legislation to be violated, the Committee may decide to ask for free legal aid, so the victim can bring the case to court. The Complaints Committee is to consider cases in writing and must therefore refuse cases requiring evidence in the form of statements from the parties and witnesses.

6. DESCRIPTION AND ANALYSIS OF EXISTING DATA AND SOURCES IN THE HOUSING SECTOR

6.1 Data on housing standards, density in housing by ethnicity/country of origin/nationality/citizenship and if possible by sex and age as well

6.1.1 Data on density in housing

The Ministry of Refugee, Immigration and Integration Affairs primarily uses the two terms 'immigrants' and 'descendants' in its analysis of the position of ethnic minorities in Denmark. Of the 415,331 immigrants and descendants in Denmark per January 1st 2002, 75 per cent, some 311,369 persons, originated from third countries (outside of Scandinavia, the E.U. and North America). This group now composes 5.8 per cent of the entire population. It is particularly this group that the ministry concentrates its efforts on¹⁵.

In 243 of the country's 275 municipalities the ratio of immigrants and descendants originating from third countries is below the national average of 5.8 per cent. In half of the country's municipalities the ratio is 2.3 per cent or under of the local population. In some municipalities such as Ishøj, Brøndby and Albertslund the ratio is as around 20 percent of the local population. The ministry's analyses of foreigners' geographical residence shows that there is a trend that immigrants and descendants from third countries tend to live in and around the larger urban areas of Copenhagen, Århus, Odense and Ålborg¹⁶.

In table 1 the 10 municipalities where the amount of immigrants and descendants from third countries is relatively higher compared to the rest of the country are listed. It follows from the table that the largest amount can be found in Ishøj (23.7 percent), Brøndby (19.9 percent) and Albertslund (18.5 percent). The smallest amount can be found in Fjerritslev, Gram, Tranekær and Læsø municipalities, where the amount of immigrants and descendants from third countries only constitute a maximum of 1 percent¹⁷.

¹⁵ The Ministry of Refugee, Immigration and Integration Affairs, Statistical Yearbook of Foreigners i Denmark 2002.

¹⁶ Ibid.

¹⁷ Ibid.

Table 1: The 10 Danish municipalities with the largest share of immigrants and descendants from third countries, January 1st 2002.

Municipality	Share of the municipality's total number of inhabitants
Ishøj	23,7 %
Brøndby	19,9 %
Albertslund	18,5 %
København	13,8 %
Karlebo	13,7 %
Høje Taastrup	13,6 %
Herlev	11,0 %
Farum	10,6 %
Hvidovre	9,8 %
Rødovre	8,8 %

Source: Ministry of Integration Foreignerdatabase at Statistics Denmark, Bef 13.

In table 2 the 10 municipalities with the most immigrants and descendants are in real terms listed. Furthermore the number of respectively Danes, immigrants and descendants from third countries residing in each municipality has been calculated. It follows from the table that 49.5 percent of all immigrants and descendants from third countries reside in these ten municipalities, where as the corresponding amount of Danes residing in these municipalities is 24.5 percent. Approximately 40 percent of the immigrants and descendants from third countries are residing in the five largest municipalities, being Copenhagen, Aarhus, Odense, Aalborg or Frederiksberg. The corresponding figure for "Danes" is 21.5 per cent. The overrepresentation of immigrants and descendants from third countries in the metropolitan areas and the largest urban municipalities naturally results in that these groups are underrepresented in a large part of the remaining municipalities¹⁸.

¹⁸ Ibid.

Table 2: The 10 Danish municipalities with the most immigrants and descendants from third countries in real terms, January 1st 2002.

Immigrants and descendants from third countries			Danes	
Municipality	Amount	Percentage of the total amount of immigrants and descendants from third countries in Denmark	Amount	Percentage of the total amount of Danes in Denmark
København	69,110	22.2%	410,758	8.3%
Århus	25,451	8.2%	257,310	5.2%
Odense	15,738	5.1%	164,824	3.3%
Aalborg	7,990	2.6%	151,716	3.1%
Frederiksb.	7,455	2.4%	79,986	1.6%
Brøndby	6,870	2.2%	27,063	0.5%
Høje Taast.	6,227	2.0%	39,011	0.8%
Albertslund	5,396	1.7%	23,168	0.5%
Ishøj	4,974	1.6%	15,690	0.3%
Hvidovre	4,877	1.6%	43,785	0.9%
Accumu.	154,088	49.5%	1,213,311	24.5%
Total for Denmark	311,371	100%	4,953,023	100%

Source: Ministry of Refugee, Immigration and Integration Affairs' foreignerdatabase at Statistics Denmark, Bef 13, and Statistics Denmark, Statistikbanken.dk, Bef1.

Table 3 below shows more of the same in further detail.

Table 3 -Refugees and immigrants housing compared with the total population, age 18-66, 1997, percentage

	Total population	Total(1.generation)	Immigrants (1.g)	Refugees (1.g)	2. generation
Metropolitan area:	33,9	56,1	71,7	36,7	80,7
Københavns Komm.	9,3	24,4	30,7	16,6	36,8
Frederiksberg Komm.	1,7	2,6	3,4	1,7	4,1
Københavns Amt	11,4	18,5	24,6	11,0	26,5
Other urban municipalities in the metropolitan area	8,1	9,3	11,6	6,5	12,5
Other country municipalities in the metropolitan area	3,4	1,2	1,4	0,9	1,3
Outside the metropolitan area:	66,4	43,9	28,2	63,5	20,4
Odense	3,6	5,2	3,5	7,3	5,0
Århus	5,7	8,4	5,7	11,7	3,7
Aalborg	3,1	2,4	1,1	4,2	0,6
Esbjerg	1,6	1,3	0,8	2,0	0,5
Other Central municipalities	11,6	8,9	6,2	12,2	3,9
Other urban municipalities	10,0	7,7	5,6	10,4	3,8
Outskirt municipalities	7,8	2,9	1,4	4,7	0,7
Other municipalities	9,4	3,0	1,5	4,7	0,6
Central Country municipalities	13,6	4,1	2,4	6,3	1,6
Total	100	100	100	100	101
Low status housing areas	3,6	26,4	25,8	27,2	23,0
Lolland Falster	2,1	1,2	0,5	2,1	0,3

Refugees – length of residency

	Total population	Newly refugees arrived	length of residency 7-10 years	length of residency 10 years	length of residency 0-6 years
Metropolitan area:	33,9	27,4	38,8	43,6	30,3
Københavns Komm.	9,3	11,1	17,5	20,3	13,3
Frederiksberg Komm.	1,7	1,6	1,5	2,0	1,5
Københavns Amt	11,4	7,5	9,4	13,8	9,6
Other urban municipalities in the metropolitan area	8,1	5,5	9,4	6,7	4,9
Other country municipalities in the metropolitan area	3,4	1,7	1,0	0,8	1,0
Outside the metropolitan area:	66,4	72,8	61,2	56,2	69,7
Odense	3,6	6,5	9,0	7,5	6,3
Århus	5,7	8,2	14,6	14,1	8,5
Aalborg	3,1	5,0	4,6	3,8	4,2
Esbjerg	1,6	2,7	2,2	1,7	2,1
Other central municipalities	11,6	13,9	12,4	10,6	13,2
Other urban municipalities	10,0	11,7	9,8	10,1	10,9
Outskirt municipalities	7,8	7,1	2,7	2,5	7,2
Other municipalities	9,4	7,3	2,5	2,6	7,4
Central municipalities					
Country municipalities	13,6	10,4	3,4	3,3	9,9
Total	100	100	100	100	100
Low status housing areas	3,6	17,9	37,0	26,6	23,0
Lolland Falster	2,1	3,2	1,8	1,2	2,8

Source: AKF's sequence register for social processes and housing conditions based on registers from Statistics Denmark. One sequence register contains 10% of the population, while another contain all descendants and immigrants in Denmark.

6.1.2 Data on housing standards

Immigrants and descendants from third countries mainly live in public rental accommodation. 60.8 percent of the immigrants and descendants from third countries live in this form of housing whereas the percentage of the population in general living in public housing is 17 percent¹⁹.

The concentration of both immigrants and marginalised social groups in the low cost housing areas has increased during the last decades²⁰. Hummelgaard et al. (1997) show that the drastic increase in the number of immigrants in low cost housing areas in Denmark, primarily can be explained through the increasing amount of refugees arriving to Denmark during the last couple of decades, and that a large amount of these are living in the low cost housing areas. The domestic refugees have also contributed to the growth in the number of ethnic minorities. Immigrants do on a smaller scale than others move away from the exposed housing areas. When they move it often be to another low cost housing area. It is however part of the picture that a proportional smaller amount of refugees remain living in the exposed areas after some years. (Research on integration in Denmark 1980-2002:76-77).

Table 5.2 shows the ownership of property for immigrants and descendants in the EC, Nordic countries, North America and third countries. Foreigners' housing conditions do of course reflect the given composition of housing stock in each municipality. In the municipalities with a large amount of public housing immigrants and descendants from third countries are bound to live in these types of housing, where as this is not the case in municipalities with a limited number of public housing²¹.

¹⁹ The Ministry of Refugee, Immigration and Integration Affairs, Udlændinge I danske kommuner og amtskommuner pr. 1. januar 2001.

²⁰ Boligselskabernes Landsforening 2001: Analyser af situationen på boligmarkedet; Hummelgaard & Husted 2001: Social og etnisk betemt bosætning – årsager og konsekvenser. København: AKF Forlaget.

²¹ The Ministry of Refugee, Immigration and Integration Affairs, Udlændinge I danske kommuner og amtskommuner pr. 1. januar 2001.

Table 4 Immigrants' and descendants' ownership (January 1st, 2000)

EC, Scandinavia and North America

Municipality	Number	Percentage Public rental housing association	Percentage - Private housing association -Institution -Etc.	Percentage Flats under multi- ownership scheme	Percentage Other	Total
	(1)	(2)	(3)	(4)	(5)	(6)
Copenhagen	20.519	11,9	25,7	25,4	36,9	100,0
Frederiksb.	3.789	4,5	27,5	22,1	45,8	100,0
Total	24.308	10,7	26,0	24,9	38,3	100,0

Third countries

Municipality	Number	Percentage Public rental housing association	Percentage -Private housing association -Institution -Etc.	Percentage Flats under multi- ownership scheme	Percentage Other	Total
	(7)	(8)	(9)	(10)	(11)	(12)
København	67.101	49,0	10,3	19,1	21,6	100,0
Frederiksb.	7.140	32,3	21,2	10,3	36,2	100,0
Total	74.241	47,4	11,3	18,3	23,0	100,0

Source: Statistic Denmark's Foreignerdatabase, BOL13

As mentioned in the study of ethnic minorities by Birgit Møller and Lise Togeby, p. 36seqq., 36% of the Bosnian respondents are council tenants, for Somalis the figure is 78%, and for Lebanese/Palestinians and Turks 56% and 64%, respectively.

This pattern is also confirmed in the fourteenth periodic report of Denmark. Thus, according to p. 21, top, 67% of the Danish population aged between 15 and 66 years are owner-occupiers who live in their own house or condominium, whereas the corresponding percentages for refugees and immigrants are 13% and 18%.

On the same page, reference is made to the fact that 50% of first-generation immigrants live in council flats, against only 15% of the Danish population in the same age group.

6.2 Data on geographical location and access to social services, jobs and schools by ethnicity/country of origin/nationality/citizenship and if possible by sex and age as well

There are large differences in employment rates for Third country immigrants and descendants across the municipalities. Figure 2.1 shows the labour market status of immigrants and descendants from third countries between 16 and 66 in specific chosen municipalities. The employment rate in the table includes persons in “supported” employment like job training schemes etc.,. Therefore, the actual amount of Third country immigrants and descendants in normal (meaning unsupported) employment is slightly lower than appears in the table.

It follows from the table that the highest employment rate can be found in Grindsted (63.9 percent), Vallensbæk (59.9 percent), Ringkøbing (59.7 percent), Farum (58.9 percent) and Tårnby (57.5 percent). The lowest employment rate can be found in Nakskov (19.9 percent), Rønne (21.9 percent), Nyborg (27.0 percent) and Grenå (28.5 percent). Attention should however be paid to the fact that these results may differ when different important variables have been checked or introduced, this could possible explain the differences between the municipalities²².

Tables 5.4 and 5.5 (see annex 5) shows the labour market participation rates²³ of Turkish, Pakistani, Yugoslavian, and Moroccan immigrants aged between 16 and 66 split up into municipality, gender and period of stay. Descendants are not included. When comparing tables 5.4 and 5.5, one can see that men with a longer period of stay, have a slightly higher participation rate. Concerning women this tendency is even more obvious. One should notice, though, that not the same municipalities are being compared here²⁴.

Table 5.6 (see annex 5) shows split up into each municipality the work frequency of war refugees from the succession countries of former Yugoslavia, Bosnia-Herzegovina, the Federal Republic of Yugoslavia, Croatia, the Former Yugoslavian Republic of Macedonia, and Slovenia. The table shows immigrants and descendants of age 16 to 66 without reference to the period of stay. The majority has a period of duration of about six years, as these groups of immigrants obtained permanent residence permits around 1995. It is characteristic for Bosnian war refugees that there are big differences concerning education, health etc., which is reflected in the participation rates in the different municipalities²⁵.

6.3 Data on geographical location and income levels by ethnicity/country of origin/nationality/citizenship and if possible by sex and age as well

Figure 5.7 (see annex 5) comprises of the Third country immigrants and descendants who received financial support in 2000 across the municipalities. The recipients are divided into

²² The Ministry of Refugee, Immigration and Integration Affairs, Udlændinge I danske kommuner og amtskommuner pr. 1. januar 2001.

²³ Participation rate is the amount of people available for work as opposed to people who because of various reasons are not available for work and are therefore classified as being outside of the labour market.

²⁴ Ibid.

²⁵ Ibid.

long-term recipients - that means person, who received help between 10 to 12 months of the year - and the rest. The share of long term recipients depends on a variety of reasons, and it is not possible to give a clear account of the reasons determining the municipal differences. However, it is worth noticing that the Municipality of Farum is the municipality with the lowest share of long-term recipients, while at the same time the Municipality of Farum is the one with the 8th highest share of immigrants from third countries and their descendants. The Municipality of Farum is also among the municipalities that have the lowest share of immigrants and descendants outside the work force. Those municipalities that have the biggest share of long-term recipients - e.g. the Municipalities of Nakskov and Nyborg - are among those municipalities that also have the biggest share of immigrants and descendants outside the work force.²⁶.

6.4 Evaluation reports on effects of governmental initiatives

6.4.1 Evaluation on allocation of refugees

- Kofoed Rasmussen, L. (2001): *Det første skridt i Danmark. Boligplacering af flygtninge efter integrationsloven. (First step in Denmark)*. København: Nævnet for Etnisk Ligestilling.
- COWI (Konsulentfirma): *“Udlændinges egen opfattelse af deres situation og integrationsprocessen i Danmark”*, (*Foreigner own perception of their situation and process of integration in Denmark.*) 2000.
- KL (Kommunernes Landsforening): *“Undersøgelse af boligplacering af flygtninge”*, (*Study on allocation of accommodation of refugees*). 2001.
- Damm, Anna Piil (ph.d.-projekt): *“Push factors and movers and stayers among refugees subjected to a settlement policy - the case of Denmark”*, preliminary version January 2002; forthcoming, Århus:CIM.

The above mentioned report by Kofoed Rasmussen points towards several inexpedient factors in the established practise of the allocation of accommodation of newly arrived refugees. The practice seems arbitrary when it comes to the weight given to personal conditions of the individual refugee. Personal conditions are taken into consideration only when the quota allows it. (This evaluation is mentioned more thoroughly in chapter 8.2, where the effects of the strategy on allocation of accommodation of refugees is described and criticised)

Even though no solid data can be provided or found regarding where refugees tend to settle after the expiration of the 3 year introduction period, some research exist that show the general patterns of movement for refugees. This research can however be used as an indication. COWI Consult conducted a survey in 2000 for the Ministry of Interior Affairs regarding the foreigners' own perception of their situation and the integration process in Denmark. The research was based on a questionnaire survey of 234 refugees that arrived

²⁶ Ibid.

to Denmark in the 1st part of 1999, and that are covered by the Act on Integration. The research shows that 40 percent of the interviewed refugees would like to stay in the municipality where they had been allocated, while 26 percent contemplated moving when the integration period ended. This was motivated by the wish to live closer to their fellow countrymen and family or to work. The remaining 34 percent had when the survey was made not yet made up their minds. The research furthermore showed that the smaller the municipality was, the bigger is the share of refugees wanting to move.

Every year KL find out how many refugees under the integration programme wish to move to a different municipality. The latest results from October 2001 show that 61% of municipalities answered that refugees have either no wish or only a small wish to move, whereas 38% answered that refugees have expressed a large or strong wish to move. It is especially the smaller municipalities that refugees wish to move from.

Results from a Ph.d still in progress on ethnic minorities' choice of municipal residence for the period 1986-1998 show that refugees residing in municipalities with population of under 10,000 have a much greater tendency to move from the municipality than those living in municipalities of over 100,000. Indeed, 60% of men and 47% of women placed in a smaller municipality between 1986-1998 have since moved. Whereas the figures for men and women placed in a larger municipality in the same period are 26% and 18% respectively. The analysis shows that a major factor contributing to the decision to move is education and employment opportunities, which are perceived to be generally better in the larger municipalities. When it does occur a move usually occurs within two years of the original placement. It should be noted that this research is for the period before the three year fixed tenure rule was introduced in 1999.

It must therefore be concluded that the Act on integration will mean that as time elapses those who originally came to Denmark as refugees will be generally more dispersed across Denmark as regards place of residence. Though, it can be expected that a certain amount of these refugees will move from the smaller municipalities to the larger ones after their three-year integration period finishes owing to education and job opportunities.

6.4.2 Evaluation on the "Urban Committee"

- Koch-Nielsen & Christensen (2002): Effekten af den boligsociale indsats over for indvandrere og flygtninge. (*The consequences of the housing social efforts towards immigrants and refugees.*) AMID Working Paper Series no. 16. Aalborg Universitet: AMID.
- Konsulentkompagniet et al. (2001): Dilemmaer og muligheder I det boligsociale arbejde - midvejsrapport. (*Dilemmas and options in the housing social work - midterm report*).
- Andersen, H.S. (1999): Virkningerne af Byudvalgets indsats i almene boligafdelinger 1994-1997. (*Effects of the Urban Committee's efforts in public rental 1994 -1997*). SBI-rapport 321.

- Munk, A. (1999): Byudvalgets boligsociale indsats. (*The Urban Committee's housing social efforts*). SFI-rapport 99:19/SBI-rapport 319. Hørsholm: Statens Byggeforskningsinstitut.

6.4.3 Evaluation on Urban renewal

- Andersen & Kielgast (2003): De syv første kvarterløft. Sammenfattende evaluering af udviklingen 1997-2002. (*The first seven urban renewals. Concluding evaluations of the development 1997-2002.*) By og Byg Resultater 028.

