

THE DANISH  
INSTITUTE FOR  
HUMAN RIGHTS

# HUMAN RIGHTS IN DENMARK 2019

ANNUAL REPORT TO  
THE DANISH PARLIAMENT





Editors: Esben Geist (chief editor), Janne Bruvold and Kathrine Storgaard Carlsen

Closing date for contributions: 20 March 2019

ISBN: 978-87-93605-73-2

e-ISBN: 978-87-93605-74-9

Layout: Hedda Bank

Illustrations: Bjarne Agerbo

Printed by: Toptryk Grafisk Aps

Photos: Cover: Jonas Olufson/Ritzau Scanpix. Page 5: Anne Mie Dreves. Page 6: Wilfred Gachau/Ritzau Scanpix. Pages 9, 19, 23 and 27: Mathias Christensen. Page 10: Dennis Lehmann/Ritzau Scanpix. Page 13: Kasper Palsnov/Ritzau Scanpix. Page 15: Colourbox. Page 20: Finn Frandsen/Ritzau Scanpix. Page 24: Jens Dresling/Ritzau Scanpix. Page 28: Mads Claus Rasmussen/Ritzau Scanpix. Page 30: Linda Kastrup/Ritzau Scanpix. Page 32: Christian Klindt Sølbeck/Ritzau Scanpix. Page 34: UN Photo/Violaine Martin. Page 37: Ollivier Girard.

Frontpage: On December 10th 2018 thousands of Danes marked the 70th anniversary of the UN Declaration of Human Rights by demonstrating against the government and the Danish People's Party's Finance Act.

© 2019 Danish Institute for Human Rights

Wilders Plads 8K, 1403 Copenhagen K, Denmark

Telephone: +45 32 69 88 88 – menneskeret.dk

Duplication of this publication or parts thereof is permitted solely for non-commercial use, and provided that the source is clearly cited.

# CONTENTS

- 6** Human rights need our protection
- 8** Legal affairs
- 15** Immigration and integration
- 18** Citizenship
- 22** Social affairs
- 24** Social affairs – children and young people
- 26** Social affairs – disability
- 28** Gender equality
- 30** Healthcare and senior citizens
- 31** Education
- 32** Greenland
- 34** Denmark takes on the responsibility for human rights
- 36** The international work of the Institute
- 38** An overview from the Institute
- 39** Finances

# THE INSTITUTE IN 2018

The Danish Institute for Human Rights is Denmark's national human rights institution. We promote and protect human rights in Denmark and internationally.

We are also Denmark's national equality body, and we have the task of promoting equal treatment of ethnic minorities, of woman and men, and of sexual minorities. In addition, we have a special role in the disability area, where we promote and monitor implementation of the UN Convention on the Rights of Persons with Disabilities.

In 2018, among other things, we have:

- Prepared **270** consultation responses to bills and executive orders. All of the responses can be viewed in Danish at [menneskeret.dk/hoeringsvar](https://menneskeret.dk/hoeringsvar).
- Published **22** reports, **2** books and **28** research articles, papers and book chapters. The majority of these were peer-reviewed. For more information visit [humanrights.dk/research](https://humanrights.dk/research).
- Published **63** op-eds and analyses and contributed to more than **3000** news items and articles in the media.
- Responded to **493** enquiries from members of the public and provided direct consultancy to 35 persons in cases relating to discrimination on the grounds of race, ethnicity, disability and/or gender. Read more about our consultancy services in Danish at [menneskeret.dk/radgivning](https://menneskeret.dk/radgivning).

We work internationally via partnerships with government ministries, public authorities and national human rights institutions, and we provide consultancy services to the business community to ensure robust and sustainable results. This year we will be publishing a separate annual report on our international work.

You can read more about our domestic work at [menneskeret.dk](https://menneskeret.dk), and about our international work at [humanrights.dk](https://humanrights.dk).

# FOREWORD

2018 saw the 70th anniversary of the Universal Declaration of Human Rights. The anniversary brought home the fact that there is a continued need to remind ourselves that citizens' rights must form the basis of political initiatives; that democracy and the rule of law are founded on human rights; and that human rights must be taken as seriously today as they were in 1948. This applies no less in Denmark as elsewhere.

Denmark continues to be a very active player on the international stage. In October, Denmark was elected to the United Nations Human Rights Council. This means that Denmark can now influence other nations to take human rights more seriously.

The Institute closely monitors the work of the Human Rights Council and has contributed to a UN resolution which has helped to create consensus within the council that human rights promote the UN sustainable development goals (SDGs). The Institute's work has demonstrated how the human rights instruments the world already has can help achieve the SDGs.

In 2018 Denmark's chairmanship of the Council of Europe concluded with a declaration expressing clear support for the European Court of Human Rights and further developing the reforms the Council of Europe has undergone since 2010. One aspect of the Institute's role as an advisor to the Danish government and the Danish Parliament has been to make an active contribution to the chairmanship, and in this respect the Institute is generally satisfied with the outcome, which ultimately did not turn out to be the showdown with the court that many feared.

Every day, the Danish Institute for Human Rights fights to protect citizens' rights. The following pages contain more about our role as a watchdog, keeping an eye on those in power.

Jonas Christoffersen  
Executive director

Dorthe Elise Svith  
Chairperson of the board



# HUMAN RIGHTS NEED OUR PROTECTION

There continues to be widespread support for human rights in Denmark. Nevertheless, human rights are fragile and need our protection, warns Louise Holck, deputy executive director at the Danish Institute for Human Rights.

On 10 December 2018, thousands of people gathered at City Hall Square in Copenhagen to voice their call for Denmark to preserve human rights. The demonstrations in Copenhagen and a number of other cities were a reaction to the proposal in the 2019 national budget agreement that a departure centre be established on the island of Lindholm, and simultaneously they marked the anniversary of the UN Universal Declaration of Human Rights, adopted 70 years earlier.

“70 years after the nations of the world agreed on universal human rights, it is wonderful to see that there are still people who are prepared to take to the streets to fight for these same rights. It’s both important and necessary,” says Louise Holck, deputy executive director at the Danish Institute for Human Rights.

“

**The day we take human rights for granted is the day we lose those rights.**

Louise Holck,  
deputy executive director





When she looks back over 2018 and the human rights situation, Louise Holck sees two conflicting narratives regarding Denmark.

“On the one hand, Danish citizens continue to enjoy the benefits of strong human rights protection. In 2018 we’ve seen legal reforms to consolidate this protection and we’ve seen that the authorities are working to improve their efforts to protect citizens’ rights. And Denmark has been elected to the United Nations’ foremost human rights body.”

Since the start of the year, Denmark has been a member of the United Nations Human Rights Council.

“But,” she continues, “there is another narrative. This second narrative is about legislation that goes to the very limits of human rights, without indicating where these limits actually lie. This is the narrative of a new type of system which sanctions children as young as ten without providing them with the same procedural guarantees granted to adults. It is a narrative about the reduction of benefits, already so meagre that some families have so little money to live on that they live below the minimum subsistence level as defined in the Danish Constitution. It is a narrative about a nation which legislates on how citizens are allowed to dress in public.”

While the Institute does not consider that the individual measures are directly in contravention of the European Convention on Human Rights, the measures do impair the protection of citizens’ rights.

**“Preserve human rights” was the message from thousands of people who gathered at City Hall Square in Copenhagen on December 10th 2018, the anniversary of the Universal Declaration of Human Rights.**

The current debate surrounding human rights is likewise a cause of concern for Louise Holck. It is her impression that the support of Danish politicians and citizens is particularly fragile with regard to protecting rights for foreign nationals. She stresses that the European human rights infrastructure is unparalleled and absolutely essential for safeguarding the rights of millions of European citizens.

“It may very well be that individual rulings from the European Court of Human Rights and one or two articles of the human rights conventions feel irritating or restrictive, but we have too much to lose if we turn our backs on the system. There is a meaning between the lines when politicians say ‘go to the very limits’. It suggests human rights are more of an obstacle than a protection. A challenge rather than a strength,” says Louise Holck, and she continues:

“But human rights are in fact a great strength. They are the cornerstone of a world order which for decades has brought peace and economic progress to our part of the globe. And yet we see countries such as Poland and Hungary turning their backs on human rights. Human rights are fragile and they are in need of our protection. The day we take human rights for granted is the day we lose those rights.”

## A SHARP INCREASE IN THE NUMBER OF PRISON INMATES PUNISHED BY SOLITARY CONFINEMENT

In 2018 there were 674 instances of inmates in Danish prisons being placed in solitary confinement as a disciplinary measure for a period of more than 14 days. Solitary confinement is the most severe form of disciplinary punishment that can be imposed on inmates. There has been a massive increase in the use of prolonged solitary confinement as a disciplinary measure in the past years. In 2015, just seven inmates were placed in solitary confinement for a period of more than 14 days.

