

THEME: NATIONAL HUMAN RIGHTS INSTITUTIONS \rightarrow PAGE 6

The Danish Institute for Human Rights (DIHR) is a Danish national human rights institution that is involved in a network comprising 80 similar institutions as well as the United Nations and other bodies. The United Nations High Commissioner visited Denmark in 2004, and in 2004 the DIHR Executive Director was elected Chair of the International Co-ordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) and implemented various activities. For further details see this year's theme.

$\textbf{RESEARCH} \rightarrow \textbf{PAGE 10}$

In 2004, the Danish Institute for Human Rights had two areas of concern: terrorism and discrimination. The Research Department of the DIHR was involved in 16 projects, and a Ph.D. was awarded. Seven guest researchers from Africa, the Middle East and Asia contributed additional input to the permanent researchers' three research fields: Human rights standards and their development and implementation; Globalisation and human rights, and Human rights and the protection of vulnerable groups.

NATIONAL DEPARTMENT \rightarrow PAGE 16

Focus on anti-discrimination and equal treatment, diversity, and rights and democracy. 29 memoranda to different Danish ministries were prepared, and the research and development analysis of the 24-year rule and spousal reunification gave rise to comprehensive debate. Campaigns drawing attention to the newly established Complaints Committee for Ethnic Equal Treatment *(Klagekomité for Etnisk Ligebehandling)* and to MIA, the diversity prize for Danish businesses awarded by the DIHR, also hit the agenda.

INTERNATIONAL DEPARTMENT \rightarrow PAGE 22

International activities concentrated on the following areas of concern: Reform of law and state; access to justice; civil society; universities and research institutions, and dialogue programmes. 65 different country programmes in more than 25 countries were completed. They received support from various sources, including the Danish Ministry of Foreign Affairs, the European Union and private foundations. The dialogue programmes involving Iran were strengthened in 2004.

EDUCATION AND INFORMATION \rightarrow PAGES 28 AND 30

2004 involved a great audience. Two major radio projects attracting thousands of listeners were launched in Afghanistan and Cambodia. In Denmark 64 public seminars, courses and conferences attracted more than 3,500 participants, and the Institute staff gave 214 lectures and produced 28 publications. A special journalist project resulted in ten radio programmes about the projects of the Institute in China and Nepal transmitted by the Danish Broadcasting Corporation (*Danmarks Radio*).

MANAGEMENT AND FINANCES → PAGE 34

The common management tasks involving human resources policy, finances, and Board and Council meetings must be coordinated with the Plan of Action and strategic plan of the Danish Institute for Human Rights. 50 foundations and institutions supported DIHR financially in 2004. The DIHR management was also involved in the Transatlantic Human Rights Dialogue intended to promote and protect human rights on the North American and European continents and simultaneously to give transatlantic human rights higher priority.

PREFACE BY MORTEN KIÆRUM, EXECUTIVE DIRECTOR



On 24 June 2004, New York hosted the largest meeting ever between the United Nations and the private sector. The agenda of the Global Compact meeting included discussions on how, in a globalised world, an efficient

partnership between the United Nations and private enterprises could both benefit the world's poor countries while at the same time serving the enterprises' own interests. More than 400 people attended, including chief executives of some of the world's largest international companies and organisations. Danish representatives were chief executives of Lego, Aarhus United, Kjaer Group and Novo Nordisk. The Danish Ministry of Foreign Affairs, the Confederation of Danish Industries (Dansk Industri) and the Danish Institute for Human Rights were also represented. And human rights were debated. Because human rights are a good tool, a compass to be used for navigating in today's world where borders are being torn down and new borders erected. Not necessarily national borders, but economic as well as cultural and religious borders.

New challenges require new responses. As national human rights institutions, we and our colleagues all over the world have a duty to create new partnerships across national borders and interests, be they commercial, political or religious. To national human rights institutions, it is both a chance and a challenge to contribute to the creation of this new framework. National human rights institutions like the Danish Institute of Human Rights are established by statute, and our mandate includes monitoring whether the Government observes its obligations pursuant to the Constitution, international treaties, etc. – in brief, a watchdog function. We have to point to, explain and exemplify and, not least, promote human rights.

Under Danish law, the Danish Institute for Human Rights has been entrusted with a special mandate within the equal treatment field, the purpose being to efficiently combat discrimination occurring due to racial or ethnic origin. Moreover, in connection with our ordinary activities, the Institute also focuses on discrimination based on sex, age, disability, sexual inclination or other circumstances. This focus on all significant areas of discrimination has allowed us to apply a horizontal perspective on equal treatment and discrimination, combining the experience gained from methods and tools for combating discrimination and furthering equal treatment in all six fields. In addition to its research in this field, the Danish Institute for Human Rights also focused on enhancing diversity in the workplace by awarding a diversity prize to three Danish enterprises that have successfully pursued equal treatment and diversity.

The Danish Institute for Human Rights has raised a number of questions related to the provisions of the Danish Aliens Act regarding human rights obligations. Both ethnic discrimination and the possibility of ethnic minorities to exercise their right of self-determination in their choice of spouse have received focus. Moreover, the Danish Institute for Human Rights has analysed the right of Muslim women to get a divorce.

The due process protection of other vulnerable groups is also an area of concern in relation to human rights protection because these groups (children, dysfunctional persons and mentally ill persons) have a special need for care, support and protection against arbitrary use of power and other outrages due to their societal positions.