6.5 Data on recorded complaints about racial/ethnic/religious/cultural discrimination (from different sources)

The police in Denmark do not centrally collect data on the amount of recorded cases with regards the Criminal Act on the prohibition against racial discrimination as of 1971.

The Danish Security Intelligence Service (PET) both collects data and conducts statistics on racist motivated crimes, including racist motivated violence, arson, harassment etc. This may include data from housing areas. However, this is done in the light of those incidents that are reported to the police. Since the collection of data is done before the prosecution has considered if a charge will be made in the concrete case, it is not possible to say if the collection includes denial of access to housing covered by the above mentioned Act since the legal subsumption has yet to be decided.

At the time of writing there is still no centralised specialist complaints body dealing with complaints of this kind, however, we have been informed that as of 1st October 2003 the new complaints mechanism mentioned in section 5.4.3 of this report is going to take effect. Until the end of 2002 the Board for Ethnic Equality existed, but did not record individual complaints. The Board, however, initiated the study of "perceived discrimination" which is further described in section 6.7 and 7.3.

Since 1994 the non-profit organisation, DACoRD, has offered free legal advice to victims of discrimination. From 1997 these complaints were registered in a database, and accordingly 130 incidents of discrimination in the housing area have been registered²⁷. Generally people originating from Iraq/Iran, Turkey, Pakistan and Somalia fill most complaints, which are also reflected in the area of complaints about discrimination in the housing area.

The 130 recorded incidents may further be described in two major categories, firstly the larger group of reported incidents of vandalism, threats, violence and other forms of harassment that ethnic minorities have experienced in the areas where they live, i.e. from neighbours in a housing associations etc.²⁸ The other group of filled complaints consists of incidents related to denial of access to housing on a equal footing with other applicants.²⁹

²⁷ According to annex 6, tabel 6.1.

²⁸ See annex 6, table 6.2-6.4

²⁹ See annex 6, table 6.5-6.11

6.6 Data on court cases

In the official periodic reports to the ICERD the Danish authorities try to provide as much information on this issue as possible in order to inform the UN about the present situation in Denmark in relation to the fight against racial discrimination in all areas of life, including the housing area.

From a statistical point of view the information happens to be so sparse that it cannot be used. One case mentioned in several Danish periodic reports to the UN is however in the field of housing. The so-called Ishøj case is indeed a landmark decisions in this area and will be described in length in section 8. Other cases are described in section 7, and in the same section the extent and nature of direct and indirect discrimination is analysed.

6.7 Reports on racism, discrimination, segregation, and exclusion by Governments, Specialised bodies, Researchers/research institutes, NGOs, Social partners

The report "Research on Integration in Denmark 1980-2002" AMID (2002)³⁰ concludes that different methodological approaches all point towards the fact that immigrants and their descendants from non-Western countries are in certain contexts discriminated against.

A study by Professor Lise Tøgeby on discrimination in the housing/accommodation sector and a number of other areas of life is one of the few reports directly focusing on racism and discrimination. Results from the study "Perceived Discrimination" by Tøgeby & Møller (1999) conducted on members of four ethnic minority groups in Denmark indicates that members of the four groups originating from Lebanon, Bosnia, Somalia and Turkey to a certain extent suffers from discrimination. It is important, however, to notice that this study makes an assessment of "perceived discrimination" in contrast to "factual discrimination". The purpose of the study was to document the scope and type of perceived discrimination amongst the four ethnic minority groups in Denmark.

Also in 1999 another study by Line Hahneman³¹ mapped out a great number of different forms of harassment in a specific housing area. Hahnemann asked families in this housing area if they had suffered or witnessed racist motivated attacks in their neighbourhood. The interviewed families reported a number of incidents like swastikas on their doors, burning cross, threats, spitting, racist graffiti etc. What is interesting here however, is the fact that a great number of incidents are never reported to the police, and consequently never ends up in the collection of data done by the Danish Security Intelligence Service (PET).

³⁰ Academy for Migration Studies in Denmark, AMID, (2002), Integrationsforskningen i Danmark 1980-2002

³¹ Hahneman, L. (1998) Racistisk chikane og vold i et boligområde, Copenhagen, Documentation and Advisory Center on Racial Discrimination p. 20

Many other reports have been produced concerning the situation of migrants and refugees in the housing area. Many reports, however, tends not to include the issue of racism and discrimination, rather the focus on the issue of “integration”. Please find a list of reports which include issues of (racism and discrimination as well as) “integration” in annex 7.

6.8 Non-existing data, “gap-analysis”, description of non-existing data.

Notwithstanding, knowledge on several aspects with regard to patterns of urban segregation is lacking. Below we give an overview of the research topics that could be carried out in order to increase on knowledge in housing and migrants’ integration.

- Research concerning whether the concentration of immigrants in specific housing areas impedes the integration of immigrants. Almost no knowledge about this issue exists in Denmark.
 - Among this no qualitative data about the segregation problems exist: What consequences does segregation has for the people living in the so-called “segregated areas”?
- Improved knowledge about why the immigrants stay in the low status housing areas even after they have lived in the country for a long period of time. What role does the immigrants limitations on and limited knowledge of the housing market play?
- More updated and extensive quantitative and qualitative data on experienced discrimination and on factors influencing the individual’s decisions vis-à-vis the housing/accommodation sector.
- Data on how the municipalities conduct the referral to housing in practise – what does the goal of “a balanced composition of tenants” mean, and how is this goal carried out in practise?
- Systematic data collection on court cases and complaints about racial discrimination in housing areas.
- Data concerning the effects of the Act on Integration concerning the spreading of immigrants³².
- Data concerning the housing conditions for the approx. 400-800 socially marginalized Greenlanders living in Denmark.

³² A study on this issue has, however, been initiated by the Ministry of Integration in 2003. The study focuses on particularly the geographical distribution of recognised refugees (Flytninger blandt flygtninge under integrationsloven). The purpose of the study was to examine the effects of the Integration Act on the movement patterns of refugees. The study shows that prior to the Integration Act newly arrived refugees were housed mainly in the cities and larger towns. After the introduction of the Integration Act, the allocation of housing for refugees is more widely dispersed, and many smaller municipalities have received comparatively high numbers of refugees. The study also concludes that the introduction of the Integration Act has had an effect on the movement patterns of refugees – at least in the short term. Refugees not covered by the Integration Act, because they arrived before 1999, generally move early after their arrival.

7. ANALYSIS OF DIRECT AND INDIRECT DISCRIMINATION

7.1 Theory-led analysis of the housing sector with respect to racism, discrimination and exclusion

The first larger groups of foreigners arrived to Denmark to work in the end of the 1960ies and in the beginning of 1970ies. This group of immigrants settled in the municipalities, where there were job possibilities and vacant public housing. These patterns can still be found and are maintained today – the immigrants still live in the areas, and the patterns have been reinforced through family-reunifications. Other foreigners have arrived to Denmark as refugees and have been allocated to municipalities, based on the rules of allocation of accommodation in the Act on Integration³³.

As mentioned previously in this report Denmark's Integration Act entered into force 1st January 1999 and resulted in the local municipalities receiving the responsibility for housing refugees and administrating introduction programmes. One of the aims of the Act on Integration was thus to secure and achieve a larger geographical distribution of newly arrived refugees across Denmark's 275 municipalities. According to the abovementioned study (*Flytninger blandt flygtninge under integrationsloven*), findings show that most refugees who have arrived in Denmark after the passing of the Integration Act stay in the municipality where they initially were settled at least for the three-year introduction period. Only 10 per cent of these refugees move from the municipality, in which they were initially housed, from the third to the fourth year in Denmark. There is a clear tendency that the refugees covered by the Integration Act move to bigger municipalities.

7.1.1 Ethnic accommodation segregation³⁴ – an expression of the lack of integration?

As described by Børresen (2002:3) ethnic accommodation segregation – meaning the “immigrant density” settlement – is generally equated by politicians with the lack of integration.

According to Christiansen and Schmidt (2002:22) since the early 1990ies the concentration of ethnic minorities in specific parts of the country and in specific housing areas has drawn some attention. The debate has in particular concerned ethnic minorities living in the lower cost public cooperative housing areas. The discussions have contained two aspects. The first aspect is the focusing on the municipalities' economic expenses, resulting in the ethnic minorities being regarded as a burden taking care of by some municipalities and not by others. The second aspect has been integration, where the underlying conclusion was that an equal spreading of ethnic minorities would result in less friction when integrating the minorities into Danish society.

³³ The Ministry of Refugee, Immigration and Integration Affairs, *Udlændinge I danske kommuner og amtskommuner* pr. 1. januar 2001.

³⁴ The term “accommodation division/segregation” means the division of the housing stock between housing areas with respectively resource strong and -weak residents. The term “ethnic accommodation segregation focuses on the high concentration of immigrants in the exposed housing areas.

The questions of accommodation segregation and the creation of ghettos³⁵ is not only on the agenda in Denmark, it is also on the accommodation- and social political agenda on a European level. Immigrant dense housing areas are generally regarded as a threat and in opposition to integration and public order (Børrensen 2002:4).

It is a fact that some housing areas have a large concentration of ethnic minorities³⁶. What this however means for integration, national and social membership, and introduction to different areas of society is, however, scientifically undocumented. One can say that the academic jury is still out. It is possible that some people with ethnic minority background find it easier to create a social network, find a job or acquire good Danish skills when living in an area where only a small amount of people with ethnic minority background live. However it is also clear that this is by no means the situation for everybody – let alone that the explicit spreading i.e. of newly arrived refugees between the municipalities comprises the only or the best way to integrate. Some people with ethnic minority background may in fact create rewarding social networks with others within their ‘own group’. The need for further research into the accommodation patterns of ethnic minorities and the effect on integration or isolation from the majority population is needed. One important question among others is *what* kind of network people actually need in order to enhance their status and situation? (Christiansen and Schmidt 2002:22,70).

Even though the negative effects of living in these housing areas seems to outnumber the positive effects in the available literature, it is from a theoretical approach uncertain whether this is correct. A conclusion can only be achieved by conduction specific research on how the population in these areas manage compared to the population outside the area in question. The available research mainly addresses the question of what influence the area has on a person growing up in these housing areas. It is seldom assessed whether it is the social problems or the immigrants that constitutes the problem. In Denmark there is no general research focusing on whether the fact of growing up in these housing areas has any isolated influence. (Research on integration in Denmark 1980-2002:86).

7.1.2 Why does segregation arise?

A number of explanations exist. Public housing has for a number of years been easier to access than other housing types. With regards refugees it has been a duty for the municipalities to secure them accommodation. As a consequence of the municipalities’ right to assign tenants to public housing, a large amount of refugees have been accommodated here and have not moved out again. Finally there is a connection between

³⁵ It seems relevant to point out that it is doubtful whether the immigrant dense areas can be characterised as ghettos in the European cities. These “ghettos” often have residents with several different nationalities. One homogenous culture does subsequently not exist and the areas cannot be identified by cultural fusion, which are the preconditions if the term “ghetto” should be used in its right meaning. (Børresen 2002:4-5, refer Wacquant)

³⁶ Hummelgaard, H. & Husted, L. (2001): Social og etnisk bestemt bosætning – årsager og konsekvenser. AKF-rapport. København: Amternes og Kommunernes Forskningsinstitut.

the fact that a large amount of immigrants receive social benefits, and the fact that a large number live in public housing³⁷.

It is furthermore essential to include the fact that the economical development as early as the end of 1960ies resulted in the ownership of property (caused by tax deductions and good revenues) becoming competitive and resulting in a large increase in the construction of property with ownership. This resulted in a decreasing demand for public housing and in the early 1970ies it was difficult to let out apartments. The economic weak municipalities therefore considered the immigrants moving into the public housing areas as a positive solution. (Børresen 2002:7).

Børresen (2002:5) furthermore outlines three explanations on the fact that concentrations of ethnic minorities in certain housing areas exist.

1. First an explanation can be found in the cultural differences, especially the distance between the majority population and the minorities. Ethnic segregation is being explained through differences in behaviour and preferences. With these cultural explanations focus is placed on the immigrants' backgrounds or preferences deducted from their origin, and these elements are given a decisive importance when the immigrants' degree of adjustment and integration are assessed.

2. Second ethnic segregation can be explained through discrimination and cultural racism in the housing market. Such discrimination is being supported by centralised and localised public institutions and also institutions placed in the private sector.

3. Finally structural explanations focus on the lack of or limitation of possible choices given to the immigrants. This lack is often explained as a result of unemployment or subordination on the labour market caused by discrimination or the lack of resources.

Gitz-Johansen's (2001) and Børresen's (2000) research furthermore show that a tendency exists for people of the same origin or family to live in the same areas. It seems natural to seek the areas with people one has something in common with. This in itself increases the concentration of minorities in certain housing areas. The impenetrability characterising the Danish housing market, should furthermore be seen as an explanation, together with the lack of network, especially obvious for ethnic minorities, resulting in a situation where it is almost impossible to rent a cheap apartment in the private owned housing market. Moreover the newer immigrants are not on a large scale familiar with the concept of flats under a multi-ownership scheme. Finally some importance should be given to the fact that some private owners do not want to let flats to immigrants. (Research on integration in Denmark 1980-2002:78).

In opposition some conditions do result in a decrease of the concentration of immigrants in some exposed housing areas. By way of example a tendency that in particular young people and also people employed outside the housing area express the wish to move away

³⁷ The Ministry of Refugee, Immigration and Integration Affairs, Udlændinge I danske kommuner og amtskommuner pr. 1. januar 2001.

from the areas exists. This is often based on the fact that these housing areas are considered “low status areas” by society in general. Moreover some ethnic minorities move away from immigrant dense areas as a result of the view that their children would have a better chance of acquiring Danish skills thus securing and increasing their possibilities in society in an area with a lower immigrant density. (Research on integration in Denmark 1980-2002:79-80).

The described factors should (with different weight) contribute to an explanation on how segregation arises. The research presented does however not give an unambiguous basis for a conclusion. This fact should probably be regarded as a result of the rather complex issues, and as explained in section 6.8 the fact that some questions still need further research.

A more “abstract” reasoning on the issue can conclude this chapter. Børresen (2002:8) points towards the danger of viewing the concentration of immigrants in certain areas as a conscious choice based on “their culture”. Such an approach lacks in the view of Børresen the question of ethnic minorities’ real possibilities in the housing market.

“According to Bourdieu our practical approach is connected to structures of power and relations in the social life. The apparently free choices of the individual are in harmony with the social mechanisms of inclusion and exclusion. However as an individual this can be hard to comprehend and we therefore live in the illusion of conducting “free choices”. This is caused by the fact that long-term experiences have taught us to navigate inside these social structures – we have gained knowledge of our possibilities and limitations. At some point a harmony between the social- and the mental structures arise, and our preference is adjusted towards the social structures.” (Børresen 2002:10)

When the focus lies on the choice of housing it is necessary to question the in reality existing possibilities limited by supply and demand in the market, together with discrimination in the private housing market and in the market for flats under a multi-ownership scheme. (Børrensen 2002:15)

When the view is expressed among ethnic minorities that they are happy living in the above described housing areas, where they have not freely chosen to settle, this “happiness” should be explained on the basis of 25-30 years of experiencing societies perception of them as “foreigners”. In these areas they feel “at home”. They feel and are aware of their possibilities and limitations in the social life. Viewed in this light a connection exists between their experiences of alienation and their actions. (Børrensen 2002:16)

7.2 What does supporting diversity in housing mean?

An example on how diversity is to be understood was the introduction of a trial scheme to test the rules applying to rental housing and the allocation of council flats by municipal authorities.

The rules aim to attract applicants from a broader segment of the Danish population to public rental accommodation. They make it possible to give priority to certain applicants, e.g. students, elderly people or long-distance commuters.

The scheme was introduced with the intention of improving the integration of refugees/immigrants into the Danish society. However, according to statistics the number of elderly pensioners and number of students among ethnic minorities is considerably lower than the Danish majority. Therefore, it can be assumed that an unintended effect of the trial scheme is to prevent citizens with ethnic minority background from getting the flat to which they are entitled according to their number on the housing waiting list. This is done in an attempt to improve "integration" and ensure "social stability" in the area concerned. Without any kind of back up scheme specifically directed to letting out to immigrants the trial scheme may restrict the opportunities of refugees and immigrants for enhancing their quality of life by limiting their possibility of getting a better flat via the waiting list. This implies a risk of ethnic minorities being tied to the least attractive dwellings.

The then Government's action plan (social democratic government) for improved integration, published on 10 February 2000, contained a proposal for this trial scheme to be made permanent despite the fact that the four year trial period was not over and despite the fact that an evaluation of the trial scheme had not been made. On 26 May 2000 parliament made a legislative amendment allowing the waiting list principle to be departed from, and up to 90% of the remnant vacant dwellings in a housing section³⁸ to be rented out in accordance with special criteria agreed between the local council and the housing organisation. In other words the trial scheme was made permanent three years before its expiration.

The above example shows how so-called affirmative action actually may lead to indirect discrimination.

In the context of this restriction of ethnic minorities' housing options it should also be mentioned that ethnic minorities have only limited access to the private housing market. As mentioned in the study of ethnic minorities by Birgit Møller and Lise Togeby, p. 36seqq., a very large proportion of refugees or immigrants interviewed live in council housing. 36% of the Bosnian respondents are council tenants, for Somalis the figure is 78%, and for Lebanese/Palestinians and Turks 56% and 64%, respectively.

This pattern is also confirmed in the fourteenth periodic report of Denmark. Thus, according to p. 21, 67% of the Danish population aged between 15 and 66 years are owner-occupiers who live in their own house or condominium, whereas the corresponding percentages for refugees and immigrants are 13% and 18%. On the same page, reference is

³⁸ It should be specified that the 90 per cent do not include the dwellings that are allocated by the municipality as a means of complying with social needs. The municipality as a rule allocates 1 in 4 vacant public housing dwellings. Flexible letting is only applicable in up to 90 per cent of the remainder of the dwellings.

made to the fact that 50% of first-generation immigrants live in council flats, against only 15% of the Danish population in the same age group.

There is no doubt that most refugees and immigrants in Denmark live in council flats. This may be because of the general scarcity of housing, but is probably also associated with the widespread reluctance of private landlords to let to refugees and immigrants. This is illustrated by statements by two private landlords from Funen brought in the daily paper "Fyns Stiftstidende" under the heading "Many of Funen's largest rental housing owners do not want foreigners as tenants".

According to the newspaper article, the local authorities have difficulty finding flats for refugees. Municipal officials telephone landlords and advertise extensively, but in vain. An integration officer working for the municipal authorities of Fåborg, Broby, Ringe and Ryslinge on Funen reports how some landlords simply refuse to let to refugees and immigrants, which in his opinion is an expression of prejudice.

In connection with a telephone inquiry involving ten of Funen's major owners of private rental housing, Fåborg's largest landlord said that he simply does not admit *this kind of people* and is quoted for saying, "I turn them down, simply for my own sake and for the sake of the other tenants", and explains that once he had let a flat to a Muslim family who kept their bicycles in the flat.