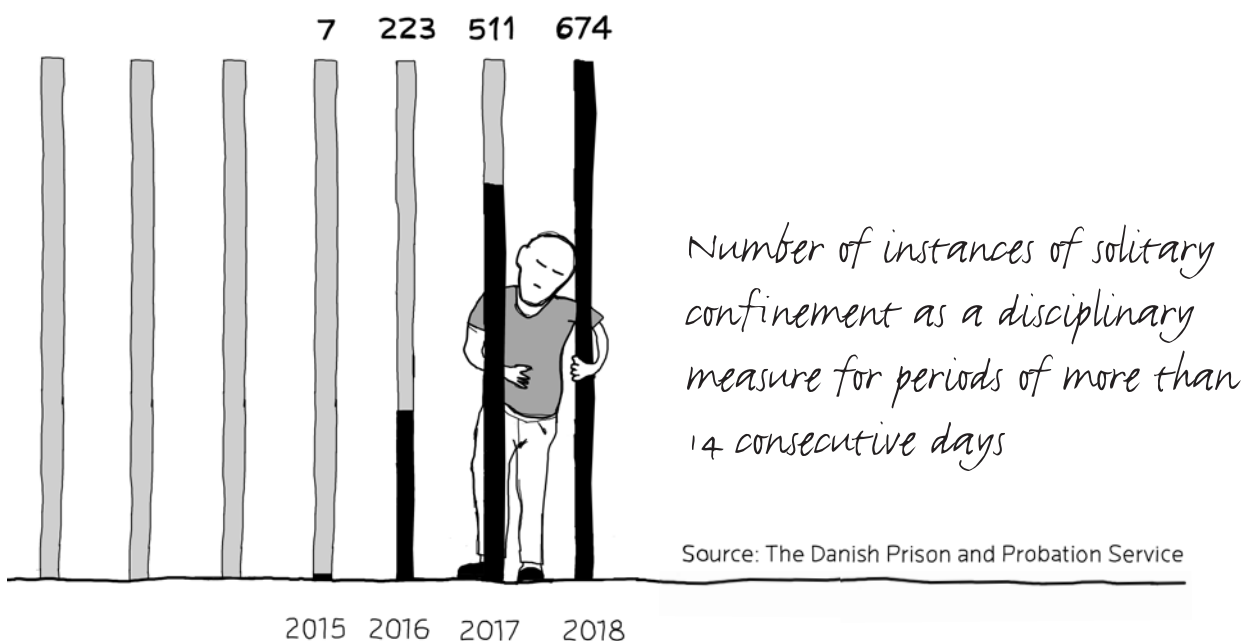
The number of instances of solitary confinement began to rise in earnest after May 2017 when the Danish Minister for Justice, Søren Pape Poulsen, imposed stricter disciplinary measures to improve safety in Danish prisons. Inmates in Danish prisons were subjected to unconditional solitary confinement a total of 4,752 times in 2018. Disciplinary measures are imposed by prison staff immediately after an inmate commits an unlawful act. Any inmate caught with a mobile telephone will typically be sentenced to 15 days in solitary confinement. The inmate can, moreover, expect to subsequently receive further punishment from the courts in the form of an extended term in prison.

The UN Committee Against Torture has previously criticised Denmark for its use of solitary confinement as a disciplinary measure for convicts.

While the use of solitary confinement as a disciplinary measure is increasing, and an increasing number of inmates are opting to serve time separate from other inmates, the use of solitary confinement for pre-trial detention prisoners is falling. This is the result of stricter legal requirements encoded in

## NEW SYSTEM TO COMBAT YOUTH CRIME

In 2018 the Danish Parliament reformed efforts to tackle youth crime. The new system imposes more sanctions than previously on children and young people who have committed a crime, and it assigns both the police and judges a more prominent role than in the past. The Institute has criticised the new system for not sufficiently safeguarding due process guarantees for children and youths. Read more about the reform and the Institute's criticism on page 24.







When he was 23 Andreas Rasmussen was placed in solitary confinement for 40 days while in pre-trial detention. Andreas was acquitted of the most serious charges and ultimately received a conditional sentence of five months' imprisonment. Today, nine years on, he can still feel the impact of his time in solitary confinement. He finds it difficult to spend any significant amount of time with other people, forgets new faces and names and has difficulty concentrating.

the Administration of Justice Act in recent years and a targeted intervention by the director of public prosecutions.

#### **LOWER MAXIMUM PERIOD FOR MINORS IN SOLITARY CONFINEMENT**

Since February 1st 2019 minors may not be held in solitary confinement for more than seven days except in cases of violence against staff. This limit represents an improvement in the protection of minors' rights, but the Danish Institute for Human Rights still recommends that the Danish government introduce a ban on the use of solitary confinement for minors.

#### **USE OF FORCE IN DANISH PRISONS IS RISING**

The use of force in Danish prisons increased by 60% between 2015 and 2017. In particular there has been an increase in the use of forcible means. For instance, the use of pepper spray and batons has more than tripled, while the use of shields has doubled.



## BETTER PROTECTION OF CITIZENS' PERSONAL DATA

In May 2018 the EU's new General Data Protection Regulation (GDPR) entered into force. Just beforehand the Danish Parliament adopted the Data Protection Act, which implements and supplements the GDPR in Denmark. Both the GDPR and the Data Protection Act serve to consolidate protection of Danish citizens' personal data.

The Institute's general view is that Denmark did not take full advantage of an opportunity to improve data protection in Denmark when the Data Protection Act was formulated. The Institute worked to bring about more ambitious Danish legislation and, among other things, the Institute is critical that the act has contributed to undermining democratic control when information from different databases are merged. Nonetheless, the Institute still considers that, in combination, the GDPR and Danish legislation will lead to an improvement of data protection in Denmark.

## EASIER ACCESS TO DATA ON AIRLINE PASSENGERS

Since January 1st 2019 Denmark has had so-called PNR legislation. PNR stands for 'passenger name records' and the legislation sets out the framework for registration of personal data concerning airline passengers travelling to and from Denmark. This registration is to provide the police with access to data in connection with investigations of serious crime. PNR data shows, amongst other things, where each passenger is travelling to, how

---

## THIS YEAR'S PUBLICATIONS

- Eksponeret – Grænser for privatliv i en digital tid (Exposed – The limits of privacy in the digital age)



In June 2012 demonstrators gathered at Højbro Plads in Copenhagen to show the Chinese President their dissatisfaction with China's human rights violations in Tibet. Several of the protesters were prevented by the police from demonstrating on the president's route through Copenhagen. A commission investigating the actions by the police during this and other Chinese state visits was reopened in 2018.

often they travel and with whom. The gathering of this data is an infringement of the passenger's right to privacy. Yet the Danish Ministry of Justice – as far as the Institute can establish – has not demonstrated that the bill meets the European Court of Justice's conditions for gathering PNR data. For instance, Danish oversight mechanisms on the use of data are limited to Danish citizens.

#### **NO LEGAL GUARANTEES WITH RESPECT TO ARCHIVED PERSONAL DATA**

When the Danish Security and Intelligence Service is required by law to delete data from its archives, part of the data is then transferred to the Danish National Archives. The Danish Security and Intelligence Service nonetheless retains its possibility to access this data in the Danish National Archives, and this currently takes place without any monitoring of due process. This was exposed by the Danish national newspaper Politiken in 2018. The problem arises because the Danish Data Protection Agency, which is responsible for monitoring use of material stored in the Danish National Archives, is not legally authorised to monitor the activities of the Danish Security and Intelligence Service. The Institute recommends that, at the earliest opportunity, the Danish Parliament incorporate the necessary legal guarantees in legislation.

#### **PENSION PROVIDERS HAVE ACCESS TO CUSTOMERS' PERSONAL DATA**

Udbetaling Danmark, the Danish authority for payments of benefits etc, is now required to supply information concerning whether the customer of a pension company or the customer's spouse is receiving social security benefits when a company requests this information. The purpose of combining registers is to enable pension companies to provide more targeted advice. The Institute does not, however, consider that the need for targeted advice serves society's interests to an extent that justifies pension companies being provided with information concerning citizens' social security benefits without the citizens being informed of this or being given the choice to opt out. The Institute considers that combining registers contravenes the EU GDPR.

---

#### **SPOTLIGHT ON FREEDOM OF EXPRESSION**

In 2017 the Danish government appointed a freedom of expression commission tasked with assessing the framework and conditions of freedom of expression. This commission was supposed to have completed its work by the end of 2018, but work has been delayed and will not be completed until sometime in 2019.

The Danish Tibet Commission, which was tasked to investigate the police's handling of a series of Chinese state visits, was reopened in 2018 after new material of relevance to the commission came to light. The Institute is concerned by the fact that the commission was not supplied with all relevant material by the authorities in the first instance.



# LEGAL AFFAIRS

## **BAN ON COVERING THE FACE**

Since August 1st 2018 it has been illegal to wear clothing in public which conceals the wearer's face. The Institute considers that the Danish ban is in conformity with the practice of the European Court of Human Rights, which approved bans on face covering in France and Belgium.

The face covering ban is nonetheless a drastic intervention which restricts citizens' fundamental right to self-determination and religious freedom. It is likely that the face covering ban will particularly impact a minority of women with a Muslim background who for religious reasons cover their faces in public. The ban risks causing social exclusion for the women it impacts and reinforcing the kind of parallel societies which the legislation otherwise seeks to discourage. For these reasons, among others, the Institute is concerned about the ban.

In contrast to the European Court of Human Rights, in October 2018 the UN Human Rights Committee concluded that in two specific cases France had violated the human rights of two women by fining them for wearing a niqab in public. The committee considers a ban on wearing the niqab to be a disproportionately large barrier to the right of women to display their religious convictions.

