

Copenhagen 10 January 2022

Dear sir, madam,

On Thursday 13.01.2022, the Minister of Integration and Immigration, Mattias Tesfaye, will explain to the European Parliament why Denmark is expelling Syrian refugees to Syria. I have gathered some information and links that question this decision.

Since I do not have access to the politicians who will be present at the hearing, I would ask you if you would not be kind enough to share my letter with the colleagues concerned.

Attached:

- 1) Request to the Council of Europe to follow up Denmark's failure to implement a judgment on the security situation in Syria, etc. from the Facebook group "Citizens who DO NOT support the government's immigration policy" which has over 39,000 members.
- 2) Links to critical articles and reports in Denmark
- 3) Other human rights violations in Denmark

Best regards,

Elise Bjerkheim

I am a Danish citizen and have 13 years of experience with the International Committee of the Red Cross (ICRC) and the Danish Red Cross from 2005 to 2018. I have been working as Country Engagement Manager for Save the Children Denmark since 2018. I am also a member of the <https://www.facebook.com/groups/nyudlaendingepolitik>

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1) CALLS ON THE COUNCIL OF EUROPE TO FOLLOW UP ON DENMARK'S FAILURE TO IMPLEMENT A JUDGMENT ON THE SECURITY SITUATION IN SYRIA, ETC.

January 4, 2022

The Committee of Ministers of the Council of Europe

On 14 September 2021, the European Court of Human Rights delivered the verdict "M.D. and Others v. Russia" (71321/17). On December 14.th, 2021, the verdict became final.

On the basis of the final verdict, we hereby request the Council:

- Calls on Denmark to implement the verdict, including the following:
- In its decisions on whether Syrian asylum seekers are actually threatened, Denmark should assume that at the time of the verdict and at least in the near future after the verdict, the security situation in Syria means that returnees in all parts of Syria face a real risk to their lives and personal integrity due to the unstable security situation.

Even though we (together with Danish law professor Jens Vedsted-Hansen and the NGO Danish Refugee Council) consider that the verdict is relevant not only to the 8 Syrian applicants in the case, but also relevant in general with regard to Syrian refugees returning to Syria, Denmark continues after the verdict to withdraw or refuse to renew the residence permits of some of the Syrian refugees who come from Damascus. or the Rif Damascus.

- Deportation to Syria at the time of the verdict and at least in the near future after the verdict would constitute a violation of Articles 2 and 3 of the Convention. A return cannot be considered voluntary if certain "incentive factors" are used by national authorities.

As noted, Denmark is withdrawing or refusing to renew the residence permits of some Syrian refugees. Denmark does not forcibly deport refugees to Syria directly since Denmark, due to international cooperation, does not want to cooperate with or recognize the Assad regime. However, refugees who refuse to return to Syria are voluntarily late to leave the centres and if sanctioned, they will be transported to a prison-like leave centre.

The European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment has described the facility as one of the worst in Europe. They can stay there for up to 18 months as a motivational sanction if, for example, they refuse to go to a Syrian embassy to obtain a passport. The discharge centres are horrible, there are rats in some of them and the refugees receive extremely little medical help. The stay of refugees and their children in a leave centre may be indefinite.

- Denmark should take into account information on Syria from reliable and objective international and national sources in order to carry out a comprehensive analysis of whether there are substantial grounds for believing that asylum seekers are victims of ill-treatment or death. Largely ignoring international reports is not seen as a properly thorough examination of risk.

The Danish Refugee Commission based its decisions on a relatively old and small Danish country report from February 2019 based on 12 second-hand sources. (Subsequently, 11 of the sources said that their statements had been misused by the Danish Immigration Office. The remaining source, who approved the report, was a Syrian general.) The Board also based its decisions on a Danish synthesis report from October 2020. On the other hand, the Board did not refer to UNHCR's detailed and more

recent March 2021 report based on 8,000 first-hand sources (victims and witnesses). The Danish Refugee Commission also selectively used two less relevant general sections in a September 2020 EASO report but did not use the relevant special section on returns.

- Sanctions against Denmark if the verdict is not properly enforced.

