

ACT ON THE DANISH INSTITUTE FOR HUMAN RIGHTS - DENMARK'S NATIONAL HUMAN RIGHTS INSTITUTION (ACT NO. 553 18 JUNE 2012)¹

CHAPTER 1

Establishment and tasks

Section 1 With the purpose of promoting and protecting human rights in accordance with the UN Paris Principles, which apply to national human rights institutions, the *Danish Institute for Human Rights - Denmark's National Human Rights Institution* is established.

Section 2 The *Danish Institute for Human Rights – Denmark's National Human Rights Institution's* general duty is to promote and protect human rights in times of peace and during armed conflicts, in particular by:

1. undertaking monitoring of and reporting on the human rights situation in Denmark;
2. conducting analysis of and research into the human rights area;
3. advising parliament, government and other public authorities and private stakeholders on human rights;
4. promoting the coordination of and assistance to civil society organisations' work with human rights;
5. implementing and promoting education in human rights;
6. providing information on human rights;
7. ensuring library facilities regarding human rights and

¹ The Act contains regulations, which implement Article 13 of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Official Journal of the European Union 2000, no. L 180, page 22; Article 12 of Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services, the Official Journal of the European Union 2004, no. L 373, page 37; and Article 20 of Council's Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast), Official Journal of the European Union, no. L 204, page 23.

8. contributing to the implementation of human rights nationally and abroad.

Subsection 2. The *Danish Institute for Human Rights – Denmark’s National Human Rights Institution* shall promote equal treatment of all persons without discrimination on the grounds of gender, race or ethnic origin by:

1. provide assistance to victims of discrimination in pursuing their complaints about discrimination, without prejudice to the right of victims and of associations, organisations or other legal entities.
2. conducting independent studies on differential treatment; and
3. publishing reports and submitting recommendations on questions regarding differential treatment.

Subsection 3. The *Danish Institute for Human Rights – Denmark’s National Human Rights Institution* must submit annually a report to Parliament on the activities of the Institution and the development of the human rights situation in Denmark. The report is published by the Institution.

Subsection 4. The Institution bases the exercise of its function on the freedoms included in the Constitution as well as the human rights recognised by the international community at any given time, in particular the human rights stipulated in the UN Universal Declaration of Human Rights, the UN conventions and the conventions of the Council of Europe as well as in the Charter of Fundamental Rights of the European Union and on obligations related to the OSCE human dimension.

Subsection 5. The Institution enjoys academic freedom.

Subsection 6. The scientific staff of the institution enjoys academic freedom and research freely within the Institution’s research strategic framework when they are not subject to other tasks.

CHAPTER 2

Management of the Institution

The Board

Section 3 The Danish Institute for Human Rights – Denmark’s National Human Rights Institution is directed by a board that decides on all significant questions regarding the professional fields of work, the finances and the administration of the Institution.

Subsection 2. The Board comprises 13 members, who are appointed in their personal capacity in the following manner:

1. six members are appointed by the Council of Human Rights, cf. subsection 4.
2. one member is designated by the Rector of the University of Copenhagen, cf. sub section 5.
3. one member is designated by the Rector of Aarhus University, cf. subsection 5.
4. one member is designated by the Rector of the University of Southern Denmark, cf. subsection 5.
5. one member is designated by the Rector of Aalborg University, cf. subsection 5.
6. two members are designated by the Conference of Rectors under Universities Denmark.
7. one member is elected by the employees of the Institution, cf. subsection 6.

Subsection 3. The members of the Board are appointed for a four-year period and can be re-designated for one additional period. Subsequently, they can only be elected or appointed again after at least four years recess.

Subsection 4. Among the members of the Board who are designated by the Council of Human Rights, at least one member shall have an association with an organisation engaged in areas of importance to the

ethnic minorities, at least one member shall have association with an organisation engaged in equal treatment of women and men, and at least one member shall be designated following nomination from Disabled Peoples Organisations Denmark.

Subsection 5. The aim is for at least two of the members appointed by the rectors of the University of Copenhagen, Aarhus University, the University of Southern Denmark and Aalborg University to be attached to the legal profession.

Subsection 6. Election of an employee of the Institution takes place pursuant to the relevant provisions in the Companies Act. Employee representatives shall be protected against dismissal and other deterioration of working conditions in the same way as for union representatives within the concerned or similar areas.

Section 4 The Board elects one chairperson from among its members.

Subsection 2. The Board determines its own standing orders.

Subsection 3. The Board establishes bylaws for the Institution, to be approved by the Minister for Foreign Affairs.

Subsection 4. The Board can set up special committees as needed.

Council of Human Rights

Section 5 Following a public announcement, the Board sets up the Council of Human Rights, which is composed to reflect prevailing views among civil society organisations working with human rights. Particularly concerned public authorities can also be admitted as members of the Council. The Board establishes the details regulating

membership of the Council in accordance with the UN Paris Principles for national human rights institutions.