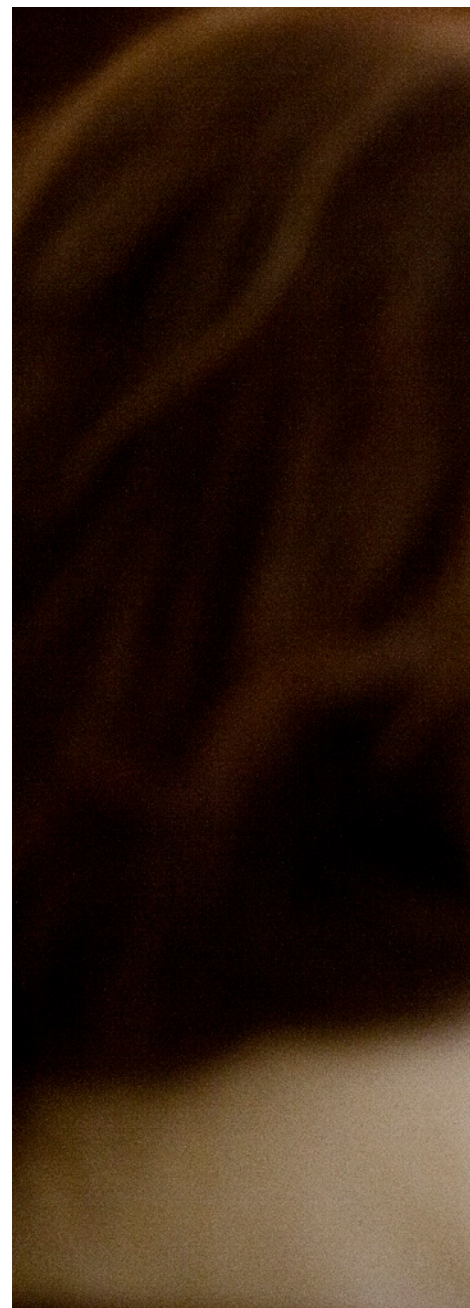
## **HARSHER PUNISHMENTS FOR PERSONS LINKED TO BANNED ORGANISATIONS**

Harsher punishments have been introduced for supporting an organisation which has either been provisionally banned by the government or dissolved by a legal ruling, eg persons who publicly display symbols associated with a given organisation after the organisation in question has been provisionally banned or dissolved by a legal ruling may henceforth be imprisoned for up to six months. Similarly, the police may restrict people linked to the organisation from being in given locations, and the police have the power to order people who participate in a gathering, of which a large percentage has had links to the organisation, to vacate the site of the gathering. The purpose of toughening these measures is to combat organised violent crime, and as such the Institute has not had cause to criticise the legislative changes, even though they entail infringements of the freedoms of expression and assembly.

## **HARASSMENT AND HATE CRIME IMPACT RELIGIOUS MINORITIES**

In recent years a number of investigations have indicated that Jews and Muslims are far more likely to be subjected to religiously motivated harassment and hate crime than the rest of the population. Most recently, in December 2018 the European Union Agency for Fundamental Rights published a report on experienced anti-Semitism. The majority of the Danish Jews who participated in the investigation responded that they consider anti-Semitism to be a, very big problem, or a, fairly big problem which is getting worse.

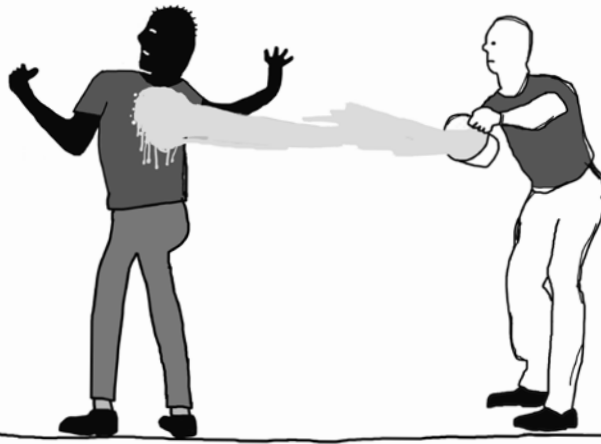
In a European survey from 2018, a majority of Danish Jews replied that they consider anti-Semitism to be a, very big problem, or a, fairly big problem which is getting worse.





Number of hate crimes  
reported in 2017

446



Source: The Danish National Police





## PROGRESS

- The Data Protection Act and the EU General Data Protection Regulation have strengthened the protection of citizens' personal data.
- The use of solitary confinement on minors is restricted to a maximum of seven days and ordinarily a maximum of three days.
- Both public and private actors are now required to make use of encryption when transmitting confidential and sensitive personal data via email.
- Foreign nationals who receive a so-called on-the-spot fine from the police and pay the fine on the spot now have 14 days to cancel the payment and have the case tried in court.
- The protection of witnesses has been strengthened as vulnerable witnesses may now testify via a video link, people in the public gallery who cause unrest may be refused entry to the courtroom, and prison officers may testify as semi-anonymous witnesses.
- The regulation on tasks for which the police may request assistance from the armed forces has been updated.
- The High Court of Eastern Denmark has stressed that, in civil cases concerning file-sharing, access may not be granted to data which has been collected and stored under the Executive Order on the Retention and Storage of Traffic Data by Providers of Electronic Communications Networks and Services.
- The Danish Data Protection Agency has made it clear that the Danish tax authority (SKAT) may not make use of illegally sourced information in cases concerning tax evasion, and that SKAT must delete any information which has been gathered by illegal means.

## SETBACKS

- It is now illegal to wear clothing in public which conceals the wearer's face.
- Children and young people between the ages of ten and seventeen suspected or convicted of certain crimes may now be sanctioned by a youth crime board.
- Udbetaling Danmark, the Danish authority for payment of benefits etc is authorised to pass on details to a pension company on whether the company's customers or customers' spouses are receiving benefits.
- Stricter disciplinary measures in prisons are resulting in more frequent and more protracted solitary confinement.
- New legislation on registration of personal data concerning airline passengers does not meet the requirements of the European Court of Justice.
- The definition of deprivation of liberty in the Danish Police Act has been narrowed such that the police are now authorised to detain people without this being considered deprivation of liberty.
- The Danish Prison and Probation Service is authorised to carry out increased supervision of inmates such as being present when inmates receive visitors and listening to inmates' telephone conversations.
- Courts may no longer rule that minors who are suspected of serious crime involving a risk of injury to other persons may serve pre-trial detention in their own home.
- Evidence discovered by accident in connection with eg searches may be used as evidence in cases concerning the dissolution of an association. The Institute is concerned that this change in legislation may entail more frequent infringements of the secrecy of communications and more searches in connection with ordinary criminal cases.
- A person who collaborates with foreign security and intelligence services in the sharing of material on social media can be punished with up to 12 years imprisonment despite the fact that it is difficult to determine the boundaries between legal and illegal statements and, moreover, the penalty is disproportionately high.



# IMMIGRATION AND INTEGRATION



## **PARADIGM SHIFT AND DEPARTURE CENTRE ON AN ISLAND**

As part of the 2019 national budget agreement the government and the Danish People's Party agreed to introduce a so-called paradigm shift for refugees. Since then a series of legislative changes have been adopted by the Danish Parliament which clarify that refugees will only be granted temporary residency in Denmark and that residence permits will either be revoked or will not be renewed if circumstances in the applicant's homeland improve.

The Danish Parliament has likewise determined that a departure centre is to be established on the island of Lindholm in Stege Bugt. The residents of this centre will be foreign nationals granted leave to remain under the tolerated stay provisions, criminals awaiting deportation, foreign fighters, and asylum seekers awaiting deportation who have committed crimes near their place of residence. The centre will be completed and ready for use in 2021.

According to a study by the Institute some families on integration benefit live below the minimum subsistence level as defined in the Danish Constitution.



# IMMIGRATION AND INTEGRATION

In the view of the Danish Institute for Human Rights, setting up a departure centre on an uninhabited island raises several human rights challenges. Foreign nationals with no prospect of leaving Denmark within the foreseeable future may not be deprived of their liberty. This applies no less to the future residents at the departure centre.

After having visited Kærshovedgård departure centre, the current accommodation for people on tolerated stay, in May 2018 the Danish Parliamentary Ombudsman stated that the conditions there were very stressful and restrictive. It must be assumed that the conditions at Lindholm will be even more restrictive, and as such there is a risk that vulnerable foreign nationals in particular may ultimately be subjected to degrading treatment in breach of the European Convention on Human Rights.

Following the presentation of the plans for Lindholm departure centre, the United Nations High Commissioner for Human Rights expressed 'serious concern' over the proposal put forward in the Danish national budget agreement.

## **REDUCTIONS IN INTEGRATION BENEFIT**

In 2018 the integration benefit was reduced by 3% and as part of the national budget agreement the decision was taken to make further cuts in the integration benefit for families with young children who have lived in Denmark for more than three years. In October the Institute published a study into the situation of families receiving integration benefit and concluded that even prior to the cuts some families lived below the minimum subsistence level as defined in the Danish Constitution.

## **UNCLEAR GUIDELINES ON HUMAN RIGHTS**

The large number of legislative changes resulting from the national budget agreement were processed in a combined bill to which the Institute had no significant objections. However, the Institute called for a clearer description of the new regulations. On several matters the legislation, which has now been adopted, sets the stage for Denmark going to the very limits of human rights, but given that clearly-defined human rights practice is established in only a small number of the areas in question, it is unclear what the Danish Parliament expects from the authorities, and this poses problems regarding safeguarding due process.

## **CHILD RESIDENTS AT SJÆLSMARK**

In December 2018 the Danish Parliamentary Ombudsman reported on the situation of child residents at Sjælsmark departure centre. The ombudsman concluded, among other things, that the conditions at the departure centre negatively impact the children's upbringing and restrict their opportunities for natural development. The ombudsman did not, however, conclude that the conditions contravene the UN Convention on the Rights of the Child or the European Convention on Human Rights. However, children residing at the centre for long periods ultimately risk having their human rights violated.