Kind regards,

39,000 members of the Facebook group "Citizens Who Do NOT Support the Government's Immigration Policy!" <https://www.facebook.com/groups/nyudlaendingepolitik>

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2) Links to Danish articles and critical reports

- a) The [European Court of Human Rights](#) has condemned the Danish State for failing to comply with the waiting period for family reunification. Denmark is expected to introduce a bill reducing the waiting time for family reunification from three to two years
- b) At present, Syrian refugees are being expelled on the basis of a [report](#) from February 2019 that considers that the overall security in Damascus has improved. However, [several of the sources](#) in the report dispute the main conclusions that form the basis of the emissions. [Danish experts](#) in the field of asylum law believe that many of the decisions were taken on an inadequate basis and that the cases should be re-examined. Also, [Danish legal professionals](#) state confirm the [same analysis](#). Documentation of evictions is [incomplete](#) (article of 8 January 2022) Here is the translation of the article of January 8, 2022:

Information, January 8, 2022

We examined a central allegation by the Refugee Board in cases involving Syrian asylum seekers. And the documentation is thin

The very fact that asylum seekers have fled the Syrian regime does not in itself mean that they are at risk of ill-treatment upon return, according to the Refugee Board. The search for information shows that there is limited and questionable evidence behind the allegation

Although daily life has returned to Damascus, several experts believe it can be dangerous for Syrians to return to the country, precisely because they fled during the civil war. The Refugee Commission does not believe that this would have any consequences for a returning Syrian that he left the country during the war.

YOUSSEF BADAWI

January 8, 2022

When Syrian refugees sit before the Refugee Board and have to explain why they fear returning home, many of them find a simple explanation. Simply because they fled their homeland during the conflict and sought protection abroad, they risk persecution by the Syrian regime.

The minutes of the Committee's decisions, for example, state:

"As a ground for asylum in the case of refusal of extension, the complainant pointed out that upon his return to Syria, he fears being detained because he has left Syria and is therefore considered a traitor by the Syrian authorities."

The Committee does not believe that there is any basis for this argument. Therefore, over the past two years, it has been the Tribunal's practice to deny that the flight from Syria itself could be the cause of abuse by a Syrian refugee upon his return.

So far, the Refugee Commission has denied asylum to more than 100 Syrians in Damascus who have lost their temporary protected status.

In recent months, information has closely demonstrated the Committee's denial of asylum in order to identify the basis on which it is based. The first part of the study was carried out in November and showed that, according to immigration law experts, the court's refusal that family members of conscientious objectors and deserters were at risk of persecution in their countries of origin was not sufficiently justified.

This is the second part of the investigation, which focuses on an argument that affects all cases of Syrians from Damascus who come before the court. And it turns out that there is only thin and questionable evidence for this argument.

No danger

In the decisions of the Refugee Board, the Committee refers primarily to a so-called February 2019 Immigration Service country report as evidence of its assessment. This also applies to the question of the consequences it may have for Syrians to have fled the country and applied for asylum abroad.

"According to the Immigration Service's February 2019 country report, it has indicated since the beginning of 2018 that leaving the country during the war has not had any consequences for a returning Syrian," reads a typical response of the board of directors in its decisions.

On this point, the Danish country report is based on some of its 12 sources. According to the Danish Refugee Council, which helped prepare the report, most sources could not say anything specific about what happened to the returning refugees. When the sources were interviewed, very few had returned home.

Two of the sources concerned do not appear to be independent. He is a general and a lawyer with whom the Immigration Service spoke during his visit to Damascus, where he was only able to speak to pro-regime sources. Both sources say that seeking asylum abroad will have no consequences for refugees.

Another important source is Human Rights Watch's Syria expert Sara Kayyali. She was quoted as saying that "since 2018, leaving the country during the conflict has no more consequences". It is almost literally the same wording that the Refugee Board uses most often in its decisions.

But if you read Sara Kayyali's statement in its entirety, it seems more muddy. She says the regime changed its rhetoric and told some activists they could go home. But she also says her view is that the new rhetoric is not "accompanied by a change in policy."

Sara Kayyali told News today that it was only for Syrian refugees in exile that "it suggested" that conditions had changed due to the new tones of the regime. At the time of the interview with the Immigration Service, she had no concrete knowledge of the returning refugees that there had been a change in practice and did not think it would happen.

"Soon after, when the refugees started returning home, it became clear that nothing had changed in practice. No one today believes that the regime accepts refugees with open arms, Kayyali said.

Not the right person to answer

It is also clear from the statements of a fourth source cited by the Immigration Service in the country report that in practice there is a risk of refugees returning after fleeing. He is Rami Abdurrahman, who works for the Syrian human rights organization SOHR. He explains that it depends on the individual agent with whom the repatriated asylum seeker comes into contact if the escape itself becomes a problem for him.