The international activities of the Danish Institute for Human Rights are expanded and consolidated ever more each year. Dialogue, capacity building, counselling and prevention are key words of all the programmes implemented by us together with our international partners. That could be a seminar in Vietnam on capital punishment, the establishment of a national human rights institution in Turkey, training of judicial defenders in Rwanda and support to the civil society of Malawi. Or it could be the task of identifying partnerships in Basra in Iraq, integrated strategic planning in the Serbian judicial sector, or involvement in improving the statutory basis for the public administration of Ukraine. The Institute aims to assist societies to develop with ever greater respect for global, regional and national human rights norms.

In 2004, Research has focused on three fields: Human rights standards and their development and implementation; Globalisation and human rights, and Human rights and the protection of vulnerable groups. These three fields aim at covering problems related to development of human rights standards and compiling knowledge about the implementation of human rights. This knowledge also contributes to developing the national and international activities of the Danish Institute for Human Rights, and the practical work stimulates research as well. The Danish Institute for Human Rights decided to concentrate on terrorism and discrimination as the two areas of concern in 2004 to be given particular attention within research, international and national activities. The Danish Institute for Human Rights conducts interdisciplinary research. This is one of the reasons why we have established significant interaction with Danish universities, Nordic research institutions within the human rights field and European and international researchers.

This Annual Report gives many specific examples of the research, national and international activities of the Danish Institute for Human Rights and its contribution to the global network of national human rights institutions.

The mandate of the Danish Institute for Human Rights imposes on us a duty to call on the legislators, government authorities, other authorities and society in general to uphold the human rights values and principles. For this reason it is essential that all the actors in society sense that they, too, are under a duty to respect and promote human rights. In brief, we have to use our best efforts to ensure that human rights are observed and not overlooked or disregarded. Human rights are a corner stone of the democratic society because they lay down the framework of a society characterised by justice, diversity and differences.

THEME

NATIONAL HUMAN RIGHTS ORGANISATIONS

The second World Conference on Human Rights in Vienna in 1993 passed a resolution on the establishment of a High Commissioner for Human Rights. It also gave rise to an international grouping of national human rights institutions (NHRI) under the so-called Paris Principles, which describe the competence and responsibilities of the NHRIs.

Danish Chair of the world's national human rights institutions

On 15 April 2004, Morten Kjærum, Executive Director of the Danish Institute for Human Rights was elected chairman of the International Co-ordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights. At that meeting, they discussed issues such as early warning mechanisms where the NHRIs or their members are threatened, national institutions' participation in the work of United Nations forums and indicators intended to measure the national institutions and their compliance with the Paris Principles. The Danish Institute for Human Rights was also involved in the planning and holding of the 7th International Conference for National Human Rights Institutions in South Korea about Upholding Human Rights during Conflict and while Countering Terrorism, which led to the adoption of the Seoul Declaration. This Declaration lists a number of specific activities that NHRIs should engage in within their national contexts. The Declaration also stipulates a duty to take the necessary action as prescribed by the Declaration and to facilitate and further its implementation. At regional level the NHRIs have also followed up on the recommendations and adopted a number of initiatives to strengthen the engagement of NHRIs in the prevention and combat of terrorism. Other activities involve the publication of an information leaflet about NHRIs and the NHRI web portal as well as a conference publication about NHRIs and access to justice and the cooperation between NHRIs and the courts.

For further details see: www.NHRI.net

First Belfast and then we take Berlin

Two employees of the Danish Institute for Human Rights had a two-month exchange stay in 2004 with the Northern Ireland Human Rights Commission in Belfast and with the German Institute for Human Rights (Deutsches Institut für Menschenrechte) in Berlin, respectively. The purpose of their stays was to exchange knowledge and experiences from implementation of the NHRI mandate and working methods.

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#### Facts about the International Co-ordinating Committee

The mandate of the International Co-ordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) comprises the co-ordination, at an international level, of the activities of NHRIs, including regular contacts with the Office of the United Nations High Commissioner for Human Rights and the other international organisations concerned with the promotion and protection of human rights. The Office of the High Commissioner also functions as the secretariat of the ICC. Other tasks are to support the creation and strengthening of National Human Rights Institutions in conformity with the Paris Principles stipulating the mandate and functions of NHRIs, to plan and organise, together with the host institution, International **Conferences for National Human Rights** Institutions in cooperation with the Office of the United Nations High Commissioner for Human Rights, and to encourage cooperation amongst National Institutions, including to encourage and assist the organisation of Regional Workshops of National Institutions. Last, but not least, the ICC is to follow up on and, where appropriate, implement recommendations of International Conferences of National Institutions and other relevant United Nations resolutions.

#### All the world in one database

40 human rights institutions from Africa, Asia, Europe and Latin America united in cyberspace

A case handling database containing facts about 40 human rights institutions in Africa, Asia, Europe and Latin America was launched in 2004. The database contains legal instruments and relevant case handling procedures in all countries as well as a comparative analysis of the practice of the institutions. The database also provides an overview of types and number of cases handled by the institutions, case handling procedures from receipt to findings, including the use of alternative dispute resolution methods and other methods, and links to background information.

The database contains case handling rules and procedures and an analysis and categorisation of the mandates and methods of the individual NHRIs in relation to individual complaints. This information exchange will make it easier for the different institutions to draw on the knowledge of others within a specific field to improve their own procedures.

The database has been developed and is maintained by the Danish Institute for Human Rights in cooperation with the Office of the United Nations High Commissioner. The database is expected to be the first of several initiatives intended to gather information and strengthen the efforts of NHRIs within a number of core functions. Since the database was published, the number of visitors to *www.nhri.net* has increased significantly. The project is supported by the Swedish Ministry of Foreign Affairs.