## + PROGRESS

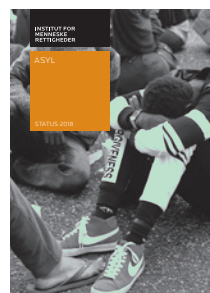
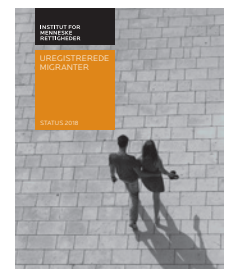
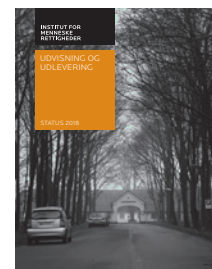
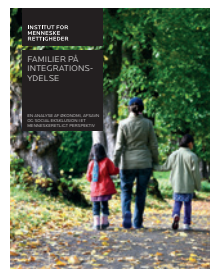
- Minors seeking asylum are now permitted to live with parents who have been granted residency in Denmark.
- As a result of a change to the practice of the Refugee Appeals Board, stateless Palestinians from Syria, Lebanon, Jordan and Gaza and the West Bank have been granted easier access to protection as UN convention refugees. Around 160 cases have either been remitted or reopened for new processing by the Danish Immigration Service.
- In 2018 several single Somalian women, together with their minor daughters had their cases remitted or reversed by the Refugee Appeals Board after the board concluded that the women would not be able to prevent their daughters from being subjected to female genital mutilation if they were to return to Somalia.

## ÷ SETBACKS

- The integration benefit has been reduced for families with children who have been living in Denmark for more than three years.
- As the first instance authority in decisions concerning withdrawal of or refusal to renew residence permits, in future the Danish Immigration Service must “go to the very limits of Denmark’s international obligations”.
- The police have been granted greater scope to carry out body searches on detained unaccompanied minors prior to deportation.
- Regulations concerning family reunification have been considerably tightened, among other things through stricter integration, visitor, residency and Danish competency requirements, together with a new financial security requirement.
- Specific regulations governing refugees’ entitlement to a full early retirement pension have been abolished. Refugees must now have had fixed residence in Denmark for at least three years before being granted entitlement to an early retirement pension. Refugees who have not been in Denmark for at least three years will instead receive benefits at the integration benefit rate.

## THIS YEAR’S PUBLICATIONS

- Familier på integrationsydelse (Families on integration benefit)
- Status på udvisning og udløvelse (Expulsion and extradition – status 2018)
- Status på uregistrerede migranter (Unregistered migrants – status 2018)
- Status på asyl (Asylum – status 2018)
- Status på familiesammenføring (Family reunification – status 2018)





# CITIZENSHIP

## NEW AGREEMENT TIGHTENS THE REQUIREMENTS FOR CITIZENSHIP

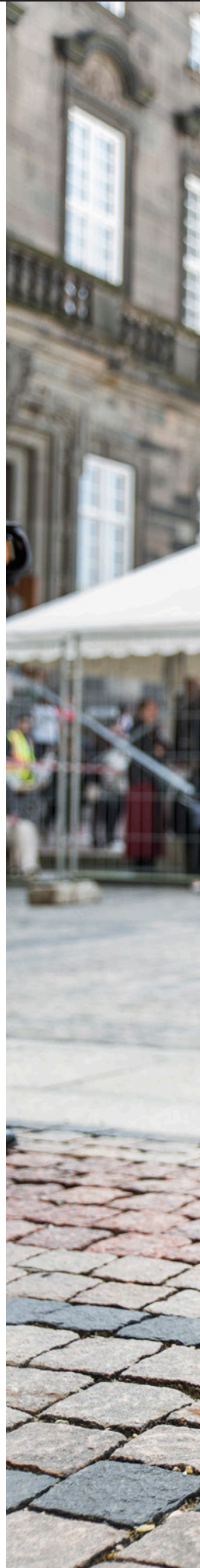
In the summer of 2018, the government, the Social Democratic Party and the Danish People's Party entered into a new citizenship agreement. This agreement includes a tightening of the conduct requirements such that it is now more difficult, and in a number of cases impossible, for persons convicted of certain criminal offences to be granted Danish citizenship.

During the political negotiations on the new agreement the Danish Institute for Human Rights wrote to the Minister for Immigration and Integration stressing that permanent exclusion from citizenship on the basis of certain criminal offences without taking into consideration the severity of the sentences breaks with normal practice according to which, the severity of the sentence determines the repercussions for the individual. Under the terms of the new citizenship agreement, even minor sentences may permanently exclude the individual from acquiring Danish citizenship.

The new agreement also tightens the requirements on self-support. Applicants must now fulfil the self-support requirement for longer periods than hitherto, and receiving unemployment, sickness, maternity and paternity benefits for periods longer than four months will extend the periods during which the applicant must be self-supporting. The Institute stressed to the minister that the rule will impact citizens who have been unemployed for shorter periods among other things due to illness or parenthood. With respect to maternity and paternity benefit, the rule will have a greater impact on woman than on men. For this reason, the Institute recommended that the government and the other parties to the agreement reconsider the agreement and proposed that persons who have received benefits in connection with childbirth should be exempted from the prolongation rule.

Also the requirements for applicants to learn Danish to a high level and pass a citizenship test have been tightened under the terms of the new citizenship agreement that now includes extensive requirements for having done the utmost to learn Danish etc and especially for documenting this in cases where the Danish Parliament's Naturalization Committee has to evaluate whether exemption should be granted. The Institute considers that there may be a risk that the new documentation requirements might effectively prevent people with disabilities from being able to apply for exemption.

Every year new Danish citizens gather at Christiansborg Palace to celebrate their Danish citizenship. In April 2018, 4-year-old Vihaan participated in the Citizenship Day together with his parents, Sridhar and Ramya, who after 15 years in Denmark were granted Danish citizenship in 2017.







## **+** PROGRESS

- The Naturalization Committee will consider whether an exemption should be granted from the standard waiting periods in cases where the applicant has received minor fines for breaking the Road Traffic Act.
- A new consolidated version of the Danish Citizenship Act incorporates the large number of legislative changes adopted over the past 14 years.

## **÷** SETBACKS

- Persons who apply for Danish citizenship must now shake hands with an official at a citizenship ceremony to acquire Danish citizenship. This creates indirect difference in treatment based on religious belief and implies that random factors may affect access to citizenship.
- Extensive new and opaque exemption requirements may prevent applicants with disabilities from being granted citizenship.
- The citizenship application fee has been raised from DKK 1,200 to DKK 3,800.
- Processing of applications for Danish citizenship pursuant to the Statelessness Conventions submitted by stateless persons born in Denmark who the Danish Security and Intelligence Service considers present a potential danger to national security, and by persons charged or indicted for a crime punishable by a sentence of at least five years' imprisonment or more, will now be postponed.





## A HANDSHAKE IN RESPECT

The new citizenship agreement from 2018 requires that during a local citizenship ceremony applicants for citizenship show respect for Danish values. This requirement was subsequently made more specific as precised in the explanatory notes to a bill amending the Danish Citizenship Act. Accordingly, during the ceremony applicants must shake hands with one or more municipal representatives and by this symbolic act show respect for the Danish society.

The Institute finds that the handshake requirement may create indirect differences in the treatment of applicants based on their religious beliefs, and the Institute cannot find many arguments in favour of considering the handshake requirement proportional, among other things, taking into account the potentially serious consequences of non-compliance with the requirement. Moreover, if an applicant, based on his or her religious customs, is unwilling to shake hands with a person of the opposite sex, random circumstances may end up determining whether the applicant is granted Danish citizenship. An applicant of the same sex as the mayor or another municipal representative will be able to meet the handshake requirement

Applicants for Danish citizenship must now take part in a citizenship ceremony and shake hands with a municipal representative in order to acquire Danish citizenship. The first citizenship ceremony was hosted by the government and took place at Eigtveds Pakhus in Copenhagen. Nine applicants shook hands with the Danish Minister for Immigration and Integration, Inger Støjberg. The Institute finds that the handshake requirement can lead to indirect discrimination on the basis of religion.

and become a Danish citizen, while a person of the opposite sex acting in accordance with his or her religious customs will not be able to become a citizen.

### **REQUIREMENTS WITH RETROACTIVE EFFECT**

The fact that the new citizenship requirements as a starting point apply to all applications, irrespective of when they were submitted, presents a human rights challenge in itself. Only applications submitted prior to February 5th 2017 will be processed pursuant to the earlier guidelines, and the new restrictive conduct requirements apply to all applicants, irrespective of when they submitted their application for Danish citizenship.

Given that, since the turn of the year, the Ministry of Immigration and Integration's average case-processing time for citizenship applications was 20 months, many applicants who have applied on the basis of the earlier requirements must now meet the new, unanticipated, more restrictive requirements.

### **DANISH SECURITY AND INTELLIGENCE SERVICE MAY PREVENT STATELESS PERSONS FROM ACQUIRING DANISH CITIZENSHIP**

The Danish government has modified its interpretation of the 1961 UN Convention on the Reduction of Statelessness. Until now the government has interpreted the convention in accordance with its wording, such that stateless applicants born in Denmark are entitled to Danish citizenship if they have not been convicted of a crime against the state and have not been sentenced to imprisonment for a period of five years or more.

In future, the Ministry of Immigration and Integration will postpone the processing of an application from a stateless applicant born in Denmark if the Danish Security and Intelligence Service assesses that the applicant is a potential threat to national security, or if the applicant is charged with or indicted for offences against national security or a criminal offence that can result in imprisonment of five years or more. In such cases, every six months the government will monitor whether the Danish Security and Intelligence Service still considers the applicant to present a risk to national security. If, based on a concrete assessment, the Ministry of Immigration and Integration finds that a decision should be made in the case in view of the overall case processing time, the ministry will refer the case to the Naturalisation Committee.

