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**Reporting for The Universal Periodic Review of Denmark, 2nd May 2011  
11th Session of the Working Group under the UN Human Rights Council  
from Grand Parents for Asylum - (NGO, Denmark)**

With the following statement Grand Parents for Asylum wish to contribute to the deliberations about the Danish report to the UPR in order to secure that the real problems with human rights, especially concerning asylum seekers, are addressed. Through our work during three years to improve the conditions for asylum seekers in Denmark we have obtained a thorough knowledge of the often desperate situation of these people. Conditions that we find are in conflict with human rights especially after the repeated tightening of our legislation.

Several researchers are of the opinion that Denmark now presumably has the most stringent asylum legislation in the world. This certainly justifies that the asylum legislation occupies a prominent place in the Danish report to the UPR. In particular we find the conditions offered to weak asylum seekers deeply worrying, an aspect that will be further developed below.

For a long period of time our sense of justice as ordinary citizens has made it impossible to live with the inhuman conditions that the Danish state offers asylum seekers.

By way of introduction we find that there may be general grounds to consider the asylum seekers' situation in relation to human rights. To which extent are asylum seekers covered by these rights? According to the text about human rights they are fully covered. It is nowhere mentioned that asylum seekers must endure inferior rights. There might be a good reason that e.g. The Institute of Human Rights analyzes and clarifies this question.

When, in 1948, the U.N. passed the bill of human rights the term, "asylum seeker" was hardly invented. The number of refugees was relatively low and the thought was that each country would soon be able to decide on their status. Today the situation has changed. The number of refugees and immigrants has reached a high level and it is therefore of the utmost importance that their legal status is precisely and unequivocally defined in the spirit of the U.N. Today the situation often is that the human rights declarations of the U.N. and the European Council are in effect the only safeguard against further deterioration of the asylum seekers' conditions..

The conditions that we find especially conflicting with human rights are the following:

**1. The very long retention time in the asylum centres.**

It is widely known that families as well as individuals have been retained in these centres for many years. The serious psychical damages for both children and adults caused by this futile retention have been documented in a number of professional studies.

Article 5 in The Declaration of Human Rights states that nobody should be subjected to inhuman treatment. We find that ten or twelve years' retention in an asylum centre is clearly inhuman. Hardly any other country retains people in asylum centres for as long a period as Denmark. This justifies a closer examination of the matter.

**2. Discrimination.**

A main point in The Declaration of Human Rights is the ban on discrimination "of any kind", (Article 2). In the Danish asylum legislation you'll find several examples of discrimination as documented by The Institute of Human Rights (see note of May 12, 2010, expressing a strong

concern about the future possibilities of especially weak asylum seekers, e.g. old people, illiterates, women and traumatized persons).

It is notable that the institute finds the 2010 “alien package” “extremely worrying” (p.12). We find it discriminatory that other demands are put to asylum seekers than to Danish citizens e.g. the demand that persons having taken early retirement and women must obtain 2 ½ years of full employment prior to a prospective residence permit. We also find it discriminatory that children in the asylum schools get a clearly poorer education than Danish children, fewer subjects, fewer lessons and no access to final examinations. We are generally dissatisfied with the confusion of the concepts immigrant and asylum seeker as seen in the latest legislation, as the asylum seeker often is impaired and has a special claim to protection.

### **3.The work of The Refugee Board.**

According to The Declaration of Human Rights, Article 10, everybody has the right to an independent and impartial court of law. The Refugee Board is not impartial as a representative of the executive power, the Ministry of Integration, takes a seat on the board.

The deliberations of the board are not public, (Article 11) and its decisions cannot be appealed. Likewise the freedom of speech of the asylum seeker, (Article 19) is de facto limited in the board as its meetings are closed to the press and the public. Furthermore we refer to the analysis of the very alarming human rights aspects of The Refugee Board made by Stig Glent–Madsen in his feature article in “Politiken”, Dec. 2. 2009.

### **4. The Division of families.**

It is clearly stated in Articles 16 and 25 that families and children have claims to special care and protection from society. It is therefore incomprehensible to us that the authorities in a number of instances have divided families with children and have expelled one of the parents. One might refer to the quite different conditions for children in Norway where the children have their personal legal case (cf. Article 6) as described in a feature article by senior researcher Kathrine Vitus in “Politiken”, June 21. 2010.

### **5.The asylum seekers’ right to work and education.**

Articles 23 and 26 of The Declaration of Human Rights unequivocally state that everybody has a right to work and a right to education. It is incomprehensible how it is possible for the Danish authorities to deprive asylum seekers of these fundamental rights for years. It is in glaring contrast to the beautiful words in Article 26 that education must “aim at the full development of human personality and strengthen the respect for fundamental freedom”.

### **6. Lack of respect for impairment after torture and traumatic experiences.**

A large proportion of the asylum seekers, on a rough estimate about 40%, have been subjected to torture or traumatic experiences, but the Danish authorities are extremely uninterested in this. Very few are even examined, much less offered treatment, and their condition plays a very small part when their application of asylum is dealt with. (cf. the feature article by Tue Magnussen in “Politiken”, July 9. 2010).

In a number of other areas we are concerned about the human rights of asylum seekers but here we refer to the statements and notes from The Institute of Human Rights. (especially the note from May 12. 2010).

**We shall of course closely follow how the conditions of asylum seekers are dealt with in Denmark's exposition to the UPR and its outcome in May 2011.**

**Grand Parents for Asylum, Denmark**

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