#### **CD-ROM** coordination of international collaboration

In 2004, the Office of the United Nations High Commissioner requested the Danish Institute for Human Rights to produce a CD-ROM for the coordination of the work carried out by national human rights institutions (NHRIs). The CD-ROM provides an analysis of the legal basis of supranational institutions, including charters, statutes and directives. This information is compared with the Paris Principles relating to the status of national institutions in terms of mandate, functions and composition of the institution. The analysis of the legal instruments of the NHRIs also assesses the mandate of the institutions, that is, whether the institutions have a broad human rights mandate and/or special powers relative to specific rights or forms of discrimination. Moreover, the NHRIs are appraised relative to their functions, that is, whether their mandates include monitoring, provision of information, investigation, such as inspection visits, advisory functions, handling of individual complaints of human rights violations and assessment of whether the NHRIs are empowered to take legal steps or have access to justice otherwise. Last, but not least, the relevant provisions are compared to the various aspects of independence, including whether and how civil society, parliament and the public administration are represented in the NHRIs.

This new CD-ROM will be used as teaching material in connection with a new educational series being prepared by the Office of the United Nations High Commissioner.

#### Public meeting with United Nations High Commissioner

The United Nations High Commissioner for Human Rights, the Canadian Mme. Louise Arbour, visited the DIHR on 30 November 2004. This was her first visit to Denmark in her new capacity. The High Commissioner first gave a short presentation about terrorism, discrimination and the international human rights situation. Afterwards she answered questions. One of the statements made by the High Commissioner was: "The genius of human rights instruments is that, although they speak mostly of individual rights, they generate a very profound consciousness of the rights of others." For details about visit, presentation and debate see *www.humanrights.dk/news/louisearbour* 

#### National anti-discrimination campaign

The Danish Parliament has set up the Complaints Committee for Ethnic Equal Treatment (Klagekomité for Etnisk Ligebehandling) to implement an EU Directive to this effect. The Danish Institute for Human Rights was asked to undertake this task. In the autumn of 2004, the Complaints Committee for Ethnic Equal Treatment ran a campaign to draw attention to the existence of this body to which citizens can complain if they feel subjected to differential treatment due to racial or ethnic origin. Uffe Ellemann-Jensen, former Minister of Foreign Affairs, the Danish-American singer Etta Cameron and Pia Justesen of the Complaints Committee used the Central Railway Station in Copenhagen in September 2004 to introduce a pamphlet describing why, how and where to complain, e.g., if a person cannot find a job due to his or her colour. More than 100,000 pamphlets in nine different languages were distributed to municipal institutions and public libraries, and Go-card campaign postcards were available nationwide at cafes and restaurants.

#### Read more about the NHRIs

A revised edition of "Human Rights Institutions Implementing Human Rights" by Morten Kjærum was published in 2005. The publication gives a historical view of the period from 1946 up to the present time and describes various institution types and their tasks in future.

34 pages. ISBN 87-90744-72-1. DKK 50.

#### The Danish Institute for Human Rights supports UN development work

In late 2003, the United Nations Development Programme (UNDP) contacted the Danish Institute for Human Rights and requested the assistance of the Institute in connection with a survey intended to form the basis of the future support of the UNDP to NHRIs. The introductory study was made by a team of the International Department. For this survey, the support given to six countries was assessed in connection with field studies. The countries involved were Azerbadjan, Bolivia, Rwanda, Uganda, Sri Lanka and Saudi Arabia. The study was presented at a workshop for UNDP national offices in Damascus in December 2004.

#### NHRI website

The www.nhri.net project is funded by the Office of the High Commissioner for Human Rights (OHCHR). The website was launched in 2001 as a venture between the National Institutions Team and the Danish Centre for Human Rights. The primary purpose is to establish a web portal for national human rights institutions and provide assistance to the construction of the individual institutions' own websites.

The website has documents from global, regional

and national sources and links to about 80 national institutions. The web portal expands and supports the global network between the national institutions and the global and regional forums and therefore contributes to stronger ties between the Office of the High Commissioner for Human Rights and the national human rights institutions.

#### The inclusive society

On 10 December 2004, the Indian National Human Rights Commission celebrated the International Human Rights Day. Morten Kjærum, Executive Director of the DIHR, had been invited to give a speech on national human rights institutions. He said:

"New challenges demand new responses. We, as a National Human Rights Institution and others with us have a duty to create new partnerships and engage new actors; across national borders as well as across interests be they commercial, political, ideological or religious.

These new actors are many, and there is an urgent need to have them operate within a framework. Governments have to realise that in the new interrelated world there are many problems that they cannot solve on their own.

To us as National Human Rights Institutions this presents us with both a chance and a challenge to contribute to the creation of a new framework. We must ensure that our mandates are translated into action so that we – along with the corporate sector, labour organisations, religious groups, NGOs and other relevant interested parties - find new avenues to travel in order to help address the new challenges.

One such body already exists and has the organisation and clout to get all these new actors together and create new forums, and that is the United Nations (UN). The UN can play a significant part in facilitating the much-needed dialogue across geographical, cultural and other borders. The dynamic interaction between the Office of the High Commissioner for Human Rights, the UN Commission on Human Rights and the International Co-ordinating Committee of National Human Rights Institutions is one example of a framework tailor made to serve this purpose."