One of Middelfart's largest owner of rental housing expressed very much the same attitude, who is he was quoted for saying, "I do not want to admit Iraqis, Iranians, Somalis and others from faraway countries. I dare not. Their lifestyle is so different from ours." In the opinion of this respondent, who owns a total of 100 flats in Middelfart, they wear out the flats. On the other hand, the owner does not mind letting to Bosnians.

The article describes how several major owners of rental housing in Funen turn down ethnic minorities, either because they are afraid of vandalism or that more people will suddenly be moving in. These owners, however, wanted to be anonymous.

7. 3 Groups vulnerable to racism or direct and indirect discrimination in the housing sector

7.3.1 Five-category typology of discrimination

To a certain extent there has been a debate in Denmark discussing whether discrimination occurs at all. However, the report "Research on Integration in Denmark 1980-2002" AMID (2002)³⁹ concludes that different methodological approaches all point towards the fact that immigrants and their descendants from non-Western countries are in certain contexts discriminated against.

³⁹ Academy for Migration Studies in Denmark, AMID, (2002), Integrationsforskningen i Danmark 1980-2002

However, based on the data we do have it is possible to say something of how discrimination manifests itself in Denmark 2003, and also which groups are especially vulnerable to racism or discrimination in the housing and/or employment sector. Feagin and Eckberg⁴⁰ have identified a five-category typology of discrimination, which can be helpful in categorizing and describing the nature of discriminatory practices. These are; i) direct isolated discrimination, iia) small group discrimination, iib) politically organized discrimination, iiii) indirect isolated discrimination, iv) structural direct discrimination, and v) structural indirect discrimination.

The above categories were devised in order to analyse discrimination in society as a whole and not just the housing sector, which is the concern of this report. However, they can also be used specifically in relation to the housing sector and from a scientific perspective these categories can be a good tool for describing and analysing discriminatory practices found in this societal sphere. It should be noted that some instances of discrimination could fall into two or more of the described categories. For example, a housing association, which unconsciously sets a criterion for tenants, that has a discriminatory effect will fall under category 5. However, if the same housing association later is made aware of this and still chooses to enforce the criterion, then category 4 becomes applicable.

The following describes incidents of discrimination in the housing sector in Denmark that have occurred over the last years. The Documentation and advisory centre on racial discrimination (DACoRD) is the source of all incidents referred to.

7.3.1.1 Direct isolated discrimination – the first category refers to the actions of individuals who explicitly and consciously are discriminatory:

The housingfirm "Byfornyelse København" filled in March 2001 a complaint with the Police against a private housing rental office. Some tenants were to be relocated during a period of reconstructions of their apartments. When the name of one of the tenants was mentioned the owner of the housing rental office made a number of racist statements and refused to rent out to the person who originates from Ethiopia. In July 2002 the Police of Gladsaxe forwarded a fine of Dk.k. 1000 due to the violation of the Act prohibiting Racial Discrimination. The owner of the rental office accepted the fine⁴¹.

7.3.1.2a) Small group discrimination

In September 2002 a family from Valby contacted DACoRD. Its neighbours in their co-operative housing association had for the last 2 years harassed the family. The situation had now come to a head, and the members of the family were afraid to go about in the street. The whole situation had actually forced the mother of the family to quit her job, and the children did no longer participate in any spare time activities after school hours. The

⁴⁰ Feagin, J.R., Eckberg, D.L (1980), *Discrimination: Motivation, action, effects and context*

⁴¹ DACoRD, SA0779.

husband had contacted the police on several occasions, but this has not caused the situation to get better. The only thing the police could offer was that he should return if anything did happen again. This resulted in the husband turning to the municipality in an attempt to get a new apartment. At the time the husband contacted DACoRD, he was waiting for a reply from the person responsible for housing in the municipality. DACoRD discussed different options with the family, *inter alia* mediation. However it was clear that the family preferred to move away from the neighbours. DACoRD and the family agreed that they should return when they had received an answer from the municipality⁴².

7.3.1.2b) Politically organized discrimination

By decision of the City Council in the municipality of Ishøj in 1980 it was decided that the municipality should approve all allocation of flats in the local housing associations. Among other criteria the allocation plan mentioned, that immigrants were not allowed to rent flats until their percentage of the whole population again came down to 10%. Furthermore it should not be allowed to rent out flats in each tower block until the percentage of immigrants here was under 10%. In March 1988, the Local government voted, whether or not the municipality should recommend that more foreigners should be able to move into the area. The proposal was rejected.

By decision of the Eastern High Court in 1991 the quota system initiated by the City Council of Ishøj was considered a violation of the Act prohibiting Racial discrimination. (For further description of this case please find further information in section 8.1.1. of this report)

7.3.1.3 Indirect isolated discrimination

A Chinese couple were invited to buy a flat in the town of Hvidovre by the present owner of a share of a *cooperative housing society* (in Danish: en andelslejlighed). The board of the cooperative housing society (the board is formed by other owners of a share in the same housing society), however denied to accept the agreement. The board argued, that the couple did not speak reasonable Danish, and thus were not able to communication with their new neighbours. Thus they were not able to participate in the cooperative housing society as such.

After the filling of a complaint due to the Act prohibiting Racial discrimination, the Police of Hvidovre stated, however, 20/3/03 that this Act has no effect in connection to *cooperative housing societies*⁴³. According to this statement or decision, the Act only have effect in connection to the protection of tenants in case of landlords renting out on a *commercial basis or in connection to housing associations* meaning that the whole sector of cooperative housing societies is exempted. The decision was upheld by the Public Prosecutor

⁴² DACoRD, SA1071.

⁴³ The chief constable of Hvidovre: "... salg af andelsboliger (...) kan efter min opfattelse ikke anses for at være erhvervsmæssig eller almennyttig virksomhed, jf. Lov om forbud mod forskelbehandling på grund af race mv. §1, stk. 1 og betænkning nr 553 af 23. august 1966 pag. 20, 28 ff og 35 f."

13/5/03. Consequently, no legal action was initiated (or could have been initiated) against the cooperative housing society⁴⁴.

7.3.1.4 Structural direct discrimination

In an application form a number of questions were included to those landlords, who were willing to rent out accommodation to students. Among other questions, the rental office in Aarhus, which is specialised in accommodation for students, asked whether: "*... foreign students are welcomed?*".

After the filling of a complaint against this form of differential treatment, the rental office changed the form.

In July 1996 a test showed that a "landlord" was rejected when he asked for: "*Only Danish students*". However, at the same time the rental office suggested that the landlord could instead make a requirement of "*only Danish speaking students*". A similar test was performed in September 1996 and had the same result⁴⁵.

This form of "indirect discrimination" due to language requirements replacing the former more direct form of discrimination (no foreigners) is a perfect example on how direct discrimination can be build into the structure of an application form and -procedure in order to continue a discriminatory policy.

Even though some Danish speaking foreigners or Danes from ethnic minorities may benefit from the formal requirement change (from Danish identity to Danish language), the underlying message is still: "We don't want you here".

7.3.1.5 Structural indirect discrimination

Structural indirect discrimination may be based on requirements invoked by housing associations or demand by law. One example is the rule that only allows a maximum of two persons per living room in rental accommodation.

In 2000 the Danish Rent Act was amended. The Danish Institute for Human Rights, however, stressed in its annual Status Report 2001 that the establishment of an occupant maximum is problematic in relation to Article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, which prohibits any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin. The rules will notably affect families with many children or families where several generations live under the same roof. Such family patterns have a close correlation with the national or ethnic origin of certain groups in society. In practice, the establishment of an occupant maximum of two persons per living room in rental accommodation will thus particularly limit the possibilities of population segments with a certain national and/or ethnic origin of moving into such premises.

⁴⁴ DACoRD, SA1036.

⁴⁵ DACoRD, SA0501.

Like the previous example on structural direct discrimination the requirement of a maximum of persons per living room is a structural policy going to effect the ethnic minorities fare more than the majority population, however, in this case it is not possible to label it as “direct discrimination” but only “indirect” as the formation of this policy was not directly linked with a former policy of direct discrimination.

7.3.1.6 Conclusion

7.3.1.6.1 Direct discrimination

The example mentioned in section 7.3.1.1 shows that direct isolated discrimination occurs in Denmark, however, the question is whether this is the tip of the iceberg or just one isolated incident. It is interesting to notice, that the racist remarks etc. were not expressed openly to the person originating from Ethiopia but rather to a person working in a housing association responsible for the relocation of that person. The police investigation and the following fine was only possible, because a native born Danish person filled the complaint and testified about the racist incident. If, this person had not taken action, however, the Ethiopian tenant had never been able to bring a case. In other words direct discrimination takes place, but the victim will never learn about it, unless other people inform about the real reason behind the negative decision in relation to housing, work or any other area of life.

Hidden direct discrimination is a major problem in relation to the burden of proof in criminal cases, however, with the introduction of the new civil Act on ethnic equality, it will become easier for the victim to prove “hidden direct discrimination”.

In connection to direct discrimination in relation to smaller groups, evidence exists to suggest that individuals can experience being for example “bullied”, “teased”, “not respected”, “harassed”, in the housing area. The example above is one out of the larger numbers of reported incidents of vandalism, threats, violence and other forms of harassment that ethnic minorities have experienced in the areas where they live, i.e. from neighbours in housing associations etc. ⁴⁶

This conclusion may be underlined by a study mapping out a great number of different forms of harassment in a specific housing area ⁴⁷. Hahnemann asked families in this housing area if they had suffered or witnessed racist motivated attacks in their neighbourhood. The interviewed families reported a number of incidents like swastikas on their doors, burning cross, threats, spitting, racist graffiti etc. What is interest here however, is the fact that a great number of incidents are never reported to the police, and consequently never ends up in the collection of data done by the Danish Security Intelligence Service (PET).

⁴⁶ See annex 6, table 6.2-6.4

⁴⁷ Hahneman, L. (1998) *Racistisk chikane og vold i et boligområde*, Copenhagen, Documentation and Advisory Center on Racial Discrimination p. 20

These incidents may be pushing them out of areas with few ethnic minorities and back to areas with larger numbers of minorities. Indeed some individuals have also remarked that it is the general negative atmosphere in society towards ethnic minorities that contributes to their decision to stay in a housing area with many other ethnic minorities.⁴⁸ These tendencies may facilitate the establishment of “ghettos” in certain housing areas where ethnic minorities may feel more secure to live.

7.3.1.6.2 Indirect discrimination

Examples show that policies and practices in different areas of the housing and accommodation area include “neutral” barriers such as language requirements.

A language standard that applies to all applicants is naturally neutral in its application; however, it will undoubtedly hit non-native speakers more frequently than native speakers. Whether this is discrimination can be discussed, but if the standard is disproportional to the nature of living in a housing association, cooperative housing society etc, it can be classified as discriminatory, falling into category 5, in some cases moving towards a more direct discrimination as defined in category 4, if the standard has been set deliberately too high. This is exactly the case mentioned above from Aarhus (section 7.3.1.4), in contrary to the example is the rule that only allows a maximum of two persons per living room in rental accommodation which is a category 5 form of discrimination.

The scope and extend of these more sophisticated forms of discriminations is very difficult to asses, however, this is on the other hand no prof that this is not taking place. It seems more likely, that the landmark decision in the Ishoj case (See 7. 3.1.2b and section 8.1.1) has forced housing associations, municipalities and others wanting to practice a policy of dispersal, to use indirect barriers as “language” and “maximum numbers of tenants” as different forms of regulation. The effect of this policy is, however, the same as direct discrimination, that ethnic minorities do not get the apartment/housing that they would otherwise be eligible for, if they were treated on a equal footing with the majority population.

7.3.2 Perceived discrimination amongst affected groups

It is difficult to say with certainty which groups are most vulnerable to direct or indirect discrimination in the housing/accommodation sector. Results from the study “Perceived Discrimination” by Togeby & Møller (1999) conducted on members of four ethnic minority groups in Denmark indicates that the group originating from Lebanon reports the most widespread discrimination in the labour market, compared to the groups from Bosnia, Somalia and Turkey. It is important, however, to notice that this study makes an assessment of “perceived discrimination” in contrast to “factual discrimination”. The

⁴⁸ DR1 (2003), TV-Documentary: For klog for Danmark

purpose of the study was to document the scope and type of perceived discrimination among ethnic minorities in Denmark and was built on two major elements in the discrimination concept: Firstly, differential treatment of persons or groups and, secondly, that this differential treatment is perceived as morally unacceptable or as illegal. The discrimination measured in the survey was thus the discrimination perceived by ethnic minorities; in other words, whether the ethnic minorities feel that they are being discriminated against based on their ethnic background. One reason that discrimination varies among ethnic groups may be that some groups *are* discriminated against more than others. Another reason may be that some groups are more inclined to interpret experiences in the Danish society as results of discrimination. Finally, some groups are more willing to talk about perceived discrimination than others.

The survey, which was carried out by “Danmarks Statistik”, was conducted as telephone interviews by bilingual interviewers. The interviewees decided whether they wanted to be interviewed in Danish or in their native tongue. Since it was difficult to find the telephone numbers of the selected persons, the questionnaires were also sent out by mail. The survey includes a total of 1132 persons between the ages of 18 and 66, residing in Denmark for at least three years. 342 are from Bosnia, 226 from Somalia, 279 from Lebanon, and 285 from Turkey. The response rate is 58 percent for Bosnians, 48 percent for Turks, 47 percent for Lebanese, and only 40 percent for Somalis. The low response rate is not caused by reluctance to participate in the survey, but rather by the difficulty in establishing contact with the selected persons.

The survey contains a large number of questions about perceived discrimination in different social areas.

Among these questions especially three are of interest for this report:

- 1) Have you within the last 5 years experienced a refusal in connection with the rent or purchase of a house or apartment?
- 2) Have you within the last year experienced reluctance or hostility from an accommodation association that you have interacted with?
- 3) How is your relationship to the majority of your Danish neighbours? Do you think that the relationship is good or hostile?

The interviewees answer to question 1) show a tendency that all groups have experienced discrimination in connection with the rental or purchase of a house or apartment. Bosnians however seem to be less affected than the other groups (see the tables below). In regard to question 2) it seems that the Somali group experience most reluctance or hostility when interacting with an accommodation association, while Bosnians experience least problems. In regard to the relationship with the Danish neighbours (refer question 3) a relatively small group experience hostilities from the Danes, while the majority of the questioned express the view that the relationship is “neutral, neither nor” or “quite good”. Finally the types of housing the interviewees live in have been examined in the research. The clear picture is in this regard drawn that the housing type “Apartment in social housing area” is dominating. However, with the exception that the Bosnians are more represented in different housing types than others.

Table 1)

Have you within the last 5 years experienced a refusal in connection with the rent or purchase of a house or apartment?

	Bosnia	Somalia	Lib./Pal.	Turkey
Several times	2%	8%	7%	6%
One time	2%	3%	6%	5%
Never	71%	50%	48%	56%
Not relevant	24%	35%	38%	31%
NA	1%	4%	1%	2%
Total	100%	100%	100%	100%

Table 2)

Have you within the last year experienced reluctance or hostility from an accommodation association that you have interacted with?

	Bosnia	Somalia	Lib./Pal.	Turkey
Often	1%	13%	6%	5%
Now and then	7%	17%	13%	13%
Never	78%	53%	67%	63%
Have had no contact	13%	15%	13%	17%
NA	1%	2%	1%	2%
Total	100%	100%	100%	100%

Table 3)

How is your relationship to the majority of your Danish neighbours? Do you think that the relationship is good or hostile?

	Bosnia	Somalia	Lib./Pal.	Turkey
Very hostile	1%	5%	1%	3%
Hostile	1%	5%	4%	2%
Neutral	42%	31%	44%	35%
Good	31%	31%	22%	39%
Very good	24%	20%	20%	19%
I have no Danish neighbours				
NA	1%	7%	8%	2%
	0%	1%	1%	0%
Total	100%	100%	100%	100%

Table 4)

In what housing do you live?

	Bosnia	Somalia	Lib./Pal.	Turkey
Live in asylum/home	0%	0%	0.5%	0%
Apartment in public housing.	36%	78%	56%	64%
Other apartment	44%	4%	27%	18%
Terrace house	10%	9%	10%	7%
House	10%	3%	3%	8%
Rented room	0%	6%	3%	2%
NA	0%	0%	0.5%	1%
Total	100%	100%	100%	100%

8. STRATEGIES, INITIATIVES AND GOOD PRACTICES FOR REDUCING RACIAL/ETHNIC/RELIGIOUS/CULTURAL DISCRIMINATION IN HOUSING

8.1 Anti-discrimination legislation (national and international law, important legal decisions, jurisdiction)

The Danish Parliament approved the first prohibition against hate speech in 1939, however, the wording was changed in 1971 in connection to the ratification of the UN Convention on the Elimination of All forms of Racial Discrimination (ICERD). Also in 1971, the Act on Racial Discrimination was passed by Parliament, stating that a person commits a punishable offence if, while performing occupational or non-profit activities, he refuses to serve a person on the same conditions as others, due to that persons race, colour, national or ethnic origin, or creed. The maximum penalty was specified as being a fine or imprisonment for up to six months. In the same manner a person is guilty of an offence, if he/she for any of the above reasons refuses to admit a person on the same conditions as others to a place, performance, exhibition, gathering, or similar event, which is open to the public. The material scope of this provision is not only shops and discotheques both also the right to housing on an equal footing with other applicant.

From July 1, 2003, however, civil law has now been enacted in order to implement the EU Race-Directive. This is a major step forwards, as the criminal law solely depends on whether the public prosecution decides to take action or not. This problem may be illustrated by one concrete case:

8.1.1 The Ishoj case

In the municipality named Ishoj (Suburb of Copenhagen) the concentration of people of Turkish descent has been and still is relatively high. In the mid-seventies the local government made a quota system claiming that this was a special measure to prevent racism and xenophobia. The Eastern High-Court decided in 1991 that this practice was unlawful. (It should be noted, that according to official records from the 1970'ties there were at least 6-7 other areas, in which the number of foreigners in building associations were limited.)

In the sixties housing associations in the municipality of Ishoj had difficulties in renting out their flats. Consequently, the rent became low and a sizeable number of immigrants moved in. In the mid-seventies foreigners, especially from Turkey, comprised 10 % of the general population of Ishoj. The mayor recommended that the local housing associations should restrict the allocation of flats to immigrants. When the Parliaments Ombudsman asked for an explanation, it was stated that the municipality did what it could to integrate the immigrants, but to prevent xenophobic attitudes from increasing, the percentage of immigrants should not increase further.

The municipality had called for general legislation in this area, but no initiative was taken to solve its problems.

The intention of the mayor's recommendation was to prevent negative effects due to the high number of foreign people. It was argued to be in the interest of all parts involved, because it would make integration easier, and not discriminate individuals. The Ombudsman asked the Prosecutor General to examine the case. The answer made in accordance with the Ministry of Justice, stated that the recommendation was against the wording of Act prohibiting Racial discrimination §1. But at the same time it was stated that the sole purpose of the special step taken, was to prevent racial discrimination, in accordance with article 1:4 of the CERD. It followed from this interpretation of the Convention that the recommendation was not illegal. Consequently, the Ombudsman ended his investigation by stating, that the municipality of Ishoj had special and serious problems concerning integration of immigrants, and the intention of the recommendation was to combat those problems. No further action was taken.