Subsection 2. The Council of Human Rights discusses the overall guidelines for the Institution's activities and follows its activities with a view to promoting the aims of the Act. The Council can submit proposals to the Board of the Institution regarding new activities and assess the progress of past activities.

Subsection 3. The Council of Human Rights establishes the standing orders for the exercise of its functions.

Subsection 4. Members of the Council representing civil society organisations have the right to vote. Representatives of public authorities and representatives of the Board participating in the meetings of the council do not have the right to vote.

The Director

Section 6 Following a public call for candidates, the Board appoints a director to be in charge of the day-to-day management of the Institution's professional, economic and administrative issues.

Subsection 2. The director participates in board meetings without the right to vote.

CHAPTER 3

Finance, accounts and audit, etc.

Section 7 The Danish Institute for Human Rights – Denmark's National Human Rights Institution is an independent self-governing entity within the public administration.

Subsection 2. The state provides an annual contribution for the operation and activities of the Institution.

Section 8 In accordance with its purpose, the Institution can receive income from foundations, gifts, etc. and can engage in commercial activities, subsidised research activities and other subsidised activities, including consultancy and counselling, to the extent that these are compatible with the performance of the other tasks of the Institution.

Subsection 2. The Institution can, in accordance with its purpose, enter into multi-year agreements with public authorities on the performance of specific tasks.

Section 9 The Institution uses the governmental accounting rules according to the administrative order on state accountancy of the Ministry of Finance. The financial year of the Institution is the fiscal year. At the conclusion of the financial year, the annual report of the Institution is established, to be signed by the Board and the director.

Subsection 2. The annual report of the Institution is audited in accordance with accepted public auditing standards by the Auditor-General, cf. sections 2 and 3 in the Act on Audit of State Accounts, etc.

CHAPTER 4

Discontinuation

Section 10 The Institution can only be discontinued by law.

Subsection 2. If the Institution is discontinued as a self-governing institution its buildings, installations, inventory, capital and obligations pass to the state.

CHAPTER 5

Entry into force, etc.

Section 11 The Act enters into force on 1 January 2013.

Subsection 2. Act No. 411 of 6 June 2002 on the establishment of the Danish Centre for International Studies and Human Rights is rescinded.

Subsection 3. The Institute for Human Rights – Denmark’s National Human Rights Institution succeeds to all the assets and liabilities and takes on all the rights and obligations of the Institute for Human Rights upon the commencement of the Act. The Minister for Foreign Affairs allocates all the assets, liabilities, rights and obligations incumbent on the Danish Centre for International Studies and Human Rights to the Institute for Human Rights –Denmark’s National Human Rights Institution and to the Danish Institute for International Studies, depending on which of the two institutions’ mandates the individual right or obligation concerns. The Director of the Institute for Human Rights shall continue until the expiry of the contract period.

Subsection 4. The current members of the board of the Institute for Human Rights shall continue as members of the board of the Institute for Human Rights – Denmark’s National Human Rights Institution for the remainder of the period for which they have been appointed.

Subsection 5. Regarding section 3, subsection 2, no. 1, cf. subsection 4, it shall apply as a transitional arrangement that the first time after the commencement of the Act that the membership period expires for a member appointed by the Council of Human Rights on the basis of the person’s association with the ethnic minorities or to a humanitarian organisation the activities of which are in areas of importance to the ethnic minorities pursuant to Act no. 411 of 6 June 2002 on the establishment of the Danish Centre for International Studies and Human Rights, section 7, subsection 1, no. 1, cf. subsection 2, the Council of Human Rights shall appoint a new member following recommendation

from the Disabled Peoples' Organisations Denmark, cf. section 3, subsection 2, no. 1, cf. section 4. Regarding section 3, subsection 2, no. 1, cf. subsection 4, it shall furthermore apply, as a transitional arrangement, that the second time after the commencement of the Act that the membership period expires for a member appointed by the Council of Human Rights on the basis of the person's association with the ethnic minorities or to a humanitarian organisation the activities of which are in areas of importance to the ethnic minorities pursuant to Act no. 411 of 6 June 2002 on the establishment of the Danish Centre for International Studies and Human Rights, section 7, subsection 1, no. 1, cf. subsection 2, the Council of Human Rights shall appoint a new member on the basis of the person's association with an organisation that has activities in areas of importance to the ethnic minorities, cf. section 3, subsection 2, no. 1, cf. section 4. Subsequently, it shall apply that when the membership period expires for a member appointed by the Council of Human Rights following recommendation from the Disabled Peoples' Organisations Denmark, cf. section 3, subsection 2, no. 1, cf. subsection 4, the Council of Human Rights shall appoint a new member following recommendation from the Disabled Peoples' Organisations Denmark, cf. section 3, subsection 2, no. 1, cf. subsection 4, and when the membership period expires for a member appointed by the Council of Human Rights on the basis of the person's association with an organisation that has activities in areas of importance to the ethnic minorities, cf. section 3, subsection 2, no. 1, cf. section 4, the Council of Human Rights shall appoint a new member on the basis of the person's association with an organisation that has activities in areas of importance to the ethnic minorities, cf. section 3, subsection 2, no. 1, cf. section 4.