## RESEARCH

"The Danish Institute for Human Rights shall promote research in and education about human rights in peacetime and during armed conflicts, particularly through innovative and independent Danish research in the human rights field."

Excerpt from Act No. 411 of 6 June 2002 on the Establishment of the Danish Institute for International Studies and Human Rights

One characteristic feature of the research conducted by the Danish Institute for Human Rights is that it is interdisciplinary research. The Research Department has both lawyers and researchers with backgrounds in the arts and social sciences. Following the expansion of the number of researchers, it became possible during 2004 to define a more coherent research profile reflecting this interdisciplinary approach.

#### Focus areas in 2004

In 2004, Research focused on three areas: Human rights standards and their development and implementation; Globalisation and human rights, and Human rights and the protection of vulnerable groups.

The first focus area of *Human rights standards* investigates the development in human rights standards based on legal and historical research. This theme relates both to the correlation between societal values and the increasing significance of human rights and to actual developments in case law, including realisation of these rights. The second focus area of *Globalisation and human rights* comprises both theoretical research about the globalisation issue and research based on current political developments, e.g. human rights infringements due to terrorism and the threats to human rights caused by the new initiatives intended to combat terrorism, but also research on the realisation of human rights in transitional and developing societies. The third focus area of *Human rights and the protection of vulnerable* groups assesses the efficiency of human rights compared to the intentions and aims of protection against discrimination or other kinds of special arrangements. This theme relates to implementation as seen from the viewpoints of specific groups and their conditions, e.g. refugees, children and prison inmates.

The Danish Institute for Human Rights decided to concentrate on terrorism and discrimination as the two areas of concern in 2004 to be given particular attention within research, international and national activities. Research in 2004 within these areas of concern was reflected in both internal and external seminars on discrimination, including a seminar with Nordic participation on the 12<sup>th</sup> Protocol, dealing with discrimination and equal treatment, to the European Convention on Human Rights. As regards terrorism as an area of concern, research preparations were made in 2004 for the purpose of submitting proposed research projects to the Research Councils. Preparations for a Ph.D. project on discrimination were also commenced in 2004.

# Education, consultation responses and external activities

In the spring of 2004, the DIHR hosted five postgraduate students enrolled in the European collaboration on the European Master's Degree programme in human rights and democratisation (E.MA). One of the offers for these post-graduate students was a series of public seminars on *"Moving the Frontiers of Human Rights?"*. The involvement in the E.MA took place in collaboration with the University of Southern Denmark.

During the autumn the DIHR hosted five post-graduate research scholarship students from Burundi, China, Nepal and Nigeria. The 'research partnership' cooperation is financed by funds from the Danish Ministry of Foreign Affairs, and the researchers are selected in consideration of the Framework Agreement between the DIHR and the Ministry. Moreover John Cerone, Fulbright Scholar from American University in Washington, USA, was attached to the Research Department for four and a half months in connection with the research project *"Accountability at the Intersection of Human Rights and Humanitarian Law"*.

The preparation of consultation responses to Danish bills and to EU and international initiatives involving human rights is an essential part of the work of the Research Department. The preparation of consultation responses is based on the expertise available at the Danish Institute for Human Rights. However, it is one of the central ways in which the Institute monitors the human rights basis of Danish legislation. The consultation responses are used as input for the preparatory legislative work and contribute to a well-informed debate about concrete Danish legislative initiatives. The political parties and the parliamentary committees also sometimes request the Danish Institute for Human Rights to elaborate on its consultation responses or participate in other expert work. Moreover, the researchers of the Danish Institute for Human Rights provided consultancy services to the European Union.

#### **Research projects 2004**

Hans-Otto Sano, Head of Research Department Rights-based development Global governance and human rights

#### Stéphanie Lagoutte, researcher, Docteur en droit, Ph.D.

In search of coherence and equity: The emerging proceduralisation of European human rights

#### Eva Ersbøll, researcher, Ph.D.

Danish nationality law in a historical and international perspective

The Acquisition of nationality in the EU Member States: Rules, Practices and Quantitative Developments (NATAC)

#### Eva Maria Lassen, senior research fellow, Ph.D.

Religion and human rights Genesis of human rights

#### Hatla Thelle, senior research fellow, Ph.D.

Social Human Rights in a Comparative Perspective Social Political Reform in China Law Reform in China China and Human Rights

#### Ida Elisabeth Koch, senior research fellow, Ph.D.

The indivisible human rights Methods of Protection of Social and Economic Rights: Experiences from National Systems

**Marianne Nørregaard, researcher, Ph.D.** Human rights of children relative to Danish law

**Kim U Kjær, senior research fellow, Ph.D.** *European asylum law: the European Union, Schengen, the Nordic countries and Denmark* 

Peter Scharff Smith, senior project research fellow, Ph.D., visiting fellow of University of Cambridge The history of solitary confinement

#### Peter Vedel Kessing, Ph.D. student

Ph.D. dissertation about the prohibition against torture and arbitrary detention in the 'war' against terrorism.

Louise Krabbe Boserup, analyst Openness and access to information

#### Hristina Vassitera, Ph.D. student

Ph.D. dissertation on 'Differences in International and Regional Responses to Domestic Changes in the Area of Human Rights. The case of Zim babwe'.