The number of immigrants still continued to increase, and in 1980 it was decided that the municipality should approve all allocation of flats. Among other criteria the allocation plan mentioned, that immigrants were not allowed to rent flats until their percentage of the whole population again came down to 10%. Furthermore it should not be allowed to rent out flats in each tower block until the percentage of immigrants here was under 10%. In March 1988, the Local government voted, whether or not the municipality should recommend that more foreigners should be able to move into the area. Consequently, the Housing Department, The local Board of supervision and the Prosecutor General raised new inquiries. With reference to the former inquiries no legal action was taken. When the Ombudsman started a new inquiry, the case was suddenly debated in the Danish Parliament. With due reference to the respective areas of jurisdiction of the Parliament and the Ombudsman, the Ombudsman had to abstain from further examination of the case. Instead, a civil case was raised against the municipality of Ishoj by a Committee Against Xenophobia in Ishoj on behalf of the persons who were denied renting flats, because the "quota of foreigners was used".

The Committee claimed that the municipality had to admit, that it did not have the right to reject foreigners, on the grounds of the quota, and that the recommendation to the local housing associations was illegal. The municipality claimed, that the Committee had to admit, that it was legal to make a procedure by which foreigners were rejected if they, from estimation based on matter of facts, would damage the social prosperity and integration of tower blocks already having a high percentage of foreigners. The Eastern High-Court stated in 1991, that foreigners in a number of cases, *solely* based on their nationality had been rejected, and that this was the intention of the procedure introduced by the municipality. That criterion *is* unwarranted according to the House building Act and the instruction of housing associations in accordance with the Race discrimination Act. It made no difference that the municipality claimed that the overall intention was to take care of the integration of people speaking a foreign language, and the rising financial problems of the housing associations.

Consequently, the municipality had to acknowledge, that the procedure for rejecting foreigners by reasons such as "the quota of foreigners" was unjustified. They also had to admit, that the recommendation to the housing associations was unjustified, and they had to pay the costs amounting to DKK. 50.000. This landmark decision showed that even

though anti-discrimination legislation exists in Denmark, due to its criminal nature it is very difficult to make use of the legislation for concrete victims of discrimination in amongst other the housing area. Another more recent case shows the same picture. In this case the prosecution also refused to take any action against discrimination in the housing area, which resulted in a complaint to the United Nations Committee on the Elimination of all forms of Racial Discrimination:

8.1.2 Decision: CERD 19/2000.

The petitioner was registered as an applicant for renting an apartment with the Danish housing company. The petitioner was informed soon after that an apartment was available and was asked whether he would be interested in it. The petitioner confirmed that he was interested. However, under the existing legislation the municipality of Hoje Tastrup had to approve the contract. In a letter dated 16 June 1998 the municipality informed the petitioner that his application had not been approved due to housing social criteria. The petitioner requested for a reconsideration of the decision but was informed by the municipality that the case would not be reopened and that his complaint had been forwarded to the Social Appeals Board. The petitioner also reported the matter to the police but the police refused to investigate the matter under the Danish Act on Racial Discrimination. The Social Appeals board, however, finally adopted its final decision on the matter and concluded that the municipality's decision of 16 June 1998 was invalid, as Sarwar Seliman Mostafa did fulfil the conditions for approval to the housing facility.

The Counsel argued that the State party has breached its obligations under article 6 of the CERD Convention and the Danish legislation does not provide for adequate satisfaction in cases like the one under consideration, since neither the police of Glostrup nor the State Attorney were willing to interfere in the case, there is no possibility for the petitioner to make use of any further remedies at the national level.

The Committee noted that “despite the new decision of the municipality and the one of the Social Appeals Board, the petitioner was not provided with an apartment equivalent to the one initially applied for, nor granted compensation for the damages caused to him as a result of the first decision of the municipality”. The Committee emphasised, however, that the petitioner did not meet one of the conditions required to be assigned an equivalent apartment, namely, to remain on the waiting list and that in this case the failure could not be attributed to the State party.

Moreover, as the petitioner did not institute civil proceedings and, therefore, has not exhausted domestic remedies, and despite the arguments given by the petitioner and the reference to previous jurisprudence of the Danish courts, the CERD Committee considered that doubts about the effectiveness of such proceedings cannot absolve a petitioner from pursuing them. Consequently the CERD Committee considered that, by not exhausting the available domestic remedies, the petitioner has failed to meet the requirements of article 14, paragraph 7(a) of the CERD Convention. Therefore the Committee considered the claim inadmissible.

Both cases shows that the victims are forced to take up civil proceedings if they want to get any form of redress in connection to discrimination in the housing area.

On this background the Danish Board for Ethnic Equality found that new legislation including an independent body to redress complaints on discrimination set up under a trial scheme, could contribute to strengthening the enforcement of existing anti-discrimination legislation, which includes the Danish Act on Prohibition of Racial Discrimination, section 266 b of the Danish Penal Code and the Danish Act on Prohibition of Discrimination in the Labour Market. It must also be assumed, though, that an analysis of the need for improving the substantive content of anti-discrimination legislation is carried out during the trial period. Such improvements imply, after the expiry of the trial period, the submission of a proposal to supplement the existing criminal law provisions of the Danish Act on Prohibition of Racial Discrimination with mainly civil law provisions.

The Board argued that under the existing (criminal law) rules any individual or group of persons is already allowed to report an offence to the police and prosecution authorities with a view to prosecuting the offender under the Danish Act on Prohibition of Racial Discrimination. However, victims of discrimination have found it difficult to arrange for prosecution. For example, in the case concerning the housing quotas in the Copenhagen suburb of Ishøj and, most recently, in the case about Sparbank Vest⁴⁹.

In addition, witnesses or others – who possess evidence or other material proving an act of discrimination - should be allowed to present such evidence or material to an independent body to redress complaints on discrimination. Attention could be directed to the case concerning the fast food café at the Copenhagen Central Railway Station, where an employee had copied internal instructions to turn away all "Gambians". The subsequent prosecution was hampered by the problems involved in finding aggrieved persons. Finally, the independent body (to redress complaints on discrimination) should be empowered to institute proceedings, if it is evident⁵⁰ that the matter concerned falls within

⁴⁹ cf. Communication No. 23/2002 (CERD), Ms. K.R.C. vs. Denmark, concerned a citizen of the United States, residing as a permanent resident in Denmark, who applied for a loan in Sparekassen Vestsjælland ("the bank") in connection with a purchase of a car. As a part of the standard information in the loan form it was indicated that the person applying for a loan was to declare "that I am a Danish citizen". Further the letter accompanying the application form stated: "You are kindly requested to hand in the application duly filled in, and enclose a copy of your Danish passport to the sales agent". As the petitioner was not a Danish citizen she was not able to sign the application form. When the petitioner contacted the bank she was informed that if one did not have Danish citizenship, one could not apply for a loan. On the same day, the deputy head of the bank informed the petitioner's friend that the bank did not give loans to non-Danish citizens. However, as the petitioner was about to start as an employee at Novo Nordisk, he would try to find a solution and requested of the petitioner to send the loan form together with evidence of her annual income to the bank. The petitioner did not send the application back as she believed that her chances of loan approval were slim. The petitioner claimed that she has exhausted domestic remedies as there is neither a possibility of appealing the decision of the Public Prosecutor nor of bringing the case before the Danish Courts. The petitioner claimed that the State party has violated its obligations under article 2, subparagraph 1 (d), and 6, of the Convention in not effectively investigating the reported incident of racial discrimination. Considering the petitioner's lack of perseverance and notwithstanding the eventual deficiencies in the bank's form, the Committee stated that the act of refusal by the bank which, according to the petitioner, would have been contrary to the provisions of the CERD Convention, was not accomplished. In the absence of the establishment of the existence of the facts giving rise to the complaint, the Committee concluded that the communication was inadmissible

⁵⁰ For example by virtue of clearly formulated policies that are accessible to the public, such as the quota rule in the Local Authority of Ishøj

the competence of the independent body – even if a concrete complaint has not been lodged by an aggrieved citizen or a witness.

Even though the Board for Ethnic Equality did not have success in convincing the Danish Parliament on the need for new civil legislation, including an independent complaints body, the Race Directive 43/2000/EU has the effect that Denmark on July 1, 2003, had to implement these changes into Danish legislation. The enforcement of the Race Directives prohibition against racial and ethnic discrimination in the housing area and other areas will primarily be the task of the Danish Courts. This enforcement, however, is going to be supplemented with the new Complaints Committee, which is a free of charge administrative body with the mandate to make assessments of whether the legislation has been violated or not. The Committee can make non-binding statements however the Committee has no possibility of imposing sanctions. If, the Complaints Committee considers the legislation to be violated, the Committee may decide to ask for free legal aid, so the victim can bring the case to court. The Complaints Committee is to consider cases in writing and must therefore refuse cases requiring evidence in the form of statements from the parties and witnesses. The Committee is located in the newly established Institute for Human Rights.

8.2 Data on new policies and legislation with respect to equal treatment and access to housing and to integration (of immigrants and minorities)

The number of ethnic minorities settled in Danish municipalities varies. Thus, the ethnic minority density is high in the Capital area including the municipalities of Ishøj, Brøndby, Karlebo, Tåstrup and Copenhagen: 700 per 10,000 residents, against 400-699:10,000 in Farum, Hvalsø, South Langeland, Herlev, Slagelse, Nakskov, Hvidovre, Frederiksværk, Århus, Odense, Helsingør, Greve, Køge, Ballerup, Nyborg, Ringsted, Rødovre, Roskilde, Holbæk, Frederiksberg and Rønne. In other municipalities with a small ethnic minority population the density is less than 400 immigrants per 10,000 residents. Due to the general ban of immigration since 1973, the group of newcomers shifted during the 80'ties to become - to a larger and larger degree - refugees. Until the mid-nineties the responsibility for the integration of the newly arrived refugees was the task of the NGO the Danish Refugee Council sponsored by the Danish State. This integration programme included assistance in connection to providing housing to the newly arrived refugees.

When the Act on integration of foreigners in Denmark was decided in 1998 the task of integration in general was transferred from the Danish Refugee Council to all municipalities of Denmark. One aim of the new Act was to create a more even geographical distribution of aliens in Denmark through a quota system involving all municipalities, which was to secure a form of "burden sharing" amongst the Danish municipalities. The provisions on allocation of housing to refugees set out in Chap. 3 of the Integration Act from 1998 were drafted on the basis of the actual rate of dispersal of refugees. The objective of this part of the Integration Act is therefore to ensure a more widespread dispersal of refugees and immigrants in Denmark. Each year, on the basis of the total number of newly arrived aliens, the Danish Immigration Service calculates the estimated number of refugees for whom accommodation is to be provided in the counties

and in the municipalities of Copenhagen (the City of Copenhagen) and Frederiksberg, cf. section 7 of the Integration Act. On the basis of the national quotas, the municipal councils of each county work out a joint plan for allocating the county quota among the municipalities cf. section 8 of the Integration Act. Under section 11 of the Integration Act, the Danish Immigration Service decides the allocation of the individual refugees. The decision is made on the basis of the agreed quotas, the refugees' personal circumstances and the conditions prevailing in the municipality which is to provide housing for the refugee. Section 11 of the Integration Act does not specify the weight to be attached to the various criteria in making this decision. Thus, there is no guarantee that the individual refugee's personal circumstances are not weighted considerably lower than the two other criteria.

With reference to continuity and coherence and in the interest of a successful integration process, section 18 of the Integration Act has to ensure that the individual refugee remains living in the same municipality for the whole three-year introduction programme period. Though a refugee may settle in another municipality if the refugee wishes to do so, in order to continue his or her introduction programme in the new municipality, the new municipality in question must accept to assume the responsibility for the introduction programme. If the new municipality denies assuming the responsibility for the introduction programme, this may have consequences for the refugee's access to introduction allowance and permanent residence permit⁵¹. This fact that refugees have to stay in a particular municipality within the three-year period has been discussed and can be seen as problematic because it affects the right to choose residence freely, which contravenes the international human rights conventions. The Danish Integration Act (section 32) describes how refugees may be sanctioned through certain cuts in their welfare rights (economically) if they move to another municipality without permission within the three-year period of the introduction programme.

On the background of a number of cases that have come to the knowledge of the Documentation and Advisory Centre on Racial Discrimination, some cases can be pointed out where the agreed quotas seem to be crucial to the Danish Immigration Service's decisions with regard to the housing of refugees. This involves a risk that the individual refugee's personal circumstances do not carry sufficient weight.

a) Iraqi widow in city A

The first of these cases, which took place in 2000, concerns an elderly Iraqi widow who had been allocated housing in a small municipality in city A, regardless of the fact that she is illiterate, and that her only connection in Denmark is her son, who lives in city I. In this case it would seem that the widow's family ties to persons resident in Denmark were not taken sufficiently into account when the Danish Immigration Service decided where she was to be housed.

⁵¹ However, the new municipality are under certain circumstances obliged to assume the responsibility for the continuation of the introduction programme, for instance if the refugee has been offered employment in the new municipality.

b) Iraqi economist settled in city B

The second case, which took place in 2001, involves a man who has been allocated housing in a small town in city B together with his family. He has a Master's degree in "Economic and Foreign Relations" and held a position as adviser to the Iraqi economic administration and professor at the university. In order to continue his studies at the University of city C or get a job that matches his professional qualifications, he submitted a request for City C municipal authority to take over responsibility for his introduction programme, so that he could move to city C. It should be mentioned that he has tried to find employment in city B, but without success. Also, he has relatives in city C and has found it very difficult to become integrated in city B, as he is housed at the same location as a group of fellow Iraqis who do not share his religious conviction as a follower of "modern Islam".

City C municipal authority refused the man's request that city C take over his introduction programme, on the grounds that his personal circumstances in respect of job, qualifications and family are not such that, according to section 18 of the Integration Act, the city C is obliged to take over the introduction programme.

c) A mentally ill man (Afghan - whose wife and children still live outside Denmark)

The man is severely affected by his illness. During the pre-asylum period he stayed most of the time with close friends from Afghanistan who live in city D and are the only people he knows in Denmark. Part of the time he was under treatment at a psychiatric hospital. In his original request for permanent housing, which was granted by the Danish Immigration Service, he asked to be housed in city D. Unfortunately, his friends had by then moved to city E, where he now spent a great deal of his time when he was not a patient at the psychiatric hospital in city F. He therefore submitted a request for re-housing in city E, a request that was strongly supported by the Head of the hospital's psychiatric department. Despite his request, the Danish Immigration Service allocated him to city G, because city E had already received its full quota of refugees for 1999.

City G asked city E to accept the man for re-housing in city E. This request was refused on the grounds that the distance between city G and E (30 km) is too short to warrant a move. The man is suicidal and completely unable to cope on his own. At the moment he is temporarily housed in city G since city G municipal authority hopes that city E will change its stance on the matter. In city G he is cared for by the city's social workers. They escort him to and from psychological treatment and assist him in doing his daily chores and errands because he is afraid to leave the house on his own. The psychologist has recommended that the man be housed with his friends, or at least very close to them, so that they can take care of him. After almost a year of negotiation between the two municipalities, the man has been allowed to move to the city E.

d) An elderly single woman (Kosova)

The woman is 64 years old and afflicted with physical conditions that make it difficult for her to manage on her own. She is also illiterate. Her daughter and her daughter's husband and children live in a city E. During the pre-asylum period she was attached to an asylum

centre, but lived most of the time with her daughter's family. Her grandchildren are eager supporters and helpers. The woman requested to be housed in city E where her daughter lives, and the asylum centre's nurse strongly recommended this because the woman was not even able to shop for food without assistance. Nevertheless, she was housed in city G. City G has approached city E on her behalf, and after long negotiations the woman has been allowed to move.

e) An elderly married couple (both about 64 years old)

Their son and his family live in a city H (about 30 km from city G). City H has received its full quota for this year, and the couple were therefore housed in city G. During the pre-asylum phase they lived with their son in city H. The couple cannot live without the assistance of their family and at the same time they feel they are not capable to follow the introduction program, manage the house etc. When their family is not there to help with the practical, emotional and social problems that arises. The couple is still living in city G.

In exceptional cases, e.g. where refugees have special connections in a certain municipality, they may be referred to a municipality which would not normally receive them, either because no quota has been agreed for the municipality in question, or because it has already received its full quota and thus cannot receive any additional refugees (a so-called "0-municipality"). Section 12(2) of the Executive Order on Housing Allocation (Boligbekendtgørelsen) exemplifies the category of refugees that may be referred to "0-municipalities": refugees that prior to obtaining a residence permit were placed in an institution or foster care in the municipality concerned or have close relatives who live in the municipality. In practice, this includes torture victims or strongly traumatised refugees, their spouses, children and parents or unaccompanied refugee children who are placed with the family with whom they were staying in the pre-asylum phase.

According to the examples cited above, siblings and parents to adult children are not regarded as close relatives. They therefore cannot be allocated housing in the same municipality if the municipality concerned is not obliged to receive refugees according to the agreed quota or has already received its full quota. Nor will it be possible to allocate a refugee in this category to one of the neighbouring municipalities if this too is classified as a 0- municipality. The same applies to so-called "social children". (As opposed to biological children i.e. an uncle taking care of his niece or nephew).

With reference to the practice described above and knowledge of other previously described cases in which close relatives were allocated to different municipalities, it is noted that personal circumstances do not always carry sufficient weight in the Danish Immigration Service's decisions on housing allocation.

In accordance with section 53 of the Integration Act, the decisions on housing allocation made by the Danish Immigration Service cannot be referred to another administrative authority. It is highly unusual that a decision from an administrative Danish body can not be appealed.

In a study conducted by Kofoed Rasmussen (2001)⁵² it was concluded that firstly, the practice is arbitrary when it comes to the weight given to personal conditions of the individual refugee. These are taken into consideration *when the quota allows it*. This has made a proper treatment of a case to a matter of time. In the beginning of a year considerations are taken to at great extent, while refugees given residence by the end of the year often will find that personal conditions are neglected, because quotas in the municipalities wanted or municipalities close to the wanted are full. In some cases it seems that UNHCR refugees receiving asylum in December has been used to fill unused quotas in small municipalities far from family and, in some cases, needed treatment. The section that makes breaking the quota system possible if particular conditions favour it is very seldom put into operation.

Secondly, the five conditions mentioned are treated one by one in a rigid manner marked by formalism. The overall situation of the refugee is seldom taken into consideration. As example a number of cases are seen where a refugee has family in one municipality and are in need of physical or psychological treatment. Residence in the municipality in question are not given on the ground that the family relation is not close enough, notwithstanding that need of treatment is stipulated in the law as well.