The Institute does not agree that the new procedure accords with the 1961 convention. Among other things, there is no time limit as to how long a decision concerning citizenship may be postponed, the applicants are not informed about a decision to postpone, and the access to existing overview mechanisms is not effective since there are no provisions that can lead to a review or revision of the Danish Security and Intelligence Service's assessment.

---

### **THIS YEAR'S PUBLICATION**

- Status på statsborgerskab (Citizenship – status 2018)





## **MORE CHILDREN LIVE IN POVERTY**

An increasing number of children in Denmark live in poverty. This trend has been charted in several reports produced by VIVE – The Danish Centre of Applied Social Science – and most recently by the Economic Council of the Labour Movement in December 2018. These studies concluded, among other things, that long-term poverty during childhood reduces a child's chances of attaining an education and starting a family. Furthermore, there is an increased risk of substance abuse, mental illness and crime. A range of legislative changes introduced in 2018 mean that in future an increasing number of people will experience a considerable reduction in their ability to support themselves.

Statistics from the Danish Ministry of Justice indicate that the more stringent legislation aimed at reducing begging and camps that disturb public order which was introduced in 2017 and 2018 has primarily been applied by the Copenhagen police force, and mainly to target foreign nationals.

## **PLAN TO COMBAT PARALLEL SOCIETIES COULD LEAD TO INEQUALITY**

In March 2018 the government presented its plan 'A Denmark free of parallel societies – No ghettos by 2030', with a total of 22 initiatives. Many of the subsequent legislative amendments risk impacting people with an ethnic minority background far more profoundly than ethnic Danes.

The government's plan has, among other things, resulted in children who live in so-called ghettos being made subject to an obligatory educational programme in a nursery from the age of one, while in schools where more than 30% of the pupils come from marginalised housing areas, pupils must undergo compulsory language tests before commencing their first year of primary school. Furthermore, anyone living in a marginalised housing area may not, as a rule, be granted family reunification.

Referral and rental regulations have been tightened to encourage more socio-economically advantaged citizens to move into marginalised housing areas, more socially disadvantaged citizens to move out of the areas and to prevent new socially disadvantaged citizens from moving in. For instance, persons receiving integration benefit are not permitted to move into these areas. In some places, these initiatives may potentially force housing associations to depopulate areas and demolish buildings.

In the view of the Danish Institute for Human Rights, these initiatives may have negative consequences for people on low incomes, people with criminal records as well as ethnic minorities and their opportunities for finding appropriate accommodation. The initiative fails to consider how more affordable housing can be established in other, non-marginalised residential areas.



In 1968, at the age of 13, Liselotte Christiansen moved into one of the brand-new buildings in the Lundtoftegade district in Nørrebro in Copenhagen with her brother and her mother. Lotte is upset that now Lundtoftegade is once again on the government's list of ghettos. The Institute considers that the measures aimed at the residential areas on the ghetto list may have negative consequences for, among other things, access to suitable housing for, among others, people on low incomes, ex-offenders and ethnic minorities.



## ÷ SETBACKS

- The integration benefit has been reduced for families with children who have been living in Denmark for more than three years.
- Specific regulations governing refugees' entitlement to a full early retirement pension have been abolished. Refugees must now have had fixed residence in Denmark for at least three years before being granted entitlement to an early retirement pension. Refugees who have not been in Denmark for at least three years will instead receive benefits at the integration benefit rate.
- The residency requirement to qualify for a student grant or cash benefits has been extended, such that citizens must now fulfil employment requirements in order to be entitled to these benefits.



**64,500**

*children in Denmark  
live in poverty*

Source: The Economic Council of the Labour Movement



# SOCIAL AFFAIRS – CHILDREN AND YOUNG PEOPLE

## + PROGRESS

- Foster families now receive more training and support from social-sector monitoring and municipalities.
- A new, integrated system of family law has been introduced which seeks to guarantee focus on the well-being and best interests of the child in the context of divorce.
- The High Court of Western Denmark has made clear that a co-mother has an ongoing obligation towards her child and may not at a later date annul her status as parent.

## ÷ SETBACKS

- Children and young people between the ages of ten to seventeen suspected or convicted of certain crimes may be sanctioned by a youth crime board without being granted access to ordinary due process safeguards in the form of a court-appointed legal representative, for example.
- The public authorities and the staff at care facilities have been granted greater powers over children and young people in care.

### REFORM OF EFFORTS TO TACKLE YOUTH CRIME

In 2018 the Danish Parliament reformed efforts to tackle youth crime. Since the start of the year, a youth crime board has been empowered to prescribe immediate responses and improvement programmes for 10-to-14-year-olds suspected of having committed certain crimes, as well as for 15-to-17-year-olds convicted of and imprisoned for criminal offences. The sanctions imposed on children and young people range from having to wash fire engines to being forcibly removed from their homes.

In addition, a juvenile prison and probation service will be set up which, in partnership with the municipality of residence, will supervise whether the child or young person abides by the decision of the Youth Crime Board.

The Danish Institute for Human Rights is concerned about the far-reaching encroachment on the rights of children and young people entailed by the new system. The new system has been developed with inspiration from the criminal justice system, with both the courts and the police on the Youth Crime Board. Nonetheless, the board does not form part of the actual criminal justice system, and the children and young people whose cases are processed by the board are not protected by the same procedural guarantees as they would be if they were heard in court. The Institute considers the new system to be so intrusive that the government should act to strengthen the procedural guarantees for children and young people.

### MORE CONTROL OF CHILDREN AND YOUNG PEOPLE IN CARE

Conditions for children and young people in care have become more restrictive in a number of areas over the past year. New legislation grants public authorities and the staff at care facilities greater powers over the children and young people in care. These powers potentially include body



In June 2018 the Danish Minister for Justice, Søren Pape Poulsen, presented a political agreement to reform the youth crime system. The new system took effect on January 1st 2019. The Institute is concerned about the far-reaching interference with the rights of children and young people, which the reform entails.



searches, restrictions on telephone calls and other contact with the outside world, CCTV surveillance of communal areas, and door alarms in rooms. Children and young people have a right to privacy and family life, and this applies equally to those who do not live in the family home. The Institute considers that in particular the new scope for body searches risks a disproportionate infringement of the rights of children and young people.

### **NEW LEGISLATION ON HIGHER STANDARDS FOR FOSTER FAMILIES**

There has long been a need for better support for foster families, and in 2018 improvements were made in this area. These include a more precise definition and uniform approval process for different types of foster families to reflect the different forms of support children require. Additionally, as part of the approval process, social sector monitoring must develop a new, national, knowledge-based basic course for all new foster families, and municipal authorities must provide all foster families with a programme containing particularly intensive support, including supervision, advice and guidance, at the start of the child's placement in care.

### **NEW SYSTEM OF FAMILY LAW FOCUSING ON THE BEST INTERESTS OF THE CHILD**

A new system of family law was introduced in 2018 which incorporates more positive elements to protect children caught up in acrimonious divorce cases. Among other things a family law centre has replaced Statsforvaltningen. In the family law centre cases are screened and the intervention is tailored to the needs of each family. A positive aspect of this is that the family law centre will prioritise safeguarding the well-being and best interests of the child. Nonetheless, the Institute recommends that the family law centre develops a model to weight gender issues such as maternity leave, working hours and division of tasks in the home when processing cases.

---

### **THIS YEAR'S PUBLICATION**

- Samarbejde omkring det anbragte barn  
(Collaboration around children in care)





## **LACK OF PROGRESS CALLS FOR AN ACTION PLAN**

In nine out of ten areas, people with disabilities are significantly worse off than people without disabilities. This is documented by the Danish Institute for Human Rights on the website [handicapbarometer.dk](http://handicapbarometer.dk).

At present, Denmark has no integrated policy for promoting equality and equal opportunities for people with disabilities. For this reason, the Institute and the Disabled People's Organisations Denmark along with more than fifty other civil society organisations, have written to the Danish Minister for Children and Social Affairs recommending that a national disability policy be drawn up.

## **PROHIBITION PROTECTING PEOPLE WITH DISABILITIES AGAINST DISCRIMINATION**

In July 2018 new legislation entered into force which prohibits discrimination on the grounds of disability. This represents major progress for the rights of people with disabilities. The prohibition means that it is now possible to bring before the Danish Board of Equal Treatment cases concerning discrimination on the grounds of disability arising in other areas than the labour market. Up to now, the labour market has been the only area to have a prohibition on such discrimination. However, the Institute did not succeed in convincing the government to include a requirement for reasonable accommodation in the law.

## **RIGHT TO VOTE FOR PEOPLE UNDER GUARDIANSHIP**

In January 2018 the Danish Supreme Court upheld the opinion of the High Court of Eastern Denmark and the Danish Ministry of Justice that the state can withdraw the right to vote from Danish citizens under 'Section 6 Guardianship'. This is the provisional outcome of a case in which four Danish citizens under 'Section 6 Guardianship' have raised a case against the Danish state because their right to vote in general elections has been withdrawn.

At the close of 2018 the Danish Parliament adopted a bill which will make it possible to partially deny a person legal capacity, and this represents a departure from the previous all-or-nothing practice. The Institute considers the legislation to be an important step forward.

## **INCREASE IN FORCED ADOPTIONS**

The number of forced adoptions has increased gradually in recent years. A legislative amendment in 2015 means that a forced adoption no longer requires proof that the child's parents are unable to care for the child eg, due to a disability, but merely that it be considered probable.

The Institute has warned that the regulation for forced adoption is overly opaque, given that this is one of the most drastic interventions to which a child and its parents can be subjected.