For further details about the research projects see: http://www.humanrights.dk/departments/research

The European Master's Degree programme in human rights and democratisation (E.MA)
 The Danish Institute for Human Rights is involved in the European Master's Degree in Human Rights and Democratisation (E.MA) programme together with the University of Southern Denmark. E.MA is an intensive one-year academic programme educating professionals in the field of human rights and democratisation. It is a multidisciplinary programme that reflects the indivisible links between human rights, democracy, peace and development.
 The programme offers an action- and policy-oriented approach to learning about international relations, law, philosophy, history, anthropology, political science and sociology. Students have the opportunity to meet and be taught by leading academics, experts and representatives of international organisations (including European Union representatives) while studying in a multi-cultural environment.
 The academic year is divided into two semesters: the first semester (September to January) in Italy and the second semester at one of the 37 participating E.MA universities in the EU Member States.
 Each year, the Danish Institute for Human Rights and the University of Southern Denmark were represented in this programme by Eva Marie Lassen, a senior research fellow of the Research Department of DIHR. In 2004, the Danish Institute for Human Rights and the University of Southern Denmark were represented in this programme by Eva Marie Lassen, a senior research fellow of the Research Department, who serves on the E.MA Council in her capacity as Director. Eva Marie Lassen is also a member of the E.MA Executive Gommittee and the Academic Curriculum Group of the E.MA programme.
 As a programme partner, the Danish Institute for Human Rights is also involved in the European Inter University Centre on Human Rights and Democratization.

#### TUTORING

#### Supervision

Tutoring and academic planning of the second semester of the European Master's Degree in Human Rights and Democratization (E.MA) for five students who spent their spring semester at the Danish Institute for Human Rights. Moreover, researchers of the Danish Institute for Human Rights also tutored graduate students from Aalborg University and the University of Copenhagen in Denmark.

#### External examiners

Academics from the Danish Institute for Human Rights functioned as external examiners in 2004 at Danish universities in Aalborg, Aarhus, Odense and Roskilde, in connection with the European university partnership on the E.MA. programme, and at the European Inter University Centre on Human Rights and Democratization in Florence

The external examiners of the DIHR are Anette Faye Jacobsen, Morten Kjærum, Ida E Koch, Eva Maria Lassen, Lone Lindholt and Hans-Otto Sano.

#### A closer look at nationality

The DIHR launched the research project *The* Acquisition of nationality in the EU Member States: Rules, Practices and Quantitative Developments (NATAC) in 2004.

The project was set up under the Sixth Framework Programme of the European Union. It is intended to result in an extensive comparison of the nationality legislation of the 15 'old' EU Member States and of post-1985 statutes in particular. The objective is to examine the extent of any indication of a long-term convergence or lasting divergence between Member States' legislation and practice.

The main focus is on the extent to which nationality policy may be assumed to contribute to or be a barrier to immigration.

#### **RESEARCH PARTNERSHIPS**

The Research Partnership Programme is the guest researcher programme of the DIHR. It enables the Institute to invite guest researchers from developing countries to Denmark for up to one year. Guest researchers form an integral part of the Institute's research staff and participate in the Department's events. The Research Partnership Programme is intended to enable guest researchers to draft articles and the like in a research environment which promotes their activities. This means that the guest researchers work within the Research Department's areas of priority and that a researcher is attached to each guest researcher. The programme is accomplished in collaboration with the Danish Ministry of Foreign Affairs (the Danida Fellowship Centre), which is in charge of all practical and social initiatives in connection with the guest researchers' stays. The programme is financed through the Framework Agreement with the Danish Ministry of Foreign Affairs.

Two guest researchers completed their stays with the Danish Institute for Human Rights in early 2004:

Mrs Lillian Tibatemwa-Ekirikubinza (Uganda) Mr Soumana Boureima Sourghia (Niger)

# The DIHR had five guest researchers in the autumn of 2004:

Mr Ishwor Prasad Khatiwada (Iran) Mr Guillaume Muringa (Burundi) Mr Oladejo Olowu (Nigeria) Mr Zhan Kun (China) Mr Godfrey O Odongo (South Africa)

#### **RESEARCH STATISTICS**

Representatives of the DIHR wrote 30 articles and chapters for Danish journals and books and 23 for international journals and books in 2004. Six scientific books were published in Denmark along with eight informative popular science articles in Danish journals, newspapers and books, including feature articles. A total of 11 research and development analyses, statements and reviews were written, and a Ph.D. dissertation was submitted.