Thirdly, the decision of placement is communicated to the refugee together with granting of asylum. Therefore information about personal conditions is collected before asylum has been granted. For some asylum seekers this means that they feel themselves unsure and unclear about what personal information to communicate to the authorities and what not. Other refugees do not know Denmark at the time of the collection of the information and therefore do not know in which part of the country their specific needs can be fulfilled. This is especially true for UNHCR refugees, who do not enter Denmark before asylum and the simultaneous placement.

Fourthly, there are very few opportunities to have ones placement changed however unreasonable it may be. There is no administrative authority of appeal in decisions concerning placement. On very few occasions it has proved possible to make the Danish Immigration Service change a decision on ground of information given. But this opportunity is not made known to refugees in general and most applications are turned down anyway. The law stipulates movement between municipalities, but these rules are unclear and open for interpretation. The situation comes close to a scenario where municipalities only do accept refugees from other municipalities out of good will and humanity - which means not too often.

Finally, those refugees who neglect the placement imposed on them and take residence in another municipality are left in a very uncertain situation. The municipality can choose to pay less or to pay no maintenance at all. Furthermore refugees have to apply for permanent residence after the three--year programme. The permanent residence is conditioned by satisfactory participation in the integration programme - including daily language lessons and job practice. This participation will often be impossible when

⁵² Kofoed Rasmussen, L. (2001): Det første skridt I Danmark. Boligplacering af flygtninge efter integrationsloven. Nævnet for Etnisk Ligestilling.

movement without permission has taken place. There is no evidence of the treatment of application of permanent residence yet, since the law has only been in effect two years.

8.3 Data on other current strategies, initiatives and examples of good practices to support diversity in housing

8.3.1 The "Urban Committee"

In 1993 the Danish government appointed the "Urban Committee", a cross-ministerial committee, that was assigned the task of proposing solutions to social problems in certain neighbourhoods in the inner cities and suburban areas across the nation. The background for the appointment of the Urban Committee was a debate in the media about the distribution of refugees and immigrants among local authorities and on housing estates with social problems. In 1994 the Ministry of Social Affairs estimated that about 250,000 tenants, approx. 50,000 of whom were ethnic minorities, lived in poor neighbourhood/estates, defined by high unemployment rate, (low income, alcohol and drugs abuse, crime, integration problems with ethnic minorities, high moving rates, etc.). 72 local authorities (out of 276 in Denmark) selected about 186 particularly poor neighbourhoods. Half were situated in the metropolitan area and a fourth on Funen/Zealand and Jutland respectively.

The purpose of The Urban Committee measures has been to turn around the negative development and create a basis for a positive development process, including improved social conditions for the tenants. Realising that the problems are diverse and varied, the Urban Committee has presented a 30-point guide - a framework of the measures - from which the neighbourhoods could prepare specific applications for Urban Committee funds. This guide has provided a basis for the initiatives and activities that have taken place on housing estates between 1994-1997. Since the activities were started late in many neighbourhoods, the Urban Committee activities continued in 1998 after which a new 5-year period will begin⁵³.

8.3.2 Urban Regeneration Programme (kvarterløft)

To this point 12 urban renewal projects have been set up throughout Denmark. These projects entail a wide range of initiatives combining sector policies according to the specific objectives of the project. This programme not only aims at improving physical conditions, but also to improve the social, cultural and employment related conditions in the local area. 1.2 billion DKK has been allocated to Urban Regeneration schemes. Of this amount 827 million has been used on traditional construction renovation and 376 million used on process, test projects, information and other initiatives contributing to a comprehensive and integrated approach.

⁵³ Munk (1999).

Though Urban Regeneration is a diversified action on aspects such as: architecture and physical refurbishments, urban culture, ecology, social conditions, employment and democracy the relevant question is whether the above policies and developments are to be regarded as initiatives aiming to prevent discrimination in the housing sector or whether they can only be regarded as projects bettering the housing standard thereby preventing ghettoization. It is therefore interesting whether confronting issues of discrimination in order to improve ethnic minorities' real choices on housing and accommodation will also be a focus of these kind of projects in the future.

8.3.3 Asylum seekers – Accommodations centres

Asylum seekers residing in Denmark are generally housed at an accommodation centre during the examination of their case. It is the responsibility of the Danish Immigration Service to provide for this housing: a task which is undertaken in cooperation with several groups charged with the day-to-day operation of accommodation centres.

The Danish Red Cross operates and administers most accommodation centres in Denmark. The Danish Emergency Management Center on the island of Funen runs a number of centres, while Hanstholm municipality is responsible for one centre.

The estimated number of asylum seekers to be housed in accommodation centres in 2003 is illustrated in the table below:

Distribution of accommodation for 2003

Total number of accommodated asylum seekers	7.529
Danish Red Cross	6.460
Danish Emergency Management Service	922
Hanstholm municipality	147

As of 15 December 2002, a total of 46 accommodation centres were in service around the country.

One can question whether "housing" asylum seekers in asylum centres with the limitations on a person's freedom and interaction with society that this entails is an appropriate way to prepare a person for an integration process or whether this results in a kind of unconstructive pacifying with potential negative affects for integration.

8.4 Data on successful court cases

The number of court cases in this area is very limited.

The most successful court case and also the landmark decision in the area of discrimination in housing is the so-called "Ishøj case" from 1991⁵⁴. This decision has already been described in section 8.1.

In connection to discrimination in relation to the rental of holiday houses two court cases from 1975⁵⁵ were successful in connection to the abolishment of requirements that the landlord was restricted to rent out only to Danish citizens.

The case mentioned in section 7. 3.1.1, was never taken to court, because the violator accepted a fine from the police.

⁵⁴ UfR. 1991.358 Ø

⁵⁵ UfR 1975.438 VLR and UfR 1975.705

9. SUMMARY AND CONCLUSIONS

9.1. Conclusion on Governmental policy

Since the introduction of the Act on Integration in 1998/99 there has been general agreement in Danish politics on the objectives of central government on housing and accommodation policies for newly arrived refugees. The general ethos is one of "even distribution". Research in the effects of this policy has shown that, in practice, the weight given to personal conditions of the individual refugee is arbitrary. They are only taken into account *when the quota allows it*.

When personal conditions are considered, they are assessed one by one in a rigid manner marked by formalism. The overall situation of the refugee is seldom taken into consideration. For example, a number of cases are seen where a refugee has family in one municipality and is in need of physical or psychological treatment provided in another. The decision of placement is communicated to the refugee together with granting of asylum. Therefore information about personal conditions is collected before asylum has been granted. For some asylum seekers this means that they feel themselves unsure and unclear about what personal information to communicate to the authorities and what not. Other refugees do not know Denmark at the time of the collection of the information and therefore do not know in which part of the country their specific needs can be fulfilled. This is especially true for UNHCR refugees, who do not enter Denmark before asylum and the simultaneous placement.

After placement there are very few opportunities in the first three years of the integration period to have ones placement changed however unreasonable it may be. There is no administrative authority of appeal in decisions concerning placement. On very few occasions it has proved possible to make the Danish Immigration Service change a decision on ground of information given. But this opportunity is not made known to refugees in general and most applications are turned down anyway.

Finally, those refugees who neglect the placement imposed on them and take residence in another municipality are left in a very uncertain situation. The municipality can choose to pay less or no maintenance at all in order to force them to live in the other municipality in which they were placed.

This policy towards newly arrived refugees may include policies directed at resident ethnic minorities in general. When it comes to the issue of a so-called "even distribution" of ethnic minorities, the so-called Ishoj case is the landmark decision that has prevented local municipalities and other authorities from introducing quota systems etc. It seems, however, to be a general pattern the central authorities as well as some local authorities still focus on "dispersal policies" one way or the other. It is of course possible to pin point some positive elements of such a policy:

It facilitates integration through contact - language, culture and jobs (both adults and children)in schools and housing areas. It provides accommodation of a sufficient standard

and it secures the sharing of the social and economic burden between municipalities in Denmark.

On the other hand a more or less forced distribution is inconsistent with the general allocation procedure and consequently people are not treated on an equal footing as other members in society.

It also works against the logic of networks – family, friends, ethnic denominators, and it underlines that people of colour are equated with “problems” instead of benefits for society. This is indeed the case when politicians start to discuss: “How many can we receive of them”. The US and THEM discussion is kind of a numbers game, and often resorts in a negative rhetoric on the presence of ethnic minorities.

9. 2) Conclusion on “segregation”

Why segregation: the common view is generally that “they want to live with their own” – researchers suggest that this is not incorrect, however, other factors also play a significant part to why there are a relatively larger amount of Third country nationals in some municipalities and housing areas. These are:

Over the last 10 years political initiatives have clearly regarded a high population of Third country immigrants in housing areas as something negative. A high density is regarded as an expression of ghetto formation, segregation and, therefore, a hindrance to integration. Therefore, the aim has been to find ways of “spreading” Third country immigrants more evenly across the country. Researchers are though more hesitant in seeing the “segregation-phenomenon” as something purely negative. Researchers point out that firstly, there is no research proving that it should be purely negative, and secondly, that a row of positive factors can actually emerge – e.g. different kinds of social network. Moreover, there is no research available on whether negative effects of growing up in these housing areas are caused by ‘ethnicity’ or socially/economically factors.

9. 3) Conclusion on nature and extent of racism and discrimination

This report is trying to answer the question - amongst others - of whether racism and discrimination can be identified in the housing and accommodation sector?

By drawing on documented cases and classifying them using Feagin and Eckberg’s discrimination typology it is possible to begin to identify the nature and to some degree the extent of racism and discrimination in the contemporary housing and accommodation sector in Denmark.

Example shows that direct isolated discrimination occurs in Denmark, however, the question is whether this is the tip of the iceberg or just one isolated incident. It is interesting to notice, that the racist remarks etc. were not expressed openly to the person originating from Ethiopia but rather to a person working in a housing association responsible for the relocation of that person. The police investigation and the following

fine were only possible because a native born Danish person filled the complaint and testified about the racist incident. If this person had not taken action, however, the Ethiopian tenant would never have been able to bring a case. In other words, direct discrimination takes place, but the victim will never learn about it unless other people inform about the real reason behind the negative decision in relation to housing, work or any other area of life.

Hidden direct discrimination is a major problem in relation to the burden of proof in criminal cases. However, with the introduction of the new civil Act on ethnic equality, it will become easier for the victim to prove "hidden direct discrimination".

In connection to direct discrimination in relation to smaller groups, evidence exists to suggest that individuals can experience being for example "bullied", "teased", "not respected", "harassed", in the housing area. The example above is one out of the larger numbers of reported incidents of vandalism, threats, violence and other forms of harassment that ethnic minorities have experienced in the areas where they live, i.e. from neighbours in a housing associations etc.

This conclusion may be underlined by a study mapping out a great number of different forms of harassment in a specific housing area. Hahnemann asked families in this housing area if they had suffered or witnessed racist motivated attacks in their neighbourhood. The interviewed families reported a number of incidents like swastikas on their doors, burning cross, threats, spitting, racist graffiti etc. What is interest here however, is the fact that a great number of incidents are never reported to the police, and consequently never ends up in the collection of data done by the Danish Security Intelligence Service (PET).

These incidents may be pushing them out of areas with few ethnic minorities and back to areas with larger numbers of minorities. Indeed some individuals have also remarked that it is the general negative atmosphere in society towards ethnic minorities that contributes to their decision to stay in a housing area with many other ethnic minorities⁵⁶. These tendencies may facilitate the establishment of "ghettoes" in certain housing areas where ethnic minorities may feel more secure to live.

In connection to indirect discrimination a language standard that applies to all applicants is naturally neutral in its application; however, it will undoubtedly hit non-native speakers more frequently than native speakers. Whether this is discrimination can be discussed, but if the standard is disproportional to the nature of living in a housing association, cooperative housing society etc, it can be classified as discriminatory, falling into category 5, in some cases moving towards a more direct discrimination as defined in category 4, if the standard has been set deliberately too high. This is exactly the case mentioned above from Aarhus (section 7.3.1.4). In contrast to this example, is the rule that only allows a maximum of two persons per living room in rental accommodation, which is a category 5 form of discrimination.

⁵⁶ DR1 (2003), TV-Documentary: For klog for Danmark

The scope and extent of these more sophisticated forms of discriminations is very difficult to assess. This, however, does not prove that discrimination is not taking place. It seems more likely, that the landmark decision in the Ishoj case (See 7. 3.1.2b and section 8.1.1) has forced housing associations, municipalities and others wanting to practice a policy of dispersal, to use indirect barriers as "language" and "maximum numbers of tenants" as alternative forms of regulation. The effect of this policy is, however, the same as direct discrimination; ethnic minorities do not get the apartment/housing that they would otherwise be entitled to if they were treated on an equal footing with the majority population.

9. 4 Conclusion; The right to seek redress in connection with discrimination in the housing area

The anti-discrimination legislation until 2002 has been of a criminal law nature and thus difficult to use for the victims of racial discrimination amongst other in the housing area.

From July 1, 2003, however, civil law has now been enacted in order to implement the EU Race-Directive. This is a major step forwards, as the criminal law solely depends on whether the public prosecution decides to take action or not. The enforcement of the Race Directives prohibition against racial and ethnic discrimination in the housing area and other areas will primarily be the task of the Danish Courts, because the victim can decide whether to bring a law suit or not.

This enforcement, however, is going to be supplemented with the new Complaints Committee, which is a free of charge administrative body with the mandate to make assessments of whether the legislation has been violated or not. The Committee can make non-binding statements however the Committee has no possibility of imposing sanctions. If, the Complaints Committee considers the legislation to be violated, the Committee may decide to ask for free legal aid, so the victim can bring the case to court. The Complaints Committee is to consider cases in writing and that must therefore refuse cases requiring evidence in the form of statements from the parties and witnesses. The Committee is located in the newly established Institute for Human Rights.

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Annex 1 – Population statistics

Table 1.1 – Amount of immigrants and descendants in Denmark according to citizenship status 1.1.03

	Total	Immigrants	Descendants	Other
Foreign citizens	265,424	221,850	35,859	7,715
Foreign citizens not born in Denmark	224,736	221,850	-	2,886
Danish citizens	220,595	109,656	63,324	47,615
Danish citizens not born in Denmark	157,271	109,656	-	47,615
Total with a foreign background	486,019	331,506	99,183	55,330
Amount people with foreign background not born in Denmark	382,007	331,506	-	50,501

Source: Danmarks Statistik 2003:5

Note: Other represents the amount of people born to parents, where one has Danish and the other foreign citizenship. Commonly known as children of “mixed marriages”.

Table 1.2 – Number of immigrants and descendants in Denmark according to country of origin as a per cent of the whole population 1980-2002 (900=9%)

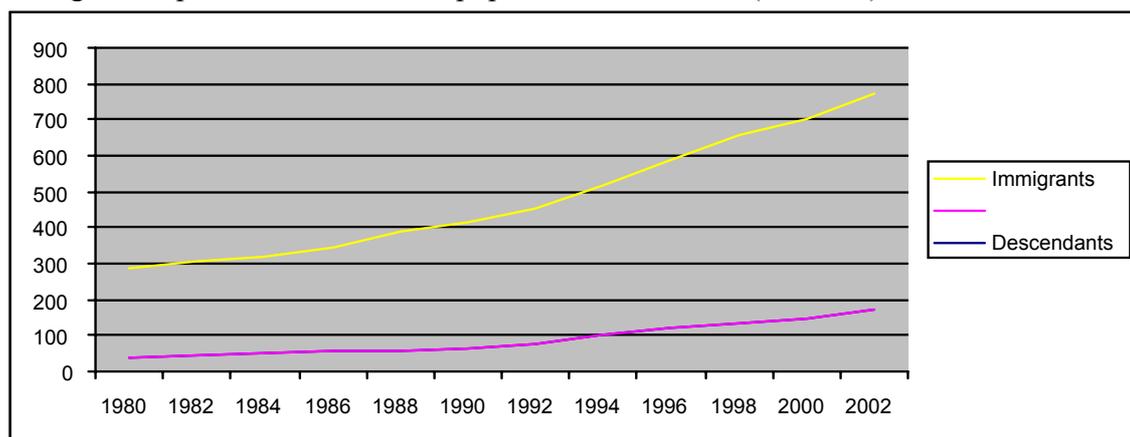


Table 1.3– Immigrants and descendants 1st January 1993–2003 according to country of origin