---

## **UN LABELS DANISH DECISION ON FAMILY REUNIFICATION DISCRIMINATORY**

In 2013 the Danish Immigration Service rejected a Danish man's application for family reunification because he did not meet the requirement for financial independence. The man appealed the decision on the basis that he received social security benefits as a result of a brain injury, but the appeal was dismissed by the Danish Supreme Court. In 2018 the UN Committee on the Rights of Persons with Disabilities made it clear that the Danish Immigration Service's decision constituted discrimination on the grounds of disability. It is as yet unclear whether the Danish authorities will in the future make it easier for people with disabilities to be granted exemptions from the financial independence requirement.



Martin Rosenlind needs help to manage his finances, but with the type of legal guardian he has now, he will lose his right to vote in general elections. Martin's guardian is currently in the process of changing Martin's guardianship status in accordance with a new law, which entered into force on January 1st 2019. Martin hopes that this change will be processed before an election is called, so that, for the first time in his life, he will be able to have a say in deciding who is elected to the Danish Parliament.

## **+** PROGRESS

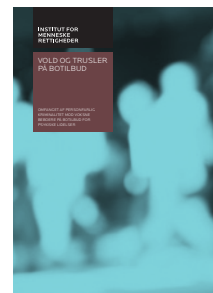
- It is now also prohibited to discriminate against people with disabilities in areas other than the labour market.
- People under 'Section 6 Guardianship' can now avoid losing their right to vote in general elections if their guardianship status changes.
- Disabled pupils on vocational education and training programmes will now receive a supplement to their state educational grant amounting to DKK 5,500 a month.
- A new executive order stipulates that the majority of people with disabilities will be entitled to vote in all public elections in Denmark without being dependent on assistance.
- Denmark has implemented the EU directive on the accessibility of the websites and mobile applications of public sector bodies, which sets out requirements for public authority and service websites and mobile apps to make them more accessible in the future.

## **÷** SETBACKS

- Residents at housing facilities referred to a social psychiatry department may be forced to give up their current housing facility.
- Residents at housing facilities who are forcibly relocated in the interests of fellow residents or staff will lose their right to choose a housing facility.
- Residents in a housing facility with a secure department can be subjected to greater use of force and control than previously. For example, restrictions can be introduced on the use of mobile telephones and computers with internet access.

### **THIS YEAR'S PUBLICATIONS**

- Status på handicap (Disability – status 2018)
- Børn med handicap på frie grundskoler (Children with disabilities at independent primary and lower secondary schools)
- Vold og trusler på botilbud (Violence and threats in housing facilities)





# GENDER EQUALITY

## 11 YEARS WITH THE SAME CHALLENGES

In May 2018, when Eva Kjer Hansen became Danish Minister for Equal Opportunities for the second time, she asked her officials to report on developments in gender equality since she had left the same post almost 11 years previously. The minister regrettably had to recognise that equal opportunities faced precisely the same challenges in 2018 as they had in 2007. Despite the lack of progress in the area the minister has no plans to introduce legislation to push for more gender equality.

## CRIMINALISATION OF DIGITAL OFFENCES

In 2018 the Danish Parliament decided to toughen its stance on criminalisation of sharing explicit photographs. Criminalisation of unauthorised sharing of nude photographs protects the individual's right to privacy. The Danish Institute for Human Rights considers it a positive development that there is now increased focus on the reality of digital communication that has led to an increasing number of people's rights being infringed online.

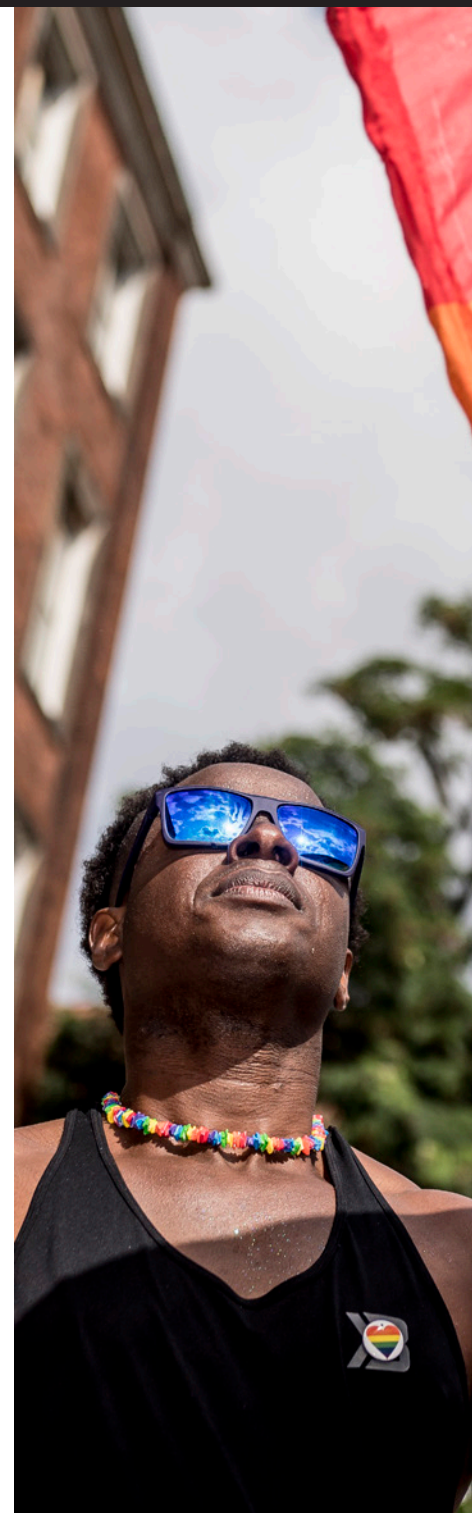
In 2018 after having shared one or more sex videos of a 15-year-old boy and a 15-year-old girl 1,005 Danish young people were charged with the possession and distribution of child pornography. In a test case the Danish Supreme Court sentenced a 20-year-old man to a 40-day conditional sentence for sharing child pornography. The man will furthermore have to pay compensation to the girl and boy who appear in the video. This judgment has great significance for ensuring that digital offences are taken seriously and makes it very clear that the ban on child pornography applies to everyone – including young people.

## STRENGTHENED PROTECTION AGAINST SEXUAL HARASSMENT

In December 2018 the Danish Parliament made an amendment to the Equal Treatment for Men and Women Act whereby regulations on equal working conditions now include a ban on sexual harassment. Among other things the amendment means that compensation in sexual harassment cases has been increased by one-third, and that henceforth the tone of communication at the workplace will not be taken into consideration when determining whether sexual harassment has taken place.

## EU SOON TO INTRODUCE EARMARKED PATERNITY LEAVE

New EU regulations mean that both mothers and fathers will soon be guaranteed two months' maternity or paternity leave. These regulations are intended to encourage an increasing number of men to take paternity leave and more specifically they mean that the two months will be forfeited unless both mother and father make use of their leave. The regulations are expected to enter into force within the next three years.





## **+** PROGRESS

- The level of compensation in cases of sexual harassment has been raised, and the Equal Treatment for Men and Women Act stresses that equal working conditions now include a ban on sexual harassment.
- The Royal Life Guards have introduced a special height requirement for women.

### **DENMARK'S FIRST LGBTI ACTION PLAN**

In 2018 Denmark presented its first national action plan to ensure better well-being for LGBTI persons. Although many LGBTI persons are socio-economically advantaged and live active lives, an increasing number are worse off compared to the rest of the population. The hope is that this action plan will mean improved safety, well-being and equal opportunities for LGBTI persons in Denmark in the coming years.

### **GULF BETWEEN AGGREGATE LIFETIME INCOMES FOR MEN AND WOMEN**

In 2018 an analysis carried out by the Economic Council of the Labour Movement on behalf of the Institute indicated that there continue to be major differences between men's and women's aggregate lifetime incomes. Viewed over a lifetime, men's disposable income is on average 17% to 29% higher than that of women with the same level of education.

### **SCARCITY OF WOMEN ON THE BOARDS OF COMPANIES**

There is still a long way to go to achieve gender equality in Danish boardrooms. In 2018, in partnership with the research company Analyse & Tal, the Institute conducted a survey which indicated that 835 out of Denmark's 1,595 largest companies do not have a single woman on their board of directors.

In 2018 the government presented a national action plan to ensure better well-being for LGBTI persons in Denmark. The institute finds it positive that the government wants to improve conditions for LGBTI persons.

### **THIS YEAR'S PUBLICATIONS**

- Status på køn (Gender – status 2018)
- Demokratisk deltagelse på Facebook (Democratic participation on Facebook)





# HEALTH AND SENIOR CITIZENS



## FEE FOR INTERPRETING SERVICES AFTER THREE YEARS

People who have lived in Denmark for more than three years will, for the first time, have to pay a fee to receive interpreting services in the healthcare system. The Danish Institute for Human Rights fears that the fee will mean that patients who have yet to gain a good enough grasp of Danish will opt to use children or other relatives as interpreters, with an attendant risk of misunderstandings, thus patients will not receive the medical assistance they require.

## DATA SECURITY SHORTCOMINGS AT NEW GENOME CENTRE

The Danish Parliament has decided to establish a national genome centre to collect genetic data and certain health information on Danish citizens. The Institute considers it problematic that registration of genetic data is carried out without the consent of the citizen, and that citizens only have limited options for requesting that their genetic data is not used for purposes other than their own treatment. The Institute would also like a full account of data security and of the authority of the minister for health to lay down more precise regulations on collecting data.

## SENIOR CITIZENS NEED HELP WITH DIGITISATION

In new guidelines on digitisation-ready legislation, the Danish Agency for Digitisation identifies a need for citizens unable to use a computer, such as the elderly, to have the option of receiving assistance in some other way. These guidelines are a step forward, given that the Institute has long called for a more nuanced approach to digitisation, making greater allowances for citizens who are unable to use a computer or the internet. Notwithstanding, the Institute still considers that citizens should have the right to an exemption from having to use online self-service systems.