Subsection 6. Regarding section 3, subsection 2, no. 1, cf. section 4, it shall apply, as a transitional arrangement, that the first time after the commencement of the Act that the membership period expires for a member appointed by the Council of Human Rights pursuant to Act no. 411 of 6 June 2002 on the establishment of the Danish Centre for International Studies and Human Rights, section 7, subsection 1, no. 1 who has an association with an organisation that has activities with the equal treatment of women and men, the Council of Human Rights shall appoint a new member who has association with an organisation that

has activities with the equal treatment of women and men, cf. section 3, subsection 2, no. 1, cf. subsection 4. It shall subsequently apply that when the membership period expires for a member appointed by the Council of Human Rights on the basis of the person's association with an organisation that has activities with the equal treatment of women and men, cf. section 3, subsection 2, no. 1, cf. section 4, the Council of Human Rights shall appoint a new member who has an association with an organisation that has activities around the equal treatment of women and men, cf. section 3, subsection 2, no. 1, cf. section 4.

Subsection 7. Regarding section 3, subsection 2, nos. 2 and 4, it shall apply, as a transitional arrangement, that the first time after the commencement of the Act where the membership period expires for a member appointed by the Rector of the University of Copenhagen pursuant to Act no. 411 of 6 June 2002 on the establishment of the Danish Centre for International Studies and Human Rights, section 7, subsection 1, no. 2, the Rector for the University of Southern Denmark shall appoint a new member, cf. section 3, subsection 1, no. 4. Regarding section 3, subsection 2, nos. 2 and 4, it shall furthermore apply, as a transitional arrangement, that the second time after the commencement of the Act where the membership period expires for a member appointed by the Rector of the University of Copenhagen pursuant to Act no. 411 of 6 June 2002 on the establishment of the Danish Centre for International Studies and Human Rights, section 7, subsection 1, no. 2, the Rector of the University of Copenhagen shall appoint a new member, cf. section 3, subsection 2, no. 2. It shall subsequently apply that when the membership period expires for a member appointed by the Rector of the University of Copenhagen pursuant to section 3, subsection 2, no. 2, the Rector of the University of Copenhagen shall appoint a new member, cf. section 3, subsection 2, no. 2.

Subsection 8. Regarding section 3, subsection 2, nos. 3 and 5, it shall apply, as a transitional arrangement, that the first time after the commencement of the Act where the membership period expires for a member appointed by the Rector of Aarhus University pursuant to Act no. 411 of 6 June 2002 on the establishment of the Danish Centre for International Studies and Human Rights, section 7, subsection 1, no. 3,

the Rector of Aalborg University shall appoint a new member; cf. section 3, subsection 2, no. 5. Regarding section 3, subsection 2, no. 3 and 5, it shall furthermore apply, as a transitional arrangement, that the second time after the commencement of the Act where the membership period expires for a member appointed by the Rector of Aarhus University pursuant to Act no. 411 of 6 June 2002 on the establishment of the Danish Centre for International Studies and Human Rights, section 7, subsection 1, no. 3, the Rector of Aarhus University shall appoint a new member, cf. section 3, subsection 2, no. 3. It shall subsequently apply that when the membership period expires for a member appointed by the Rector of Aarhus University pursuant to section 3, subsection 2, no. 3, the Rector of Aarhus University shall appoint a new member, cf. section 3, subsection 2, no. 2.

Subsection 9. The current Council of Human Rights shall be constituted as the Council of Human Rights until the Board has formed a new council, cf. section 5, subsection 1.

Section 12 In the Act on Equal Rights for Women and Men, cf. Consolidated Act no. 1095 of 19 September 2007, as amended most recently by section 3 in Act no. 182 of 8 March 2011, the following amendment shall be made:

In the heading of chapter 5 and in section 14, “The Institute for Human Rights” shall be amended to: “The Institute for Human Rights – Denmark’s National Human Rights Institution”.

Section 13 In the Act on Equal Treatment of Men and Women in Regard to Employment, etc., cf. Consolidated Act no. 645 of 8 June 2011, the following amendment shall be made:

In section 18, “The Institute for Human Rights” shall be amended to: “The Institute for Human Rights – Denmark’s National Human Rights Institution”.

Section 14 In the Act on Ethnic Equal Treatment, cf. Consolidated Act no. 438 of 16 May 2012, the following amendment shall be made:

In section 10, subsection 1; “The Institute for Human Rights” shall be amended to: “The Institute for Human Rights – Denmark’s National Human Rights Institution”.

Section 15 The Act does not apply to the Faroe Islands and Greenland but can, upon royal decree, be wholly or partially put into force for the Faroe Islands and Greenland with amendments which the Faeroese and Greenlandic conditions dictate.

Unofficial translation, translated by the Danish Institute for Human Rights.