Oprindelsesland	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
I alt	253 372	266 069	278 459	308 723	330 292	347 033	363 422	378 162	395 947	415 331	430 689
EU-lande	64 520	65 726	67 319	68 531	70 428	72 090	73 619	73 868	74 254	74 672	74 775
Finland	3 793	3 789	3 922	3 916	3 916	3 907	3 889	3 915	3 843	3 827	3 812
Frankrig	2 662	2 700	2 829	2 939	3 126	3 344	3 586	3 607	3 679	3 606	3 600
Holland	2 778	3 028	3 346	3 715	3 987	4 262	4 500	4 685	4 955	5 185	5 355
Italien	2 332	2 418	2 521	2 645	2 796	2 916	2 961	3 003	3 110	3 198	3 236
Spanien	1 468	1 586	1 703	1 764	1 921	1 997	2 132	2 141	2 221	2 377	2 497
Storbritannien	9 958	10 384	10 834	11 030	11 377	11 591	11 750	11 608	11 670	11 798	11 776
Sverige	13 594	13 629	13 594	13 659	13 859	14 230	14 494	14 604	14 568	14 455	14 297
Tyskland	23 658	23 869	24 154	24 333	24 795	25 038	25 382	25 448	25 319	25 289	25 213
EU-lande i øvrigt	4 277	4 323	4 416	4 530	4 651	4 805	4 925	4 857	4 889	4 937	4 989
Øvrige Europa	84 765	88 016	91 321	112 181	121 617	127 233	131 737	136 238	141 195	146 410	150 904
Bosnien-Hercegovina	25	69	119	15 714	17 740	19 130	19 480	19 727	19 987	20 328	20 618
Island	3 310	3 476	4 007	5 091	5 883	6 113	6 094	6 011	6 082	6 206	6 764
Jugoslavien (ex.)	12 450	12 776	13 006	14 029	16 367	16 612	16 963	17 176	17 420	17 602	17 696
Jugoslavien, Forb.rep.	-	-	-	-	59	96	216	570	1 077	1 718	2 097
Litauen	93	139	184	249	394	588	764	926	1 274	1 554	1 707
Makedonien	-	9	142	410	622	914	1 232	1 646	1 941	2 217	2 454
Norge	13 223	13 237	13 447	13 605	13 929	14 177	14 405	14 647	14 915	14 999	15 241
Polen	10 798	11 079	11 263	11 464	11 694	11 888	12 106	12 290	12 385	12 624	12 805
Rumænien	1 286	1 372	1 453	1 532	1 622	1 714	1 794	1 934	2 067	2 223	2 381
Rusland	238	532	765	932	1 224	1 413	1 603	1 959	2 300	2 722	3 009
Sovjetunionen (ex.)	2 071	2 028	1 983	1 918	1 868	1 816	1 775	1 731	1 684	1 625	1 580
Tyrkiet	36 256	37 901	39 222	40 936	43 087	45 008	46 994	48 773	50 470	52 159	53 465
Ukraine	70	121	180	258	323	414	569	719	948	1 253	1 521
Øngarn	1 582	1 596	1 628	1 613	1 675	1 630	1 631	1 673	1 637	1 653	1 635
Øvrige Europa i øvrigt	3 363	3 681	3 922	4 430	5 130	5 720	6 111	6 456	7 008	7 527	7 931
Afrika	15 511	17 939	20 430	23 200	27 308	30 665	33 350	35 895	38 448	40 783	42 386
Egypten	1 376	1 434	1 454	1 480	1 531	1 597	1 621	1 641	1 682	1 733	1 798
Marokko	5 464	5 685	5 955	6 230	6 645	6 983	7 422	7 813	8 104	8 404	8 644
Somalia	2 237	3 789	5 280	7 091	9 885	12 113	13 535	14 856	16 209	17 299	17 849
Afrika i øvrigt	6 434	7 031	7 741	8 399	9 247	9 972	10 772	11 585	12 453	13 347	14 095
Nordamerika	7 312	7 465	7 519	7 732	7 756	7 862	7 945	8 047	8 012	8 085	8 205
Canada	1 584	1 559	1 619	1 654	1 674	1 703	1 752	1 774	1 786	1 796	1 854
USA	5 728	5 906	5 900	6 078	6 082	6 159	6 193	6 273	6 226	6 289	6 351
Syd- og Mellemamerika	4 950	5 107	5 257	5 379	5 617	5 892	6 202	6 509	6 853	7 187	7 567
Asien	74 006	79 449	84 147	89 183	95 001	100 730	107 883	114 659	123 850	134 530	142 552
Afghanistan	768	957	1 183	1 470	1 841	2 195	2 664	3 275	4 834	7 901	9 360
Filippinerne	2 674	2 848	3 008	3 135	3 366	3 592	3 745	3 935	4 120	4 323	4 508
Indien	2 478	2 581	2 634	2 715	2 789	2 881	3 001	3 157	3 283	3 397	3 515
Irak	4 570	5 585	6 415	7 521	8 816	10 327	12 751	14 902	18 097	21 555	24 025
Iran	10 525	10 908	11 157	11 358	11 874	12 264	12 712	12 980	13 391	13 625	13 945
Israel	1 130	1 203	1 227	1 266	1 303	1 273	1 318	1 339	1 392	1 451	1 458
Jordan	1 228	1 279	1 322	1 351	1 412	1 487	1 565	1 638	1 687	1 748	1 799
Kina	2 053	2 217	2 359	2 517	2 738	2 958	3 235	3 610	4 040	4 550	5 457
Kuwait	335	424	495	572	651	776	947	1 083	1 217	1 381	1 486
Libanon	13 074	14 205	15 110	15 957	16 857	17 634	18 368	19 011	19 839	20 566	21 202
Pakistan	13 806	14 237	14 692	15 229	15 827	16 353	16 969	17 509	18 143	18 623	19 049
Sri Lanka	6 131	6 620	7 162	7 804	8 301	8 790	9 189	9 515	9 788	9 997	10 168
Syrien	1 176	1 342	1 493	1 648	1 782	1 916	2 109	2 284	2 463	2 646	2 813
Thailand	2 444	2 703	3 015	3 296	3 615	3 986	4 398	4 884	5 403	5 985	6 394
Vietnam	8 213	8 758	9 155	9 428	9 854	10 242	10 652	11 051	11 466	11 834	12 164
Asien i øvrigt	3 401	3 582	3 720	3 916	3 975	4 056	4 260	4 486	4 687	4 948	5 209
Oceanien	1 031	1 066	1 138	1 189	1 217	1 213	1 300	1 384	1 443	1 485	1 583
Statsløse	587	596	564	547	569	549	533	493	476	477	441
Uoplyst	690	705	764	781	779	799	853	1 069	1 416	1 702	2 276

Table 1.4– Immigrants and descendants 1st January 2003 according to age and country of origin

Oprindelsesland	0-4 år	5-9 år	10-14 år	15-19 år	20-24 år	25-29 år	30-34 år	35-39 år	40-49 år	50-59 år	60 år og dero.	I alt
I alt	34 314	33 655	30 799	27 836	35 964	40 357	41 822	41 221	61 838	40 913	41 970	430 689
EU-lande	1 804	1 666	1 555	1 649	4 396	5 413	6 546	7 498	12 847	13 999	17 402	74 775
Finland	76	58	60	68	185	310	230	319	555	724	1 227	3 812
Frankrig	86	63	75	89	445	442	470	404	585	470	471	3 600
Holland	393	375	292	219	253	361	638	678	974	583	589	5 355
Italien	47	48	60	64	308	376	398	407	599	477	452	3 236
Spanien	40	24	24	22	489	486	269	224	315	328	276	2 497
Storbritannien	308	294	261	223	415	721	1 300	1 548	2 569	2 301	1 836	11 776
Sverige	268	232	226	251	874	1 132	1 036	1 066	2 284	3 699	3 229	14 297
Tyskland	485	482	492	603	1 045	1 151	1 668	2 321	4 022	4 530	8 414	25 213
EU-lande i øvrigt	101	90	65	110	382	434	537	531	944	887	908	4 989
Øvrige Europa	10 392	11 269	11 875	10 627	15 554	16 120	14 238	12 853	20 407	13 842	13 727	150 904
Bosnien-Hercegovina	1 325	1 572	1 756	1 820	1 658	1 461	1 572	1 920	3 773	1 822	1 939	20 618
Island	509	515	433	319	738	926	735	610	948	630	401	6 764
Jugoslavien (ex.)	1 322	1 395	1 602	1 272	1 375	1 541	1 800	1 674	2 376	1 881	1 458	17 696
Jugoslavien, Forb.rep.	321	262	220	162	179	229	219	186	187	74	58	2 097
Litauen	50	42	31	112	621	482	198	57	73	16	25	1 707
Makedonien	383	267	151	134	276	382	264	193	196	133	75	2 454
Norge	199	220	272	288	1 516	1 621	1 166	1 075	2 455	2 614	3 815	15 241
Polen	346	499	672	730	1 258	1 176	913	922	2 512	2 123	1 654	12 805
Rumænen	119	105	113	127	300	384	296	178	381	215	163	2 381
Rusland	142	171	235	246	330	410	404	386	469	132	84	3 009
Sovjetunionen (ex.)	27	49	49	63	65	71	117	151	275	224	489	1 580
Tyrkiet	5 221	5 758	5 882	4 832	5 611	5 827	5 420	4 602	5 383	2 846	2 083	53 465
Ukraine	59	67	71	90	426	320	162	106	146	40	34	1 521
Ungarn	14	18	35	42	149	147	118	119	242	227	524	1 635
Øvrige Europa i øvrigt	355	329	353	390	1 052	1 143	854	674	991	865	925	7 931
Afrika	6 307	4 735	3 527	3 079	2 921	3 886	5 167	4 304	4 896	2 217	1 347	42 386
Egypten	130	117	106	98	109	138	142	151	335	326	146	1 798
Marokko	1 056	914	783	606	712	850	808	858	1 060	572	425	8 644
Somalia	3 910	2 616	1 624	1 399	1 135	1 374	2 395	1 522	1 227	341	306	17 849
Afrika i øvrigt	1 211	1 088	1 014	976	965	1 524	1 822	1 773	2 274	978	470	14 095
Nordamerika	192	152	159	305	868	600	729	767	1 540	1 132	1 761	8 205
Canada	39	33	45	88	163	159	162	173	367	183	442	1 854
USA	153	119	114	217	705	441	567	594	1 173	949	1 319	6 351
Syd- og Mellemamerika	269	252	269	464	577	928	987	862	1 284	913	762	7 567
Asien	15 144	15 252	13 186	11 395	11 279	12 938	13 608	14 444	20 273	8 466	6 567	142 552
Afghanistan	1 037	1 325	1 519	1 094	600	800	797	751	879	313	245	9 360
Filippinerne	219	236	205	205	332	428	547	649	981	470	236	4 508
Indien	280	190	201	181	281	434	328	289	450	472	409	3 515
Irak	3 175	2 925	2 588	2 029	1 404	1 941	2 488	2 399	3 394	1 041	641	24 025
Iran	915	932	897	1 068	1 016	835	998	1 895	3 750	839	800	13 945
Israel	79	69	39	32	69	160	201	182	256	188	183	1 458
Jordan	197	178	180	170	182	196	163	126	166	166	75	1 799
Kina	338	257	269	484	758	649	639	583	810	268	402	5 457
Kuwait	288	215	147	120	104	145	171	157	126	12	1	1 486
Libanon	3 151	3 622	2 672	1 809	1 538	1 444	1 849	2 078	1 993	593	453	21 202
Pakistan	1 794	1 752	1 788	1 672	2 149	2 450	1 656	1 294	1 816	1 769	909	19 049
Sri Lanka	1 236	1 303	875	760	658	670	826	1 289	1 602	558	391	10 168
Syrien	513	503	293	219	199	236	206	227	245	101	71	2 813
Thailand	213	285	403	437	524	691	908	1 016	1 341	425	151	6 394
Vietnam	1 305	1 176	896	823	1 080	1 283	1 270	1 056	1 759	630	886	12 164
Asien i øvrigt	404	284	214	292	385	576	561	453	705	621	714	5 209
Oceanien	32	32	20	110	163	243	264	196	245	155	123	1 583
Statsløse	38	55	24	34	50	58	37	22	39	22	62	441
Uoplyst	136	242	184	173	156	171	246	275	307	167	219	2 276

Table 1.5 – Immigrants and descendants 1st January 2003 according to country of origin and citizenship

Oprindelsesland	Statsborgerskab									I alt
	Danmark	EU-lande	Øvrige Europa	Afrika	Nordamerika	Syd- og Mellemamerika	Asien	Oceanien	Statsløse og uoplyst	
I alt	172 980	51 692	100 954	24 428	6 133	3 958	64 963	1 284	4 297	430 689
EU-lande	27 496	46 233	562	40	167	18	203	38	18	74 775
Finland	1 774	2 018	13	1	3	-	3	-	-	3 812
Frankrig	820	2 726	30	11	8	2	1	1	1	3 600
Holland	845	4 471	24	3	4	-	5	3	-	5 355
Italien	558	2 639	22	1	7	1	2	1	5	3 236
Spanien	558	1 916	6	2	3	7	4	1	-	2 497
Storbritannien	2 521	8 972	65	8	46	4	136	22	2	11 776
Sverige	5 610	8 490	155	1	27	-	11	-	3	14 297
Tyskland	13 100	11 813	186	7	58	2	34	7	6	25 213
EU-lande i øvrigt	1 710	3 188	61	6	11	2	7	3	1	4 989
Øvrige Europa	49 866	956	99 565	23	106	12	285	14	77	150 904
Bosnien-Hercegovina	3 301	47	17 263	-	1	-	4	2	-	20 618
Island	636	13	6 108	-	6	-	-	1	-	6 764
Jugoslavien (ex.)	6 389	62	11 235	1	3	-	3	2	1	17 696
Jugoslavien, Forb.rep.	32	3	2 058	-	1	-	-	-	3	2 097
Litauen	84	11	1 607	2	-	-	2	-	1	1 707
Makedonien	654	5	1 787	-	8	-	-	-	-	2 454
Norge	4 238	126	10 835	3	21	6	10	1	1	15 241
Polen	6 902	175	5 638	3	13	1	40	1	32	12 805
Rumænien	1 051	39	1 256	-	5	2	27	-	1	2 381
Rusland	309	31	2 594	1	8	1	52	1	12	3 009
Sovjetunionen (ex.)	1 153	25	364	-	6	-	27	-	5	1 580
Tyrkiet	21 417	148	31 832	7	3	-	53	1	4	53 465
Ukraine	174	7	1 304	-	5	-	29	1	1	1 521
Ungarn	1 162	38	425	-	7	-	1	2	-	1 635
Øvrige Europa i øvrigt	2 364	226	5 259	6	19	2	37	2	16	7 931
Afrika	17 062	744	90	24 258	30	1	110	10	81	42 386
Egypten	1 170	34	10	544	2	-	16	1	21	1 798
Marokko	5 436	98	10	3 049	3	-	44	-	4	8 644
Somalia	4 583	51	13	13 194	7	-	1	-	-	17 849
Afrika i øvrigt	5 873	561	57	7 471	18	1	49	9	56	14 095
Nordamerika	2 336	217	86	1	5 540	6	7	11	1	8 205
Canada	686	88	18	1	1 057	-	1	3	-	1 854
USA	1 650	129	68	-	4 483	6	6	8	1	6 351
Syd- og Mellemamerika	3 193	319	57	2	63	3 908	21	1	3	7 567
Asien	70 777	3 042	432	77	221	10	64 167	43	3 783	142 552
Afghanistan	1 263	3	4	-	1	-	8 089	-	-	9 360
Filippinerne	2 178	47	9	-	14	-	2 255	4	1	4 508
Indien	1 935	196	18	2	17	1	1 341	4	1	3 515
Irak	7 038	40	46	1	6	-	16 867	2	25	24 025
Iran	9 100	69	35	1	18	-	4 719	3	-	13 945
Israel	715	34	2	2	12	-	577	-	116	1 458
Jordan	1 167	2	2	2	4	-	607	-	15	1 799
Kina	1 534	95	9	2	27	2	3 775	8	5	5 457
Kuwait	614	14	5	-	1	-	813	-	39	1 486
Libanon	15 767	168	33	8	18	3	2 103	5	3 097	21 202
Pakistan	10 073	2 049	138	-	14	1	6 774	-	-	19 049
Sri Lanka	6 438	35	18	-	5	-	3 668	3	1	10 168
Syrien	1 840	20	15	8	8	1	679	-	242	2 813
Thailand	1 226	39	21	-	7	-	5 098	2	1	6 394
Vietnam	7 625	73	24	1	27	-	4 393	2	19	12 164
Asien i øvrigt	2 264	158	53	50	42	2	2 409	10	221	5 209
Oceanien	239	157	10	-	5	-	5	1 167	-	1 583
Statsløse	214	-	-	-	-	-	16	-	211	441
Uoplyst	1 797	24	152	27	1	3	149	-	123	2 276

Annex 2 – An overview of Danish Integration, Immigration and Discrimination Policy

An overview of Danish Integration, Immigration and Discrimination Policy

The overview of the Danish integration, immigration, and discrimination policy concerns the period from 1 January 2003 to 1 August 2003.

During 2002 the Danish Government launched a number of initiatives in the field of integration and immigration. The focal point for the initiatives was to ensure access to working and social life as the main integration strategy. The policies were presented in January 2002 under the headline *A new Policy for Foreigners* and in March 2002 under the headline *Towards a new integration policy*.

The policy and legislative initiatives put forward from 1 January 2003 to 1 September 2003 should, partly, be seen as follow-up measures to the main policy papers from 2002, and partly as responses to specific needs and issues that have been raised in Parliament and the media during the period.

Moreover, the obligation to implement the EU Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin⁵⁷, and the EU Directive on establishing a general Framework for equal treatment in employment and occupation⁵⁸, has led to the passing of Bills and adoption of an Act during the period covered by this report. Said legislative measures have given rise to major discussions in Parliament, but have not been supplemented by policy statements or plans of action.

The central policy paper for the current period is *The Government's Vision and Strategies for Improved Integration* from June 2003, creating a new policy agenda. According to this policy paper, "integration efforts must be improved and the link between immigration policy and integration policy must be enhanced". Also, the importance of improving "the fundamental values of society, including freedom, obligations, rights and equality for everyone regardless of sex, colour and belief" is stressed in the introduction to the report. The report presents 114 concrete initiatives, some of which will later be formulated and proposed as Bills and others as Administrative Orders.

Another policy paper was launched by the Government on 27 August under the title *Vækst, Velfærd, Fornyelse II* (Growth, Welfare and Renewal).⁵⁹ The policy paper stresses, among other things, the need for better integration and points at self-maintenance and individual responsibility as key factors in the process.

The central ministries for the policy papers appearing in this report are the Ministry of Refugee, Immigration and Integration Affairs⁶⁰, the Ministry of Social Affairs⁶¹ and to some extent the Ministry of Employment⁶², and the Ministry of Justice⁶³. But as

⁵⁷ 2000/43/EC.

⁵⁸ 2000/78/EC.

⁵⁹ Available

on <http://www.stm.dk/imageUpload/dokument/Regeringsgrundlag%20II.pdf> (29.08.03), In Danish only.

⁶⁰ Minister of Refugee, Immigration and Integration Affairs: Bertel Haarder (The Liberals)

⁶¹ Minister of Social affairs and equality: Henriette Kjaer (Conservative People's Party)

⁶² Minister of Employment: Claus Hjort Frederiksen (The Liberals)

mentioned above Integration and Immigration issues are given a high priority on the Government's agenda and the policy papers are often presented as the Government's action plans.

Immigration policy

The Government has not done major changes on the immigration policies in 2003, but has reiterated the goals of a new Policy for Foreigners from 2002 in the report the Government's Vision and Strategies for Improved Integration – Status 2003.⁶⁴

In the introduction, the report elaborates on the key strategies, encompassing a consequent and fair immigration policy, which enjoys the support and understanding of the Danish citizens and, thereby, provides for the basis of a successful integration of foreigners. As a second element, the limitation in the number of foreigners coming to Denmark is mentioned. This is achieved by measures ensuring an effective procedure for persons being expelled from the country – and the ability to apply force in such situations. Moreover, the Government stresses that foreigners should qualify for or make special efforts to deserve Danish citizenship. These strategies should be implemented with due respect to the international obligations of the Country, including especially The European Convention of Human Rights and the UN Convention on Refugees.

The key strategy on restricting the number of foreigners in Denmark has resulted in a decreasing number of persons applying for asylum in Denmark.⁶⁵ Thus, the number of applicants has fallen from 12,512 in 2001, to 6,068 in 2002 and to 2,185 in the first and second quarter of 2003.

The number of persons granted refugee status is 1,243 in the first half-year of 2003, compared to 4,069 in 2002 and 6,263 in 2001.

During the first 6 months of 2003, 2,607 persons out of 3,129 have been granted family reunification. The decrease in the number of reunited families is significant compared to 2001 and 2002, where 13,187 and 12,040 applications, respectively, were accepted.

The number of unaccompanied children applying for asylum in Denmark is probably unchanged as the current number for 2003 is 70 compared to 137 in 2002.

Immigration legislation

As a consequence of the key strategies in the Government's policy for foreigners, amendments have been adopted to the Alien Act in the spring of 2003.

Ministry of Refugee, Immigration and Integration Affairs

*Act on unaccompanied children seeking asylum*⁶⁶

The act on unaccompanied children was adopted as an amendment to the Alien Act and the Integration Act and codifies the practice of the Danish Immigration Service.⁶⁷

⁶³ Minister of Justice: Lene Espersen (Conservative People's Party)

⁶⁴ Regeringen (2003) Ministergruppen om bedre integration "Regeringens vision og strategier for bedre integration", available at: http://www.inm.dk/publikationer/engelske_publicationer/integration_policy/index.htm (04.08.2003)

⁶⁵ Danish Immigration Service, Statistical Overview, www.udlst.dk/english/statistics/default.htm (16.08.2003)

⁶⁶ Denmark, Act No. 60 (29.01.2003), now Consolidated Act No. 316 (28.04.2003).