"For example, if the officer is a staunch supporter of the regime, he can take his absence during the war very personally," he said.

However, an impartial source in the report says that escape and asylum will have no consequences. It is the COAR Global research institute.

"The mere fact that a person was abroad during the Syrian civil war does not pose any problems upon his return," the institute's assessment reads.

The report does not indicate on what basis this assessment is based. While COAR is widely quoted on most issues, the Institute is only quoted as saying in a single sentence on this crucial point. Elsewhere, however, COAR's response shows that the Institute is not working to gather information on what is happening to returning refugees.

A Information, COAR explains today that the citation must indicate that it is not legally illegal to have taken refuge abroad.

"We work with conflict analysis, not with the collection of information on human rights violations. That is why we are not the right person to answer this question. We explained to the agency that under the laws, leaving the country is not a criminal offence. But we also told them that in Syria, the biggest risk is anything the regime does without being allowed to do so," says Hani Altelah, a researcher at COAR.

Rhetoric of regime change

The Refugee Commission has repeatedly stressed that in its decisions it relies not only on Danish reports, but also on foreign research carried out by the authorities of other countries and by international organisations.

However, there are also numerous foreign reports that the Syrian regime has repeatedly threatened refugees and expressed its aversion to their return. The United Nations High Commissioner for Refugees, UNHCR, for example, refers to a Syrian general who has "repeatedly stated that those who fled Syria should fear returning."

The Syrian regime has changed its rhetoric in recent years and now says refugees are welcome. However, there are no reports to find evidence that refugees can return home safely.

On the other hand, several human rights organizations have documented the return of refugees who have been victims of abuse. Many of them do not appear to have been politically active and have had no conflict with the regime. Yet they are arrested, tortured and disappear into prisons.

According to reports, it is not clear why these refugees are being persecuted and why others are escaping. The main conclusion of the reports, for example, by the EU Asylum Office, EASO, and the UN High Commissioner for Refugees, UNHCR, is that it does not seem possible to predict how the Syrian authorities will accept a returnee.

"It is difficult, if not impossible, for a Syrian to determine how he or she will be in relation to the Syrian security apparatus," the EU asylum office, EASO, wrote in June.

While fleeing the country may be the reason for the persecution of returning Syrians, most reports refrain from concluding anything.

Mother and 5-year-old daughter were arrested and raped

Until recently, there was no detailed study of Syrian refugees being abused upon their return and why they are targeted. It is very difficult to investigate because the returning Syrians do not want to communicate with the outside world for fear that it will cause them problems with the regime.

In September, Amnesty International published a report based on a full year of work to hold refugees and their families to account. In the report, the organization sets out its findings based on 66 specific cases where refugees have been victims of abuse when they returned home.

Among other things, refugees report that security agents have accused them of defrauding their homeland by leaving Syria and seeking protection abroad. If they had been in exile in countries opposed to Bashar al-Assad's regime, they would also have been accused of allying with Syria's enemies.

"Syrian officers consider that the returning refugees have been disloyal to their homeland, either because they fled or because of where they took refuge. As a result, the Syrian authorities generally perceive people who have left the country as supporters of the opposition or armed groups, Amnesty International concludes, based on the investigation.

Amnesty International relays, among other things, the testimony of a woman arrested while trying to cross the border into Syria. She remembers the officer telling her:

"Why did you leave Syria? Because you don't like Bashar al-Assad and you don't like Syria? You are a terrorist. Syria is not a hotel that you can simply leave and return when it suits you. The officer later raped the woman and her five-year-old daughter.

Human Rights Watch published a report in October that also builds on extensive work to gather information on the plight of returning refugees. The organization comes to many of the same conclusions as Amnesty.

"Refugees interviewed by Human Rights Watch were suspected by Syrian authorities of leaving Syria and were threatened and abused upon their return," Human Rights Watch wrote.

Impossible to predict

At a meeting in September, the so-called Amnesty Coordination Committee discussed Amnesty's report. The Committee considered that it "does not entail any change in the practice of the Committee".

In a commentary written on Information, the Refugee Commission points out that reports by Amnesty and other organizations do not say that all Syrian refugees are being persecuted for leaving the country during the conflict.