#### DIHR employee awarded Ph.D.

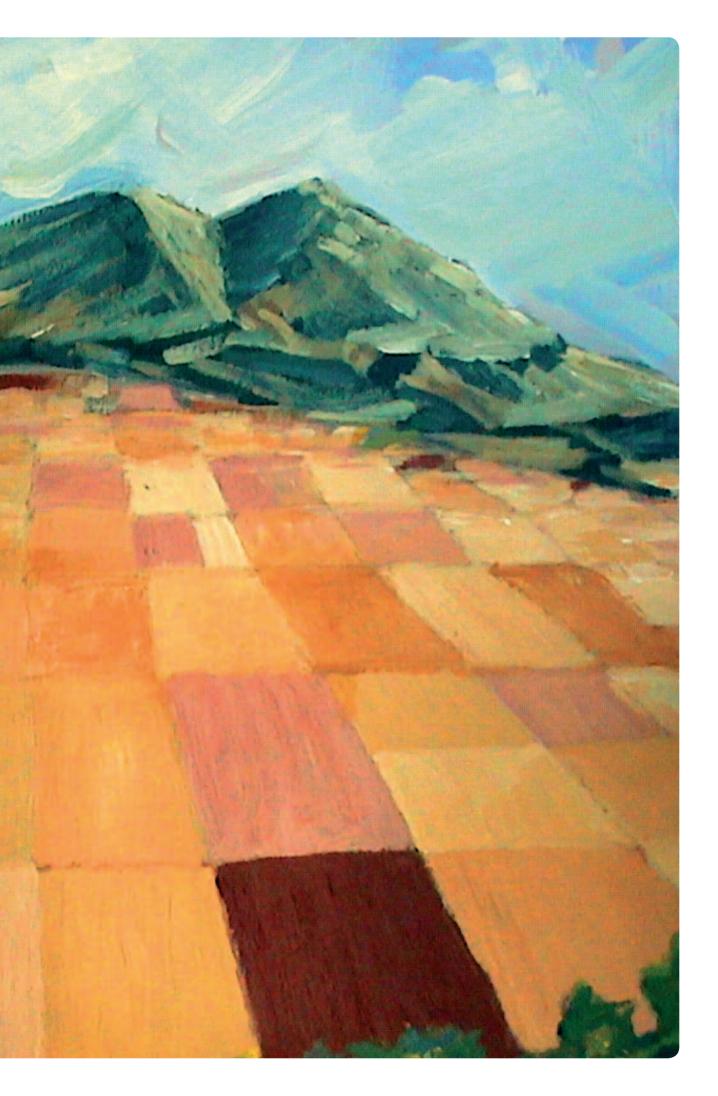
Anette Faye Jacobsen earned her Ph.D. degree on 28 May 2004 after she successfully defended her dissertation at the Department of History, University of Copenhagen. Anette Faye Jacobsen's dissertation "Retslig og politisk myndighed. Rettighedsopfattelser i Danmark, 1750-1920" (Judicial and political authorities. Conception of rights in Denmark 1750-1920) analyses how changes in the conception of rights and judicial institutions and case law have been manifested in the development from a traditional to a modern society.

The opponents in connection with Anette Faye Jacobsen's disputation were professor Ole Feldbæk, Dr.phil., Professor Inger Dübeck, LL.D., and professor Jørgen Dalberg-Larsen, LL.D. The grading committee said in its opinion on the dissertation: "It describes the actual development in the conception of rights and is thereby capable of contributing to further research. It is also a significant contribution to Danish legal history, including that of Danish farmers." The opponents of the grading committee also referred to the dissertation as a "tremendous piece of work making for new departures" and they emphasised its successful inter-disciplinarity, its many qualifications and the large quantity of new knowledge. Plans are being made for publishing the dissertation as a book.

#### Research Department

The Danish Institute for Human Rights must make innovative and independent Danish research in the human rights field. This obligation laid down in the 2002 statutory basis of the Institute is mainly handled by the Research Department, which employed 8.5 full-time researchers at the end of 2004. At the end of 2004, the Research Department numbered a total of 14 employees. In addition to the staff researchers and researchers funded by Research Councils or otherwise, the Research Department also regularly welcomes analysts, Fulbright guest researchers, students with a Danida scholarship from the Danish Ministry of Foreign Affairs and post-graduate students enrolled in the EU-funded educational programmes for human rights and democracy.





# NATIONAL ACTIVITIES

"The Danish Institute for Human Rights shall promote equal treatment between persons irrespective of racial or ethnic origin, including assist victims of differential treatment in pursuing their complaints about differential treatment, taking into consideration the rights of victims, associations, organisations and other legal persons; carry out independent examinations of differential treatment; and publish reports and submit recommendations on issues concerning differential treatment."

Excerpt from Act No. 411 of 6 June 2002 on the Establishment of the Danish Institute for International Studies and Human Rights

Activities in Denmark are planned and carried out by the National Department whose staff have been grouped into three teams. These teams are mixed in such a way that different professional profiles, methods and experience contribute to interdisciplinarity, innovative problem solving and method development. All teams are involved in the work of knowledge development in the form of research and development analyses and other analyses, proactive initiatives such as the awarding of prizes and triggering of public debate, and educational activities.

Each year the Danish Institute for Human Rights publishes the status report Human Rights in Denmark, which gives an overview of the implementation of human rights into Danish law and through other activities throughout the year.

Another task of the Danish Institute for Human Rights is to submit reports about the human rights situation in Denmark to the United Nations, the Council of Europe, the European Union and the European Monitoring Centre on Racism and Xenophobia (EUMC). These reports therefore relate to the international conventions, the European Convention on Human Rights and the European Charter of Fundamental Rights. They are submitted each year. In addition to these reports, the Danish Institute for Human Rights made a supplementary report to the UN Committee on Economic, Social and Cultural Rights in 2004. Together with a number of NGOs, the Institute was also involved in the preparation of a supplementary report to the UN Committee on the Rights of the Child.

#### ANTI-DISCRIMINATION AND EQUAL TREATMENT

As an independent body to further equal treatment, the Danish Institute for Human Rights has a special task of safeguarding efficient protection against discrimination and furthering equal treatment.

#### **National Strategy for Equal Treatment**

In the spring of 2003, the Council for Human Rights set up the Committee on Equal Treatment *(Ligebehandlingsudvalget)*, which is composed of persons with knowledge and experience from a broad variety of fields in terms of ethnicity, disability, gender, religion and faith, and sexual inclination. In 2004, the Committee's work concentrated on illustrating how the various (discriminatory) fields work to further equal treatment and to combat discrimination. A report on equal treatment – about status and future perspectives – will be published in 2005. It is intended

as the basis of inter-departmental collaboration on and for equal treatment of the said groups.

