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NEWS REPORT

Country:	Denmark
Title:	Discrimination against homeless unregistered migrants
Date:	27 June 2018
Expert:	Pia Justesen
<u>Context</u>	
Issue at stake:	New report on unregistered migrants in Denmark
Ground of discrimination:	Ethnic origin
Source:	Report of the Danish Institute for Human Rights
Field:	Housing and other
Applicable law:	N/A

Content

Policy development: The Danish Institute for Human Rights released on June 22nd 2018 a report describing various developments that have occurred in 2017 and 2018 with regard to unregistered migrants residing in Denmark.¹ One topic in particular -- the criminalization of homeless migrants -- has given rise to questions of possible discrimination against unregistered migrants because of ethnic origin.

In recent years, there has been an intense public debate regarding homeless foreign nationals being present in public spaces in Denmark. In response to these public order issues, the Danish government and the Danish Parliament have adopted a range of legislative initiatives in 2017 and 2018. The initiatives have specifically been aimed at homeless foreign nationals.

A ban has been introduced on establishment or residence in camps, which disrupts public order.² Homeless persons, who, according to the police, have established or resided in a camp that disrupts public order, may be sentenced to fines or imprisonment for up to 18 months. Homeless persons who are sentenced for contravening this ban – including the

¹ Emil Kiørboe, Uregistrerede Migranter – Status 2018, Institut for Menneskerettigheder (2018). <https://menneskeret.dk/udgivelser/uregisterede-migranter-status-2018>.

² Bekendtgørelse nr. 305 af 31. marts 2017 om ændring af bekendtgørelse om politiets sikring af den offentlige orden og beskyttelse af enkeltpersoners og den offentlige sikkerhed mv., samt politiets adgang til at iværksætte midlertidige foranstaltninger.
Lov nr. 131 af 27. februar 2018 om ændring af lov om politiets virksomhed (Udvidet bemyndigelse til at fastsætte regler om zoneforbud).
Bekendtgørelse nr. 427 af 7. maj 2018 om ændring af bekendtgørelse om politiets sikring af den offentlige orden og beskyttelse af enkeltpersoners og den offentlige sikkerhed mv., samt politiets adgang til at iværksætte midlertidige foranstaltninger.

first time they commit this offence – may be banned from residing in a given area for up to 2 years. The given area may comprise an entire municipality, a so-called zonal ban.

Furthermore, tougher sanctions for begging on pedestrian streets, in front of railway stations, in front or inside supermarkets or on public transport have been introduced. Persons convicted of begging at these locations may now receive 14 days' imprisonment for a first offence.

In the public debate leading to the legislative changes, both Parliamentarians as well as Cabinet Ministers talked about the problematic camps of homeless people as so-called "Roma-camps". It is apparent from the public debate and debates in the Parliament that the measures adopted are targeted homeless foreign nationals. However, all the measures are neutrally formulated and apply to any person who contravenes any of the various prohibitions.

In the report, the Danish Institute for Human Rights recommends that the various measures must not result in a discriminatory investigative and prosecution process. However, according to the report, statistics from the Danish Ministry of Justice indicate that the new stringent legislation has primarily been applied to foreign nationals.

Internet link source:

<https://menneskeret.dk/udgivelser/uregisterede-migranter-status-2018>.