Unaccompanied children will only be permitted to go through an asylum case examination if they are mature enough to do so. If the Danish Immigration Service assesses that a child is not sufficiently mature, the child will be granted a residence permit without examination of his or her asylum application. Children below the age of 12 and some between the age of 12 and 15 are normally considered not to possess maturity enough to go through an examination of his or her asylum application.

An unaccompanied child who is considered to be sufficiently mature to have his or her application examined will have the application examined by the Immigration Service. If a rejection is delivered, the child may, in certain cases, receive a residence permit anyway. This may be the result, for example, if the child would have inordinate difficulty surviving in his or her country of origin due to the lack of an adequate support network in the form of family, other adults, public assistance, etc. Information on the child's health and need for particular care or support will also be taken into consideration. Finally, the general situation in the child's country of origin, as for example, conditions of war, will be taken into account.

Furthermore, the amendment introduces the appointment of a personal representative to observe and secure the child's interests, for all unaccompanied children registered as asylum seekers. If an unaccompanied child receives a residence permit, a person (typically the representative) will be given temporary custody of the child in accordance with relevant legislation. If a child's asylum case is decided according to the manifestly unfounded procedure, the Danish Immigration Service will appoint an attorney to represent the child. With the consent of the child or the consent of the representative, the Danish Immigration Service will launch an investigation of the child's parents.

Act on tightening the measures of expulsion etc. ⁶⁸

The Act tightens the sanctions and the procedure to encourage the departure of the rejected applicant. A final rejection means that an applicant does not have any more avenues available to appeal the decision. Rejections delivered by the Refugee Board or by the Immigration Service in so-called 'manifestly unfounded' cases are regarded as final. If a rejected asylum seeker will not leave Denmark voluntarily, it is the responsibility of the police to ensure the applicant's departure.

When an applicant receives a final rejection of asylum in Denmark, he or she must leave the country immediately, but will be granted adequate time to prepare for the departure from the country. Special circumstances, such as acute illness and the like will be taken into consideration.

The sanctions will intensify over a period of time – from giving information of the obligations of the rejected asylum seeker to leave the country, to motivation in form of an amount of 3000 DKR (400 €) for an adult and 1.500 DKR (200 €) for each child intended to help the re-establishment of their existence in their country of origin provided that they leave immediately. If the rejected asylum seeker still refuses to leave, subsidies will be denied and they will be put on a *madkasseordningen* (lunch packet scheme) under which they will receive a box every 14th day, containing food and other basic necessities. The rejected applicant will thereafter be transferred to *Centre Sandholm* – a refugee centre, enclosed with a fence and control of entrance.

⁶⁷ Details:

http://www.udlst.dk/english/Asylum/unaccompanied_children.htm
(07.08.2003)

⁶⁸ Denmark, Act amending the Alien Act No 291 (30.04.2003), now Consolidated Act No. 685 (24.07.2003).

The police can furthermore detain a rejected asylum seeker to motivate the departure from the country. Aliens expelled by verdict will be instructed to take residence in *Centre Sandholm* with a systematic duty to report each day to the staff of the centre.

The Ministry of Refugee, Immigration, and Integration Affairs has the authority to grant a temporary residence permit on humanitarian grounds to an asylum seeker who has received a rejection of his or her application for asylum. The act makes more difficult the possibility of applying for a temporary residence permit on humanitarian grounds to avoid some applicants using it for an automatic postponement of the order to leave the country immediately.

Act reforming the efforts of activation and education in relation to adult asylum seekers etc. and of the system concerning payment of benefits to asylum seekers.⁶⁹

The purpose of the amendment is part of the implementation of the plan "*Towards a new integration policy*" and concerns the part dealing with activation of adult asylum seekers, so the waiting time for the application to be considered - according to the Minister of Integration - can be used constructively.

The amendments introduce basic working responsibilities and obligations for the asylum seeker at the refugee centres and furthermore introduce the means for motivation to take part in "activation" and education. The asylum seeker signs a contract where he/she commits him/herself to certain obligations.

In the first three months, the asylum seeker signs a standard contract including the duty to participate in an introductory programme and ordinary practical duties at the accommodation location.

After three months from the application for asylum being filed, the asylum seeker must take part in courses in the Danish language, Danish culture and Danish society. The contract can be supplemented by further activation and other education initiatives.

Asylum seekers who are about to be sent out of the country cannot participate in the education programme and can only, to a limited extent, participate in the activation programme.

The cash benefits for asylum seeker are split in basic benefits and supplementary benefits. Asylum seekers with maintenance obligations for children younger than 18 years of age are paid extra benefits. The basic benefits and the maintenance obligation benefits are always paid, but the supplementary benefits are conditional and to be paid only if the asylum seeker observes the contract. Asylum seekers who are not registered yet, or who are in the so-called expulsion phase, will receive significant lower supplementary benefits than an asylum seeker whose application has not yet been dealt with.

⁶⁹ Denmark, Act amending the Aliens Act No 292 (30.04.2003), now Consolidated Act No 685 (24.07.2003).

Annex 3 - Short overview of special legislation or policies for integration and diversity

The Government's strategy in 2003 is a continuation of the new integration strategy as launched in 2002, which regards immigration and integration strategies as two sides of the same coin. In January 2002, shortly after its election, the new Government published its new "policy on foreigners"⁷⁰ followed by its new "policy on integration" in March 2002⁷¹. With the parliamentary support of the Danish People's Party⁷², this new policy led to a wide range of legislative amendments in 2002 in immigration and asylum laws, social benefit laws, citizenship laws and in the Act on Integration. The Government's policy on foreigners is based on three key considerations⁷³:

- Denmark's obligations in relation to international conventions etc. shall be respected
- The number of foreigners coming to Denmark shall be limited and there will be increased demands for them to be self-sufficient.
- The refugees and immigrants who live in Denmark must be integrated better and move more quickly into employment. Encouragement to seek work will be increased.

The Government's strategy "Towards a new integration strategy" formulated 29 actual initiatives within 4 strategic areas, the aim being "to integrate new citizens so that they can take part in working and social life on an equal footing with the rest of the population." The four areas are; 1) short-cuts to the labor market, 2) effective Danish courses, 3) better utilisation of qualifications, and 4) integration – a common concern.

In May 2002 the Government published a contractual agreement with the social partners and KL⁷⁴ concerning the integration of refugees and immigrants in the labour market based on the Government's strategy from March 2002. The paper emphasised that "integration can only be achieved together" and that;

- The individual refugee or immigrant carries from the beginning a large responsibility for successful integration into the labour market.

⁷⁰ Denmark, Ministry of Refugee Immigration and Integration Affairs (2002), A new policy on foreigners

⁷¹ Denmark, Ministry of Refugee Immigration and Integration Affairs (2002), Towards a New Integration Policy

⁷² The "partnership" between the coalition government and the Danish People's Party on these issues is based on a contractual agreement published 7.5.02 whereby the coming legislative initiatives were stipulated. It was also stipulated in the agreement that the Government on the request of the Danish People's Party shall account for the effects of the agreed strategies and that the Government and the Danish People's Party evaluate the effects of the legislative changes in autumn 2003.

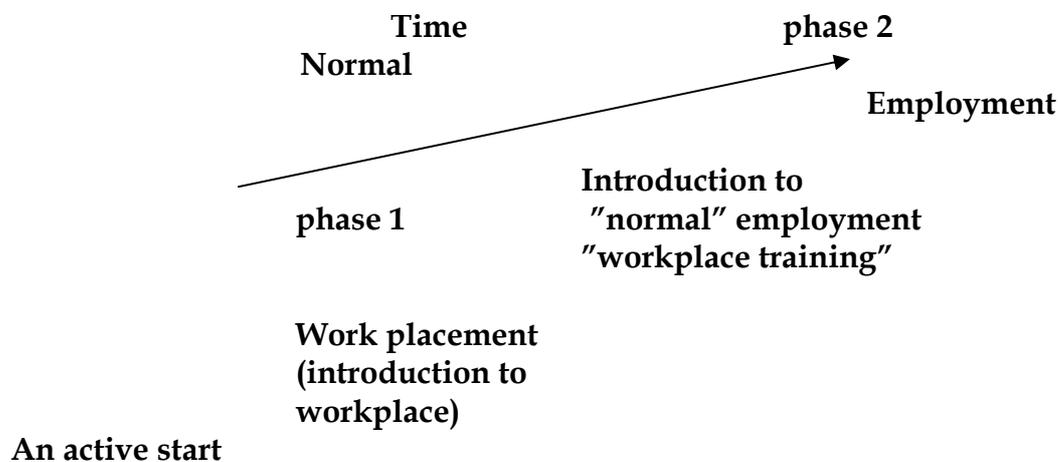
⁷³ Denmark, Ministry of Refugee Immigration and Integration Affairs (2002), A new policy on foreigners

⁷⁴ Kommunernes Landsforening (The National Association of Municipalities)

- Public authorities have the responsibility to ensure the basic preconditions which enable a refugee or immigrant to participate in the Danish labour market, to facilitate contact between the individual and the labour market, plus to ensure an effective and flexible framework for the overall integration effort.
- The social partners have a joint responsibility to “open” work places for refugees and immigrants. This applies to both private and public work places.

A “step by step” model (see figure 1) for ensuring integration in the labour market was discussed in the paper, and this model has since been formalised in The Ministry of Employment's “More in Employment”⁷⁵ programme launched in September 2002. In order to achieve these goals, three elements are introduced. The first element encompasses language courses and preparation for the labour market under the title “an active start.” The second element “stepwise upgrading of qualifications” introduces a mentor structure ensuring that immigrants and refugees are supported on a day-to-day basis when entering the labour market. As a third element, the principle of permanent positions with ordinary conditions are set up as guidance for the introduction of immigrants and refugees to the labour market.

Figure 1



Source: Denmark, The Ministry of Refugee Immigration and Integration Affairs, May 2002, "Fælles konklusionspapir", and The Ministry of Employment, September 2002, "Flere i arbejde".

The Government has recently published a status report summarising what has been achieved and what is on its way⁷⁶. The legislative changes and other initiatives implemented over the last 18 months fall within phase 1 of the policy implementation. Further legislative amendments and initiatives that

⁷⁵ Denmark, The Ministry of Employment (2002), Flere i arbejde

⁷⁶ Denmark, Ministry of Refugee Immigration and Integration Affairs (2003), Integration: status og udvikling

are now being proposed mark the beginning of phase 2.⁷⁷

The Government's diversity strategy involves legislative amendments in Denmark's anti-discrimination laws in connection with the implementation of the Article 13 equal treatment directives; a series of reports and conferences focusing on best practice on employing ethnic minorities, including the "Everyone is needed" (Brug for Alle) campaign; and the intention in 2003 to publish a plan of action on the improvement of "diversity, tolerance and equal treatment"⁷⁸.

Legal basis for employment and self-employment of migrants and minorities (categories, titles, work permits)

As a result of the sudden rise in unemployment in Denmark due to the oil crisis in the Western Europe in the beginning of the seventies, a total ban on work immigration was introduced in November 1973. Since then work permits in relation to employment and self-employment are generally only granted to Nordic or EU-citizens.

Due to the rule concerning "specialists" very limited possibilities of obtaining work permits exist for third country nationals e.g. as professors at the Universities in Denmark. In 2002, however, the Government stated that it will introduce a Green Card-like scheme making it easier to obtain a residence permit for people who have obtained work in fields short of qualified labour. It was also stated that asylum seekers (waiting for a decision in their case) may be allowed to receive work permits. In 2003, however, the possibility for asylum seekers to work in Denmark is still limited to work in the asylum centres.

⁷⁷ Integration of immigrants and descendants was also a central theme in the Government's "National Action Plan for Employment 2002" (EU National Employment Strategy)

⁷⁸ This plan of action is the Danish Government's follow-up to the United Nations World Conference on combating racism, discrimination and xenophobia, Durban, (2001).

Annex 4 – The Danish Center for International Studies and Human Rights

The Danish Center for International Studies and Human Rights constitution states the activities to be placed under the new Institute for Human Rights, namely the Article 13 complaints organ.

“Chapter 1 Establishment and objective

§1. With the objective to strengthen research, descriptive and information activities in Denmark on international relations, understood as foreign, security and developmental issues, conflict, Holocaust, genocide and political mass murder, plus domestic and international human rights issues, The Danish Center for International Studies and Human Rights is to be established.

Para 2. The Center will consist of the following independent units; The Institute for International Studies, consisting of the activities previously placed within The Danish Institute for International Affairs, The Center for Developmental Research, The Danish Center for Holocaust and Genocide Studies and The Copenhagen Peace research Institute.

The Institute for Human Rights, consisting of the activities previously placed within The Danish Center for Human Rights.

§2 (para 2.4) to promote the equal treatment of all persons without discrimination on the grounds of racial or ethnic origin, by providing independent assistance to victims of discrimination in pursuing their complaints about discrimination without prejudice to the right of victims and of associations, organizations or other legal entities, by conducting independent surveys concerning discrimination, by publishing independent reports and by making recommendations on any issue relating to such discrimination.)

Annex 5

Table 5.1
Refugees and immigrants housing compared with the total population, age
18-66, 1997, percentage

	Total population	Total(1.generation)	Immigrants (1.g)	Refugees (1.g)	2. generation
Metropolitan area:	33,9	56,1	71,7	36,7	80,7
Københavns Komm.	9,3	24,4	30,7	16,6	36,8
Frederiksberg Komm.	1,7	2,6	3,4	1,7	4,1
Københavns Amt	11,4	18,5	24,6	11,0	26,5
Other urban municipalities in the metropolitan area	8,1	9,3	11,6	6,5	12,5
Other country municipalities in the metropolitan area	3,4	1,2	1,4	0,9	1,3
Outside the metropolitan area:	66,4	43,9	28,2	63,5	20,4
Odense	3,6	5,2	3,5	7,3	5,0
Århus	5,7	8,4	5,7	11,7	3,7
Aalborg	3,1	2,4	1,1	4,2	0,6
Esbjerg	1,6	1,3	0,8	2,0	0,5
Other					
Central municipalities	11,6	8,9	6,2	12,2	3,9
Other urban municipalities	10,0	7,7	5,6	10,4	3,8
Outskirt municipalities	7,8	2,9	1,4	4,7	0,7
Other municipalities	9,4	3,0	1,5	4,7	0,6
Central Country municipalities	13,6	4,1	2,4	6,3	1,6
Total	100	100	100	100	101
Low status housing areas	3,6	26,4	25,8	27,2	23,0
Lolland Falster	2,1	1,2	0,5	2,1	0,3

Refugees - length of residency

	Total population	Newly arrived refugees	length of residency 7-10 years	length of residency 10 years	length of residency 0-6 years
Metropolitan area:	33,9	27,4	38,8	43,6	30,3
Københavns Komm.	9,3	11,1	17,5	20,3	13,3
Frederiksberg Komm.	1,7	1,6	1,5	2,0	1,5
Københavns Amt	11,4	7,5	9,4	13,8	9,6
Other urban municipalities in the metropolitan area	8,1	5,5	9,4	6,7	4,9
Other country municipalities in the metropolitan area	3,4	1,7	1,0	0,8	1,0
Outside the metropolitan area:	66,4	72,8	61,2	56,2	69,7
Odense	3,6	6,5	9,0	7,5	6,3
Århus	5,7	8,2	14,6	14,1	8,5
Aalborg	3,1	5,0	4,6	3,8	4,2
Esbjerg	1,6	2,7	2,2	1,7	2,1
Other central municipalities	11,6	13,9	12,4	10,6	13,2
Other urban municipalities	10,0	11,7	9,8	10,1	10,9
Outskirt municipalities	7,8	7,1	2,7	2,5	7,2
Other municipalities	9,4	7,3	2,5	2,6	7,4

Central municipalities					
Country municipalities	13,6	10,4	3,4	3,3	9,9
Total	100	100	100	100	100
Low status housing areas	3,6	17,9	37,0	26,6	23,0
Lolland Falster	2,1	3,2	1,8	1,2	2,8

Source: AKF's sequence register for social processes and housing conditions based on registers from Statistics Denmark. One sequence register contains 10% of the population, while another contain all descendants and immigrants in Denmark.