#### **Research and development analysis** regarding family reunification

In October 2004, the Danish Institute for Human Rights published a research and development analysis of the Danish family reunification rules which examined whether these rules guarantee efficient protection of the right to respect for family life, the prohibition of discrimination and other human rights. The main conclusion of this analysis was that the condition of 28 years of Danish nationality or uninterrupted stay in Denmark to be met in order to be released from the condition of ties is discriminatory for ethnic reasons and because of the length of Danish nationality required. Furthermore, the authorities fail to safeguard efficient protection of the right to respect for family life in connection with its enforcement of the rules. For these reasons the Danish Institute for Human Rights found that the current administration of the 24-year rule stipulating that Danes must be 24 years old before they can marry a foreigner, combined with the condition of ties may lead to infringement of the right to respect for family life.

For further details see: www.humanrights.dk/news/udredninguk

#### Research and development analysis regarding persons in Denmark with health deficiencies

In 2004, the Danish Institute for Human Rights was involved in a research and development analysis regarding persons with health deficiencies. This analysis will give an account of the protection of persons with health deficiencies under human rights law and is expected to be published in the spring of 2005.

#### Tool for measuring discrimination based on ethnic origin (Common Measures project)

The Norwegian Centre for Combating Ethnic Discrimination (Senter mot etnisk diskriminering - SMED) based in Oslo, Utrecht University from the Netherlands and the Danish Institute for Human Rights were approved by the EU to develop a tool intended to examine and provide evidence of the occurrence of discrimination based on ethnic origin in the European Union. The development of common measures is a two-year project also involving Statistics Norway and Statistics Denmark.

#### **European partnership**

In 2004, the Danish Institute for Human Rights established collaboration with the Migration Policy Group, which brings together the partner organisations of the European Network of Equal Treatment Bodies set up in pursuance of the Racial Equality Directive.

#### Danish dialogue about managing migration

In 2004, the Danish Institute for Human Rights collaborated with organisations from the other EU Member States to start a dialogue about migration. Preparations for national dialogues in the individual countries involving researchers, politicians and other decision-makers as well as labour market organisations were made in 2004. The dialogue will be realised at two seminars on labour migration in the spring of 2005.

#### Appreciative integration facilitation

In 2004, the Danish Institute for Human Rights completed the pilot project 'Educating integration facilitators'. The project was intended to invited newcomers to contemplate their understanding of integration into the Danish society and citizenship.

DIVERSITY
In a pluralistic society, diversity must be considered a resource. It is a condition for application of these resources that everybody enjoys equal opportunities regardless of background. Therefore targeted efforts are made to increase the awareness among both public and private enterprises of the current rules on discrimination and equal treatment. **MA Prize 2004 for diversity in working life**The MIA Prize is a front-runner prize set up by the Danish Institute for Human Rights in 2003. The MIA Prize is awarded to public and private enterprises in Denmark who actively promote diversity and consistently prevent differential treatment in their organisations. The 2004 MIA Prize winners were Kjaer Group A/S, the Copenhagen Parking Administration and TDC A/S. The MIA Prize is supported financially by the EU, which has introduced new rules to safeguard equal opportunities for everybody irrespective of gender, ethnic origin, religion, age, disability and sexual orientation. *Cor further details see: www.miapris.dk*.

#### **RIGHTS AND DEMOCRACY**

Under this theme, the Danish Institute for Human Rights is focusing on subjects such as the rights of citizens in connection with digital administration, police investigations and the fighting of terrorism.

#### Protection of private life

In these years the protection of personal data is experiencing increasing pressure, not least in the light of the fighting of terrorism and public authorities' increased digital administration. This is reflected in the legislation authorising increased monitoring in connection with police investigation and intelligence work, while at the same time restricting the protection of the individual's private life, which we have traditionally protected in Denmark. The Danish Institute for Human Rights deems it crucial to emphasise that the protection of the individual's integrity and privacy are fundamental rights and a corner stone of a democratic society. These rights necessarily have to form the basis of our investigation methods or design of the digital administration.

#### World Summit on Information Society

At the World Summit on Information Society (WSIS) in December 2003, the governments adopted the WSIS Declaration of Principles and Plan of Action, a "constitution of the information society" stipulating that human rights standards form the corner stone of the information society. The next summit will be held in November 2005, and the Danish Institute for Human Rights is involved as an advisor to the Danish delegation and as a co-ordinator of the global civil society working group on human rights. In 2004, debate meetings were held about freedom of expression and racism, development and the use of wireless technology, and Internet governance.

#### Legal rights of vulnerable groups

A research and development analysis was started in 2004 about the use of special measures against mentally ill people in Denmark and Greenland under sections 68 and 69 of the Danish Criminal Code and the Greenland Criminal Act seen in the light of the international human rights standards. The analysis will focus on the issue of proportionality between special measures and the offences and the need for adjustment of the rules. The analysis was ordered by the Council for Socially Marginalised People (*Rådet for Socialt Udsatte*).

#### **Complaints Committee for Ethnic Equal Treatment**

The Complaints Committee for Ethnic Equal Treatment was set up by the Board of the Danish Institute for Human Rights in June 2003. Act No. 374 of 28 May 2003 on Equal Treatment irrespective of Ethnic Origin authorises the Danish Institute for Human Rights to consider complaints of differential treatment due to racial or ethnic origin and of reprisals in a number of fields unrelated to the labour market. When Act No. 253 amending the Act on Prohibition against Differential Treatment on the Labour Market was adopted on 7 April 2004, the Danish Institute for Human Rights was also authorised to consider complaints of differential treatment on the labour market.