## PEOPLE WITH DEMENTIA TAKE TOO MUCH MEDICATION

The Danish Minister for Health continues to report excessive use of antipsychotic medication for people with dementia. This patient group is particularly vulnerable to serious side effects such as involuntary movement, thrombosis, heart problems and death. For this reason, the utmost care should be exercised in giving antipsychotic drugs to people with dementia, and they should only be administered based on an individual action plan. The national dementia action plan from the government and the parties to the special pool for the social area includes a goal to reduce the use of antipsychotic medication for people with dementia by 50% by 2025.

## + PROGRESS

- A new independent supervisory authority has been tasked with monitoring the quality of nursing and care in care homes and at home.
- Via a new living will, palliative patients and patients in chronic pain now have the option to refuse the use of force and indicate whether they wish to receive life-prolonging treatment.
- A new care home portal will provide the elderly with information on all care homes, care centres and retirement homes to ease the process of finding suitable housing.

## ÷ SETBACKS

- Patients who have lived in Denmark for more than three years will for the first time have to pay a fee of between DKK 191 and DKK 1,675 for the services of an interpreter at medical consultations or in connection with hospital admissions.
- Municipalities now have the power to monitor people with permanently reduced mental functional capacity.
- A genome centre has been established which will register citizens' genetic data without their consent.

# EDUCATION

## LESS COMPULSORY HUMAN RIGHTS EDUCATION

A new executive order for primary and lower secondary schools entails that most of the obligatory learning goals in schools have become advisory guidelines, including those for teaching human rights and children's rights.

## INDEPENDENT SCHOOLS MUST SIGN A DECLARATION OF FREEDOM

In accordance with a new executive order concerning accreditation of independent primary and lower secondary schools, any schools seeking state subsidies must sign a declaration of freedom and democracy and meet given independence requirements. The Danish Institute for Human Rights considers it positive that human rights and basic freedoms form core values in this administrative order.

## REFUGEES AND FOREIGN NATIONALS TO START ORDINARY SCHOOL FROM DAY ONE

In 2018 a greater number of municipalities have decided to send refugee and foreign national children to school from day one in Denmark. The move places great demands on the professional skills of school teachers, school managers and support teachers. Temporary legislation from 2016 grants municipalities greater flexibility to scrap reception classes. The Institute is monitoring whether legislation leads to deteriorating standards for learning, thereby leaving refugee and foreign national children worse off in terms of their right to education.

## CHILDREN REFUSED RESIDENCY LOSE THEIR RIGHT TO PRIMARY AND LOWER SECONDARY SCHOOL EDUCATION

Children of asylum seekers refused residency are no longer entitled to attend a Danish primary or lower secondary school while awaiting a final decision on their residency. The Institute is concerned that these children are not guaranteed an adequate education elsewhere, outside of primary and lower secondary school.

## + PROGRESS

- Independent schools now have to make a declaration that their teaching is based on human rights and fundamental freedoms in order to be granted state subsidies.
- Parents have been given the option of requesting that the Danish Agency for IT and Learning anonymise data on the well-being of their children based on measurements taken in the period 2015-2017.
- The High Court of Eastern Denmark has made clear that teachers have the right to make negative statements concerning school management.

## ÷ SETBACKS

- The majority of the previous binding targets for human rights and children's rights education in primary and lower secondary schools have been downgraded to the status of advisory guidelines.

## THIS YEAR'S PUBLICATIONS

- Underretninger om børns mistrivsel – fokus på friskoler med muslimske værdier (Reports on child neglect – focus on independent schools with Islamic values)
- Børn med handicap på frie grundskoler (Children with disabilities at independent schools)
- Undervisning i Menneskerettigheder i Social- og Sundhedsassistentuddannelsen (Teaching human rights at the health- and service assistant programme)







## CHALLENGES WITH INTERPRETING SERVICES IN THE JUDICIAL SYSTEM IN GREENLAND

According to human rights law, anyone charged with a criminal offence who cannot understand or speak the language used in court has a right to the assistance of an interpreter free of charge. A study conducted by Ilisimatusarfik – the University of Greenland – and the Danish Institute for Human Rights indicates that due process faces challenges in terms of the way interpreting services are provided in the Greenlandic judicial system. This applies both to interpretation between Greenlandic and Danish and between the main Greenlandic dialect, West Greenlandic, and other dialects such as East Greenlandic and North Greenlandic.

A number of these challenges are in practice resolved through co-interpretation, whereby members of the court intervene to assist the interpreter to establish the correct meaning and translation of a term. However, there remains a need to improve interpreting services in Greenlandic courts.

One issue is the lack of uniform terminology for the most common legal terms. In addition to this, interpreters are not always tasked far enough in advance. This makes it difficult for the interpreter to prepare to translate the subject matter and legal documents correctly.

The Institute and the University of Greenland recommend, among other measures, that the Greenland Language Committee updates its list of terms, that the courts always send case files to interpreters well in advance, and that the Greenlandic court sets up a training programme in legal interpretation

Greenland's first prison institution with a high-security section is due to open on May 1st 2019. Greenlanders with a indeterminate prison sentence serving in Herstedvester Prison in Albertslund can now move to the facility in Nuuk.

---

## THIS YEAR'S PUBLICATIONS

- *Tolkning i det grønlandske retsvæsen* (Interpreting services in the Greenlandic judicial system)
- Status: handicap (Disability – status 2019)

## **+** PROGRESS

- Due process has been improved for Greenlanders with an indeterminate prison sentence serving in a secure detention facility in Denmark, who now, following the opening of a new facility with a high-security section in Nuuk, have the possibility of serving their sentence in Greenland.
- New legislation concerning the Human Rights Council of Greenland has rendered the council more independent.
- Denmark has earmarked DKK 180 million to begin a clean-up of US military material abandoned in Greenland.

and ensures that there are permanent interpreters who speak and understand both East and North Greenlandic.

### **DEPLORABLE CONDITIONS AT DETENTION CENTRES AND INSTITUTIONS**

Together with the Human Rights Council of Greenland, in 2018 the Institute submitted a report to the UN Committee Against Torture highlighting that, in a number of areas for which the Danish government is responsible, there is uncertainty as to whether the conditions in Greenland live up to the requirements of the UN Convention against Torture.

In the report the Institute and the Human Rights Council of Greenland indicate, among other things, that a lack of space has meant that detainees, convicted persons and those serving custodial sentences live side by side in the same institutions, even though the terms of their respective detentions differ widely. Women are detained together with men, and minors are sometimes held in the same institutions as adults. Smaller settlements struggle to find adequate detention facilities and to staff facilities full-time.

### **LACK OF HUMAN RIGHTS DATA**

There is a general lack of factual knowledge and data in several areas of relevance to safeguarding the human rights of citizens in Greenland. This applies to data on the use of solitary confinement in Greenlandic institutions and detention centres, the use of pepper spray by police officers and the conditions for vulnerable children and people with disabilities. Nor has Greenland published a plan for how it will follow up on the UN Sustainable Development Goals, which would require knowledge and data relevant for human rights protection.

### **ANNUAL THEMATIC MEETING OF THE COUNCIL FOR GREENLAND'S JUSTICE SECTOR**

In September 2018, at the annual thematic meeting of the Council for Greenland's Justice Sector, the council had specific focus on violence and abuse affecting young people and women. The Institute participated in the thematic meeting, which featured a discussion of the prevention of youth crime and human rights aspects of how the authorities tackle youths who have committed crimes.

- Status: ligebehandling (Equal treatment – status 2019)
- Status: børn og unge (Children and youths – status 2019)
- Beretning til Inatsisartut 2017 (Report to Inatsisartut, the Parliament of Greenland 2017)





# DENMARK TAKES ON THE RESPONSIBILITY FOR HUMAN RIGHTS

For the next three years Denmark will be a sitting member of the world's most important forum for human rights debate – the United Nations Human Rights Council.

“Denmark is taking on a huge responsibility by joining the council, and in so doing Denmark is signalling to the whole world that human rights are an issue close to our heart. I hope that governments both pre- and post-election will shoulder this responsibility over the next three years and work to strengthen the council, and thereby the position of human rights across the globe,” says Jonas Christoffersen, executive director of the Danish Institute for Human Rights.

He is in no doubt that Denmark will be able to make a difference as part of the council, provided there is political willingness to do so.

“As a member of the council, Denmark now has a voice and far greater clout than before. Denmark has an opportunity to influence decisions taken by the council and will discuss human rights with many of the world's nations,” says Jonas Christoffersen.

The Human Rights Council is frequently criticised for on the one hand disregarding major human rights infringements by its members, while on the other hand criticising Israel almost as a matter of course every time the

---

## DENMARK IS PUTTING THE UN SDGS ON THE COUNCIL'S AGENDA

Denmark has played a decisive role in putting the UN Sustainable Development Goals (SDGs) on the Human Rights Council agenda. On the basis of analysis from the Institute, among other things, in March 2018 Denmark succeeded in adopting a resolution in which the Human Rights Council made clear that the SDGs and human rights are inextricably linked and reinforce one another.

The resolution requested two annual inter-sessional debates in the council in 2019 and 2020, and the Institute was invited to present our work at the first debate in January 2019. Denmark has the link between the SDGs and human rights as a focus area during its membership, and the Institute advises the Danish UN mission in Geneva in these efforts.



council convenes. This contributed to the US withdrawing from the Human Rights Council in 2018.