Table 5.2
Immigrants' and descendants' ownership (January 1st, 2000)

EC, Scandinavia and North America

Municipality	Number	Percentage Public rental housing association	Percentage - Private housing association -Institution -Etc.	Percentage Flats under multi- ownership scheme	Percentage Other	Total
	(1)	(2)	(3)	(4)	(5)	(6)
Copenhagen	20.519	11,9	25,7	25,4	36,9	100,0
Frederiksberg	3.789	4,5	27,5	22,1	45,8	100,0
Total	24.308	10,7	26,0	24,9	38,3	100,0

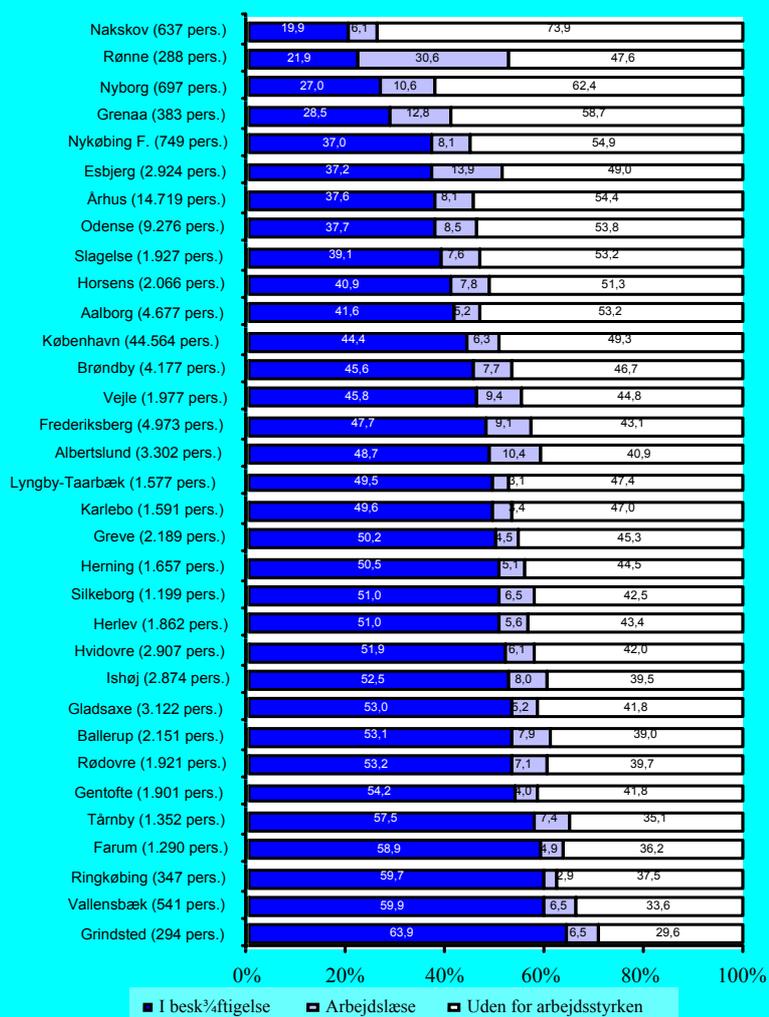
Third countries

Municipality	Number	Percentage Public rental housing association	Percentage -Private housing association -Institution -Etc.	Percentage Flats under multi- ownership scheme	Percentage Other	Total
	(7)	(8)	(9)	(10)	(11)	(12)
København	67.101	49,0	10,3	19,1	21,6	100,0
Frederiksberg	7.140	32,3	21,2	10,3	36,2	100,0
Total	74.241	47,4	11,3	18,3	23,0	100,0

Source: Statistic Denmark's Foreignerdatabase, BOL13

Figure 5.3

Figure 5.3: Labour market status for immigrants and descendants age 16-66 originating from third countries in chosen municipalities (January 1st 2000)



Kilde: Udlændingedatabasen i Danmarks Statistik, Udd16c

I beskæftigelse = in employment, arbejdsløse = unemployed, uden for arbejdsstyrken = not available for work

Table 5.4

Table 5.4: Rate of employment for immigrants aged 16-66-with a length of stay over 10 years from Turkey, Pakistan, The Former Republic of Yugoslavia and Morocco spread on municipalities and gender (January 1st 2000)					
Men			Women		
Municipalities	Number	Rate of employment	Municipalities	Number	Rate of employment
Holbæk	179	46,9	Slagelse	225	27,6
Odense	599	49,01	Esbjerg	127	28,4
Fredericia	120	49,2	Ikast	118	28,8
Randers	128	50,8	Fredericia	108	29,6
Esbjerg	137	51,1	Holbæk	160	31,9
Slagelse	262	51,5	Albertslund	687	32,3
Århus	790	51,9	Odense	570	33,2
Ikast	111	54,1	Randers	111	33,3
Frederiksberg	484	55,2	Århus	688	36,8
København	5111	56,4	København	4015	37,3
Roskilde	284	57,8	Hvidovre	409	37,4
Ballerup	366	59,0	Brøndby	576	37,5
Silkeborg	159	59,1	Helsingør	426	38,7
Helsingør	453	59,8	Frederiksberg	420	39,3
Frederiksværk	258	60,1	Ishøj	659	39,5
Næstved	187	61,0	Ringsted	169	39,6
Horsens	114	61,4	Horsens	100	40,0
Gladsaxe	348	61,5	Glostrup	143	40,6
Frederikssund	102	62,8	Herlev	212	41,0
Ishøj	694	63,1	Høje Tåstrup	577	41,3
Hillerød	194	63,4	Silkeborg	169	44,4
Hvidovre	473	63,9	Ballerup	336	44,6
Herlev	265	64,2	Rødovre	222	45,1
Køge	252	64,3	Gladsaxe	317	45,1
Herning	108	64,8	Greve	187	45,5
Albertslund	761	65,4	Køge	266	46,6
Greve	232	67,2	Næstved	156	46,8
Høje Tåstrup	638	67,9	Roskilde	254	46,9
Ringsted	190	67,9	Karlebo	213	48,4
Farum	222	68,9	Frederiksværk	239	48,5
Tårnby	103	68,9	Farum	194	52,6
Brøndby	630	69,1	Hillerød	179	54,2
Karlebo	227	69,2			
Rødovre	252	69,8			
Glostrup	165	77,6			
Weighted average		59,6	Weighted average		38,9

Source: Statistics Denmark's Foeringerdatabase, Udd38b

Table 5.5

Table 5.5: Rate of employment for immigrants age 16-66 with a length of stay of over 10 years from Turkey, Pakistan, The Former Republic of Yugoslavia and Morocco spread on municipalities and gender (January 1st 2000)					
Men			Women		
Municipality	Number	Rate of employment	Municipality	Number	Rate of employment
Nakskov	99	17,2	Nakskov	93	5,4
Svendborg	90	23,3	Svendborg	96	7,3
Odense	231	42,0	Fredericia	97	13,4
Holbæk	87	43,7	Holbæk	86	17,4
Horsens	93	46,2	Albertslund	312	18,0
Kolding	85	49,4	Kolding	80	20,0
Fredericia	117	49,6	Esbjerg	97	20,6
Århus	332	54,2	Ringsted	84	21,4
København	2407	56,3	Ishøj	228	22,8
Albertslund	262	56,5	Århus	331	23,0
Frederiksberg	161	56,5	Høje Tåstrup	281	23,5
Slagelse	100	58,0	Brøndby	287	23,7
Esbjerg	100	58,0	Slagelse	108	24,1
Aalborg	115	58,3	København	2295	24,5
Helsingør	168	58,3	Hvidovre	186	25,8
Karlebo	80	58,8	Odense	253	26,9
Høje Tåstrup	271	59,0	Gladsaxe	127	28,4
Ballerup	153	60,1	Roskilde	130	28,5
Roskilde	121	60,3	Herlev	113	30,1
Greve	125	60,8	Randers	94	30,9
Gladsaxe	146	61,0	Frederiksberg	165	32,1
Brøndby	248	61,3	Helsingør	198	32,3
Randers	86	61,6	Rødovre	89	33,7
Hvidovre	141	63,1	Greve	134	36,6
Rødovre	87	63,2	Hillerød	80	42,5
Ishøj	238	63,9	Farum	97	43,3
Hillerød	82	64,6	Ballerup	136	44,1
Farum	83	66,3			
Herlev	107	70,1			
Køge	93	72,0			
Weighed average		56,2	Weighed average		25,2

Source: Statistics Denmark Foreignerdatabase, Udd38b

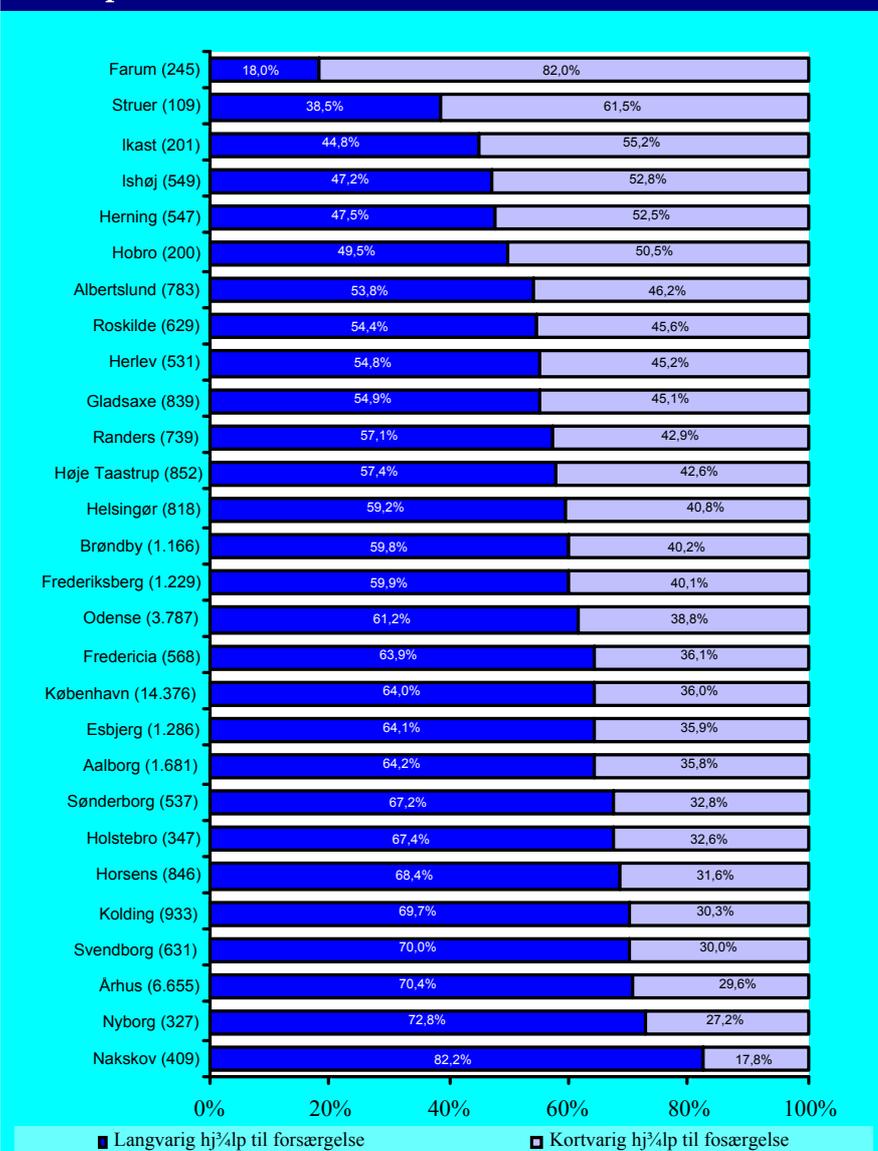
Table 5.6

Table 5.6: Rate of employment for immigrants and descendants age 16-66 from the succession States of the Former Republic of Yugoslavia divided on municipalities and gender (January 1st 2000)					
Men			Women		
Municipality	Number	Rate of employment	Municipality	Number	Rate of employment
Nakskov	125	13,6	Grenaa	114	7,9
Rønne	94	22,3	Rønne	87	8,1
Varde	107	25,2	Nakskov	129	13,2
Svendborg	100	26,0	Nyborg	152	13,8
Nyborg	157	26,8	Randers	226	15,9
Grenå	110	28,2	Hobro	78	16,7
Hobro	79	31,7	Varde	109	17,4
Nykøbing F.	78	32,1	Nykøbing F.	81	21,0
Randers	239	32,2	Slagelse	167	22,8
Tønder	97	36,1	Esbjerg	267	22,9
Brøndby	289	40,8	Brøndby	301	23,3
Frederiksberg	173	41,0	Svendborg	87	24,1
Esbjerg	300	44,0	Kolding	227	24,7
Vejle	190	45,3	Næstved	77	24,7
Odense	406	46,3	Tønder	89	24,7
Horsens	194	46,9	Horsens	192	25,5
Kolding	234	47,0	Vejle	187	29,4
Aalborg	203	47,3	Frederiksberg	154	29,9
Slagelse	189	47,6	Hjørring	80	31,3
Haderslev	84	47,6	Odense	393	31,3
Helsingør	76	50,0	Aalborg	192	33,3
København	942	50,4	København	880	35,8
Hjørring	78	53,9	Haderslev	81	37,0
Skive	83	56,6	Skive	81	43,2
Ringkøbing	114	62,3	Ringkøbing	112	58,9
Ballerup	78	69,2			
Herning	81	74,1			

Source: Statistics Denmark's Foreignerdatabase, Udd38b

Figure 5.7

Figure 5.7: Share of immigrants and descendants from third countries receiving long-term financial support in chosen municipalities in 2000.



Kilde: Udlændingedatabasen i Danmarks Statistik, Kon15C

Note: Long-term financial support is defined as receiving support for at least 10-12 months. The group "others" have received financial support in less than 10 months.

Langvarig hjælp til forsørgelse = long-term financial support, kortvarig hjælp til forsørgelse = short-term financial support.

Annex 6*

Table 6.1

Area of society	Number of registrations
Labour market	127
<i>Housing area</i>	77
<i>Housing market</i>	53
Courts	5
Family/friends/etc.	2
Consumer area	50
Hotel, restaurants, etc.	32
Cultural institutions	3
Media/advertising	51
Public	17
Public administration	79
Organisations	3
Police and public prosecution	73
Political manifestations	69
Private	50
Refer sa0682	1
Social and health	67
Sports	4
Customs and taxes	2
Transportation	11
Education	58
The Danish Immigration Service	83
Open street	47
Total	964

* Diskrimination i Danmark Afrapportering og vidensdeling af DRCs sagsdatabase
 [Discrimination in Denmark Reporting and knowledge sharing of DACoRD's case database]
 Compiled by Dokumentations- og Rådgivningscenteret om Racediskrimination (DRC)
 [Documentation and Advisory Centre on Racial Discrimination (DACoRD)] Printed in
 Copenhagen 2002. Published by Dokumentations- og Rådgivningscenteret om
 Racediskrimination (DRC)

Housing area

Table 6.2

Housing area = 78 registrations	
Characteristic	Registrations
Other	7
Harassments	10
Vandalism	30
Vandalism/violence	3
Statements/remarks	1
Violence	1
Violence and threats	24

Table 6.3

Housing area - Neighbours = 17 registrations	
Characteristic	Registrations
Other	4
Harassments	9
Vandalism	1
Violence	1
Violence and threats	2

Table 6.4

Housing area - Unknown perpetrators = 57 registrations	
Characteristic	Registrations
Other	2
Harassments	1
Vandalism	29
Violence	2
Violence and threats	22

Housing market

Table 6.5

Housing market = 54 registrations	
Characteristic	Registrations
Other	10
Allotment	11
Harassments	1
Mitigation	9
Mitigation?	4
Tenancy	1
Denouncement	7
Sale/rent	9

Table 6.6

Housing market - Cooperative housing society = 13 registrations	
Characteristic	Registrations
Other	2

Mitigation	3
Tenancy	1
Denouncement	7

Table 6.7

Housing market - Public housing mitigation = 9 registrations	
Characteristic	Registrations
Other	4
Mitigation	1
Mitigation	4

Table 6.8

Housing market - Private housing mitigation = 6 registrations	
Characteristic	Registrations
Other	1
Mitigation	5

Table 6.9

Housing market - Municipality assignment = 13 registrations	
Characteristic	Registrations
Other	2
Assignment	11

Table 6.10

Housing market - Property offices / board of trustees = 1 registrations	
Characteristic	Registrations
Harassments	1

Table 6.11

Housing market - Property administration/Ownership = 10 registrations	
Characteristic	Registrations
Other	1
Sale/rent	9

Annex 7 – cf. section 6.7

Analyser af situationen på boligmarkedet	Landsforening	2001
Årbog om Udlændinge i Danmark 2002	Ministeriet for Flygtninge, Indvandrere og Integration	2002
Bofællesskaber for 4 uledsagede somaliske flygtninge	Haagensen Kofod	1990
Bofællesskaber for uledsagede vietnamesiske børn i 1989 - 1992	Maigaard	1992
Boligen og børns sundhed. Delrapport 2. Børns indlæggelsesmønster i relation til boligforhold. Udarbejdet af Stadslægen i København	Rindel	1995
Boligmæssig opsplitning	Hummelgaard	2000
Boligmæssig segregering. Hvad er årsagen til, at flygtninge og indvandrere bor koncentreret i de belastede boligområder?	Børresen	2002
Boligpolitik mod segregation	Nordisk Ministerråd	1997
Byudvalgets indsats 1993-98 Sammenfattende evaluering	Andersen	1999
Danmark. Landerapport: Boligpolitik mod segregation. I: Nordisk Ministerråd. Boligpolitik mod segregation.	Børresen	1997
Den tyrkiske ghetto	Diken	1993
Effekten af den boligsociale indsats over for indvandrere og flygtninge	Christensen	2002
Effekter af boligmæssig segregering	Heinesen	2002
Ethnic enclaves and the economic success of immigrants - evidence from a natural experiment	Edin	2001
Etniske minoriteter i boligområder. De fremmede i Danmark 5. Pjece 41	Jeppesen	1994
Etniske minoriteter og beboerdemokrati	Lauritsen	2001
Etniske minoriteters bosætning og flytninger - de seneste 20 års økonomisk-kvantitative forskningsresultater	Damm	2002
Evalueringsrapport om bofællesskaber for somaliske unge	Sondrup	1995
Flyttemønstre i Danmark	Graversen	1996
Flyttemønstre i socialt belastede boligområder	Rasmussen	2001
Fordele og ulemper ved koncentreret bosætning	Ejrnæs	1987
Fra Anatolien til Albertslund - en undersøgelse af indvandreres bosætning og boligønsker	Børresen	2000
Fra Østtyrkiet til Vestdanmark: Fra landsbyliv til ghettotilværelse i det fascinerende og kedelige Ikast	Diken	1995
Fremmedarbejdernes boligforhold i Danmark 1975	Pedersen et al.	1975
Fremmedhed og praksis - om tyrkiske og pakistanske indvandreres bosætning og boligvalg	Børresen	2000
Geografisk koncentration af etniske minoriteter	Hummelgaard	2001
Helhedsplan for Vollsmose	COWI-Consult	2000
Hvad gør de dog der? Etniske minoriteters bosætning i et alment boligområde	Gitz-Johansen	2001
Indvandrernes demografiske forhold. I Mogensen, G.V. & P.C. Matthiessen: Integration i Danmark omkring årtusindskiftet. Indvandrernes møde med arbejdsmarkedet og velfærdssamfundet	Pedersen	2000
Location, location, location: How does neighborhood environment affect the well-being of families and children. Working paper	Ellen	1997

Med hjemløsheden som hjem: En dialog mellem ungdomskulturer i eksil	Røgilds	1997
Minority Ethnic Issues in Social Exclusion and Neighbourhood Renewal - A guide to the work of the Social Exclusion Unit and the Policy Action Teams so far	Cabinet Office	2000
Neighborhood effects on economic self-sufficiency: Evidence from a randomized housing-mobility experiment	Duncan	2000
Om tyrkiske indvandrere bosat i Gjellerupparken. 1. Metoder i social- og sundhedsarbejde. 2. Opvækstvilkår. 3. Skole og sociale forhold. 4. Familiesundhed	Kjærsgaard et al.	1991
Push-factors and movers and stayers among refugees subjected to a settlement policy: The case of Denmark, unpublished working paper	Damm	2001
Residential Mobility in Danish Problem Housing Estates	Graversen	1997
Social arv og sociale forhold i boligkvarterer	Heinesen	1999
Social og etnisk bestemt bosætning - årsager og konsekvenser	Hummelgaard	2001
Sociale og sundhedsmæssige uligheder i et område med almennyttigt byggeri i Odense	Bælum et al.	1991
Styring over eget liv. Levevilkår og flytteaktivitet blant flyktninger i lys av myndighetenes bosettingsarbeid	Djuve	2000
Uden ret til verden - med hjemløsheden som hjem. Interview med Flemming Røgilds ved Yvonne Mørck	Røgilds	1996
Udlændinge i danske kommuner og amtskommuner 2002. Kommunale nøgletal for udlændingeområdet	Ministeriet for Flygtninge, Indvandrere og Integration	2002
Udsatte boligområder i Danmark	Hummelgaard et al.	1997
Udstødte og sårbare. Forsøgserfaringer om hjemløse, misbrugere, sindslidende, isolerede, kriseramte m.fl.. Rapport 92:9	Boolsen	1992
Urban poverty and juvenile crime: Evidence from a randomized housing-mobility experiment	Duncan	2001
Virkningerne af Byudvalgets indsats i almene boligafdelinger 1994-1997	Andersen	1999
Yngre hjemløse i København	Brandt	1992