"No source says that all Syrians returning from abroad are at risk of persecution for the sole reason they left the country. Therefore, when deciding which cases to be dealt with by the Board, the Refugee Board must make a concrete and individual assessment of the risk of persecution," the Information Committee wrote.

In doing so, the court appears to recognize that returning Syrians may be persecuted because of the flight. However, the Committee maintains that, in the specific case, it is in a position to assess whether or not the individual refugee will take this risk.

The Danish Refugee Council does not believe that it is possible to know, on the basis of Danish or foreign reports, whether a Syrian refugee can avoid being punished for his escape.

"It is not a valid argument that not everyone is necessarily assaulted by a returnee. There is ample evidence that there is a lot of arbitrariness in the way the security apparatus acts. It therefore seems impossible for the Danish authorities to be able to predict which people are not at risk, says Eva Singer, head of asylum.

Jens Vedsted-Hansen, a professor of immigration law at Aarhus University and a former member of the Refugee Commission's Coordinating Committee, is astonished by the committee's announcement:

"If you explain existing risks in this way by not covering everyone, it's not really a risk assessment, but rather a requirement for damage safety. This is contrary to the fundamental principles of the right to asylum, and it is to be hoped that this statement does not reflect the real approach of the Refugee Commission, the professor said.

3) Other human rights violations in Denmark

Retention centres:

As Denmark does not have an agreement with the Assad regime, rejected Syrian refugees cannot be forcibly deported. As a result, they are placed indefinitely in retention centres in very reprehensible conditions with, among other things, rats and limited access to health care. The Council of Europe's Torture Committee in 2020 described these centres as some of the worst places they had seen in the EU, effectively trying to pressure refugees to 'voluntarily' go home? These conditions, uncertainty about the future, and separation from family can lead to mental disorders such as stress, depression, apathy, and trauma reactivation. Relatives outside the centre, especially children, are also at risk of mistrust, anxiety and depression.

Ghetto Law: The Ghettos Act of 2018, which aims to combat parallel societies and social control. As a result, people of "other ethnic origins" who are predominantly Muslim are forcibly displaced. This is discrimination based on ethnic origin, writes the United Nations Committee on the Elimination of Racial Discrimination in a [report](#) published on November 24, 2021. The report also highlights the treatment of hate crimes, as well as the lack of a clear prohibition and guidelines against ethnic profiling in police. Residents of Mjølnerparken (a "ghetto" area in Central Copenhagen) have also filed a [lawsuit](#) against the state for ethnic discrimination. How does this fit with Denmark's new [development strategy](#), which says: "We will fight discrimination, stigmatization and persecution of minority groups"?

Tightening of the rules on Danish citizenship: These rules were adopted on 20 April 2021 by the government and the right-wing parties. The new rules require employment for at least 3.5 years out of the last 4 years. The application for citizenship is rejected in the face of outstanding debts. The citizenship test now contains 5 additional questions on "Danish values". Applicants should also be grouped according to the applicants' country of origin in order to clearly see who is from the Middle East and Northern Africa, Pakistan and Turkey ([MENAPT countries](#)) These [rules](#) are contrary to Denmark's international obligations, according to the Danish Centre of Human rights. The basic idea of citizenship is precisely that you should have it in the country with which you have the closest connection. Under the new agreement, it is no longer possible for people sentenced to a suspended or unconditional sentence to obtain Danish citizenship, which means that a single stupidity at a young age will have consequences for the rest of their lives. In addition, you can be deported if you commit something criminal, because you are suddenly a "criminal foreigner", even if you were both born and raised in Denmark.

Kosovo prisons: This agreement to rent 300 places in Kosovo for expelled foreigners was concluded on 15.12.21 by the government, the Socialist People's Party and the right-wing parties in Denmark "Kosovo agreement" is problematic from a rights point of view. There are two principles that must be respected to talk about the rule of law: 1/ Laws (at the constitutional level) bind those in power. 2/ Everyone is equal before the law. This means that all prisoners are entitled to equal treatment, whether or not they have Danish nationality. Detainees have the right to be close to their relatives when serving a sentence. This is stipulated in Danish and international rules, which Denmark has undertaken to respect. By differentiating between Danish and non-Danish citizens, this agreement does not respect the principles of the rule of law or human rights and therefore constitutes discrimination on grounds of citizenship.

Forced repatriation of Afghan refugees: Ten days before the Taliban captured [Kabul, the Danish government pushed for the resumption of forced repatriations to Afghanistan.](#)