Despite this lack of balance – or perhaps precisely because of it – Jonas Christoffersen considers it important for Denmark to be part of the Human Rights Council.

“We won’t achieve anything by refusing to engage with the undemocratic voices on the council. When the nations of the world convene, with all of their differences, they form a nexus of political interests. But nothing will be achieved if we only engage with people we agree with. One UN made up of democratic states and another made up of dictatorships does nothing to help the world or the cause of human rights. It is only by talking to one another that we can change attitudes and get things done,” says Jonas Christoffersen.

Jonas Christoffersen believes that, as a member of the Human Rights Council, Denmark will be able to influence the direction in which the council and its critics develop in the future. Furthermore, he points to the Universal Periodic Review as an area in which Denmark can make a difference by being an active participant. This Periodic Review is a process that all UN members are required to undergo every five years to review the state’s human rights efforts.

“As part of this process, members of the Human Rights Council – including Denmark – have the opportunity to engage in diplomatic discussions on human rights with all of the world’s nations. This applies equally to those nations which do not currently ascribe great importance to human rights,” says Jonas Christoffersen.

---

## THE UNITED NATIONS HUMAN RIGHTS COUNCIL

The United Nations Human Rights Council was established on March 15th 2006, replacing its predecessor, the United Nations Commission on Human Rights. The council has 47 members, of whom 13 states are from Africa, 13 from Asia, six from Eastern Europe, eight from Latin America and the Caribbean Islands and seven are from Western Europe. All members must be elected by a majority of members of the General Assembly. Denmark has been elected to the council for the period 2019-2021.



In February and March Denmark convened with the other members of the UN Human Rights Council in Geneva. The council discussed the human rights situation in countries such as South Sudan, Syria and North Korea and the struggle against racism, discrimination and xenophobia.



# THE INTERNATIONAL WORK OF THE INSTITUTE

## HUMAN RIGHTS FURTHER THE SDGS

In 2018 the Danish Institute for Human Rights truly showed the way forward in terms of how human rights can serve to achieve the SDGs. Our efforts have contributed to incorporating the links between human rights and the SDGs into the United Nations Human Rights Council. In addition, the Institute launched the first version of a database linking the SDGs with three UN human rights mechanisms: the Treaty Bodies, the Universal Periodic Review (UPR) and the Special Procedures under the UN Human Rights Council. With the focus of SDG 14.B to “Provide access for small-scale artisanal fishers to marine resources and markets”, the Institute is working to promote human rights in the fisheries sector.

## RESPONSIBLE BUSINESS CONDUCT

Through partnership with Danish and international businesses, the Institute is working to promote respect for human rights in both the Danish and the international business community. In 2018, as part of our work with businesses, the Institute conducted four human rights impact assessments in Myanmar, Angola and Mozambique, which provide businesses with an insight into how their activities impact human rights in these countries. In 2018 the International Association for Impact Assessment presented the Institute with a prestigious global award for our standard-setting assessments. As a source of inspiration for businesses, the Institute launched a database comprising 70 case stories about businesses that contribute to safeguarding human rights, highlighting the connection between each case story and the SDGs.

The Institute is also working with state actors in other countries to improve legislation protecting human rights in the business sector. In 2018 the Institute contributed to the development of national action plans on business and human rights in Kenya, Chile and Georgia.

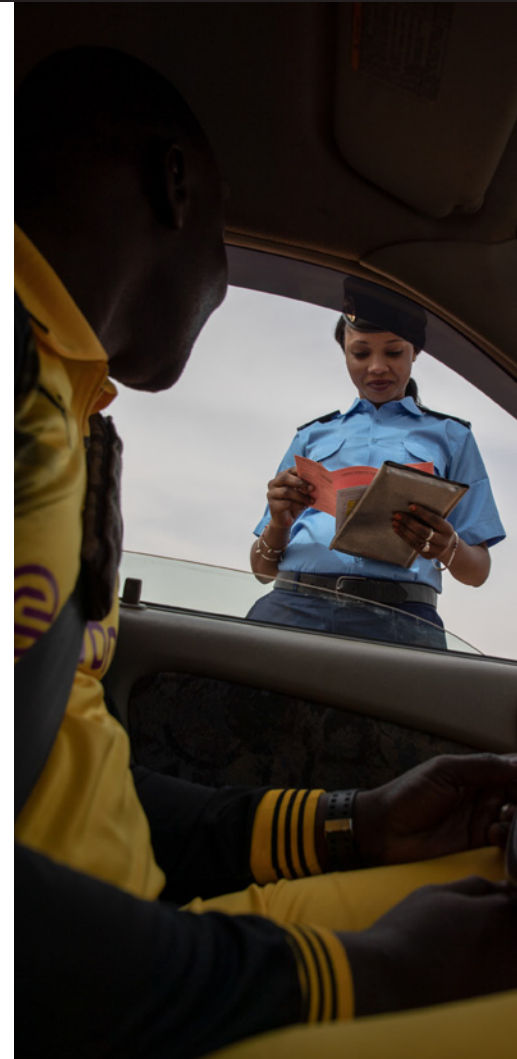
## STRONG HUMAN RIGHTS INSTITUTIONS

In our efforts to develop the capacity of other human rights institutions, the Institute has supported the development of action plans to benefit local communities in 16 countries. Via workshops and through the launch of a learning hub providing teaching materials on human rights, the Institute has strengthened the ability of other human rights institutions to carry out their work.



**Through our international activities we work directly with governments and companies on finding specific solutions that help ensure that human rights and the SDGs support and reinforce each other.**

Eva Grambye, deputy executive director





As a result of human rights training of Niger's police officers, the population's trust in the police has increased remarkably. As much as 86% of the population in Niger now trust the police.

## PARTNERSHIPS WITH PUBLIC AUTHORITIES

In many parts of the world the Institute supports government ministries in drafting legislation and constitutions to strengthen human rights, and we work in partnership with authorities.

### The fight against terrorism and torture

In Burkina Faso, Mali and Niger the Institute has supported the human rights training of thousands of police and security officers and we support a network of police forces in five Sahel countries. This work has led to increased trust between population and police, and stability in the Sahel region.

The Institute has also applied our successful experience of human rights training of West African police forces in Nepal. As part of a collaborative effort with the Danish Police, 57 Nepalese law enforcement institutions are using human rights to address problems that led to improper use of force.

### Independent human rights institution emerging in Tunisia

Since the 2011 revolution Tunisia has achieved significant progress in the field of human rights protection. In 2018, seven years after the revolution, the Tunisian Parliament adopted a constitutional law for the creation of an independent human rights instance. The Institute played a major role in the drafting of the new constitutional law.

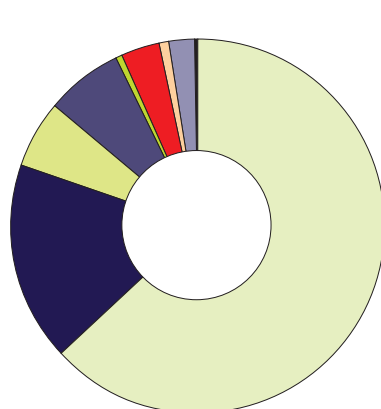
### New legislation paves the way for legal aid for all citizens in Zambia

In 2018 the government of Zambia adopted a national legal aid policy, which ensures efficient delivery of free legal aid services to all Zambians. The Institute has played a key role in the development of the policy as providers of technical assistance and expertise to the Ministry of Justice since 2012. Because the policy explicitly recognises the role of civil society organisations in providing legal aid through paralegals, it paves the way for increased access to justice for many more Zambians.



Read about our international activities in our annual report, Promoting and protecting human rights.

## INCOME FOR OUR INTERNATIONAL WORK IN 2018



Million DKK	
Danida	57.1
EU	15.3
Sida	5.3
Private companies	6.2
British Council	0.5
Giz	3.0
Multilateral organisations (UN. etc.)	0.7
Other donors	1.9
Internal projects	0.2
<b>In total</b>	<b>90.2</b>



# AN OVERVIEW FROM THE INSTITUTE

In its role as Denmark's national human rights institution, the Danish Institute for Human Rights regularly produces reports on the current status of human rights in Denmark. We provide an overview and point to areas in which Denmark has room for improvement with regard to human rights.

The Institute publishes status reports on:

- Armed conflict
- Asylum
- Children
- Citizenship
- Data protection
- Deprivation of liberty
- Disability
- Education
- Elderly
- Ethnicity
- Expulsion and extradition
- Fair trial
- Family reunification
- Freedom of expression and assembly
- Gender
- Housing
- Religion
- Unregistered migrants
- Use of force by the authorities, including the police

The reports are updated every two years.

All 19 reports are available in Danish with summaries in English at [menneskeret.dk/status](https://menneskeret.dk/status).



# FINANCES

## THE INSTITUTE'S INCOME FOR 2018

Million DKK

	Budget	Income
Service functions and general management and administration*	12.8	12.8
National Human Rights Institution*	15.0	15.1
Equal treatment*	11.1	11.1
Income-generating activities	21.7	26.1
Subsidy-financed research	1.0	2.8
Cooperation Agreement with the Ministry of Foreign Affairs	30.1	31.7
Other subsidy-financed activities	33.3	29.4
	<b>125.0</b>	<b>129.1</b>

The accounts show the actual level of activity for the year, while the budget was the Institute's best estimate of the relative size of the externally financed projects.

The deviation between the budget and the accounts for income-generating activities and other subsidy-financed activities is mainly due to the fact that not all projects are identified at the time of preparing the budget for the coming year.



\*Appropriation in the Finance Act



THE DANISH  
INSTITUTE FOR  
HUMAN RIGHTS