The Complaints Committee received 67 complaints in 2004 and started eight cases on its own initiative. This is a significant increase in the number of cases compared to 2003 when the Committee received 15 complaints and started one case on its own initiative. The members of the Committee are: Professor Claus Haagen Jensen (Chairperson), Professor Ole Espersen, LL.D., and Pia Justesen, Research Assistant Professor, Ph.D.

For further details about the Committee and its decisions in 2004 see: www.klagekomite.dk/?AFD=1

#### **Statements and Opinions**

In 2004, the Danish Institute for Human Rights was consulted 55 times by Danish ministries. It was not possible to respond to five of the consultation requests, in 31 situations the Institute found no human rights concerns, but opinions were issued in four cases, observations in ten cases and regular memoranda in 15 situations. Moreover, the Danish Institute for Human Rights prepared three major reports.

#### National committees

The DIHR had representatives on two preparatory committees of the Danish Parliament in 2004.

#### National Department

The Department had 19 employees, including the Head of Department, one secretary, three team leaders, three project managers, two assistant project managers, two part time principals from the Danish Ministry of Justice, five students and four interns, one of whom was enrolled in the Humanity in Action programme.



## HUMAN RIGHTS & BUSINESS PROJECT

Originally, the Human Rights & Business Project focused on Danish enterprises, but it has subsequently developed a distinguished international profile and cooperates with several institutions, organisations and businesses all over the world.

The Human Rights Compliance Assessment (HRCA) is the core tool of the project, and development work has been carried out in this area since the project was launched. The HRCA is a diagnostically preventive tool based on the Universal Declaration of Human Rights, the 1966 Conventions, the primary ILO conventions as well as a number of other human rights declarations and conventions. Each individual right has been analysed relative to corporate responsibility, and altogether the tool has about 350 questions and more than 1,000 indicators and has been designed to enable businesses to assess directly whether they actually observe human rights norms, and to follow up on any problem areas. The HRCA has been tested at Shell enterprises in South Africa and Oman, respectively, and has experienced a comprehensive consultation process to obtain support from both the corporate and the human rights environments to the standards and indicators now defined.

#### Launch of the HRCA Quick Check

The Human Rights & Business Project released its HRCA Quick Check on 23 November 2004 at an event hosted by the Confederation of Danish Industries. The Quick Check is the first module of the Human Rights Compliance Assessment (HRCA) and the core of the tool. It offers the 28 most essential questions on human rights issues drawn from the full database.

The tool is a publicly available interactive computer program designated to assist companies to detect potential human rights violations. The tool is also useful for NGOs and other organisations working with business and human rights. The full HRCA will presumably be released in June 2005.

The computer program is freely available at *www. humanrightsbusiness.org* under the HRCA portal login.

#### Membership service

The Human Rights & Business Project started a membership service in November 2004 for companies that work actively to ensure that human rights are observed in connection with all their activities. Membership gives access to the tools of the Human Rights & Business Project.

#### **Consultation process on HRCA**

In connection with the completion of the Human Rights Compliance Assessment (HRCA), the Human Rights & Business Project launched a consultation process in 2003 to obtain feedback on the tool from a number of players. 40 evaluation groups composed of one corporate and on human rights representative were set up in 2003. During 2004, all the groups met with a representative of the Human Rights & Business Project to discuss their comments to the individual rights. This consultation process was completed in the summer of 2004, and the comments are now being incorporated into the HRCA tool. To finish off the consultation process, the Human Rights & Business Project hosted an expert meeting in April 2004.

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#### **Code of Conduct Project**

In 2004, the Human Rights & Business Project started a project in collaboration with the Confederation of Danish Industries (Dansk Industri) and the Danish Ministry of Economic and Business Affairs focusing on Danish enterprises in global supply chains.

The aim of the Code of Conduct Project is to develop a website with practical tools for companies working with the social, environmental and ethical requirements made by manufacturers, customers and other partners.

The website will be a free online toolkit called 'CSR Compass' and will be released at a conference in May 2005.

#### **Export seminar on barriers**

The Human Rights & Business Project partnered with the Dutch human rights organisation Humanist Committee on Human Rights (Humanistisch Overleg Mensenrecthen - HOM) to organise a seminar on barriers to the observation and promotion of human rights in a business context.

Both Danish and international human rights experts attended the seminar, including representatives of four developing countries and employees from the Danish Institute for Human Rights.

#### New partnerships - Ethics and Morals

A feature article written by the Danish Minister of Economic and Business Affairs Bendt Bendtsen. Hans Skov Christensen. Director General of the Confederation of Danish Industries, and Morten Kjærum, Executive Director of the Danish Institute for Human Rights was published in the Danish newspaper Jyllands-Posten. The feature article said among other things:

"Companies have to prove that they actually observe the ethical, social and environmental requirements made of them. These requirements are basically a reaction to the problem that many states cannot or will not live up to their obligation to safeguard the environment and human rights. Companies are therefore counted on to observe internationally recognised standards in the countries where the law is not enforced or equivocally worded."

#### Facts

The Human Rights & Business Project was established at the Danish Centre for Human Rights in 1999 in collaboration with the Confederation of Danish Industries (Dansk Industri) and the Industrialization Fund for Developing Countries (Industrialiseringsfonden for Udviklingslandene).

The main objective of the Human Rights & Business Project is to develop tangible and operational human rights standards that can assist businesses in identifying their responsibilities within the human rights field, thereby translating their objectives into good business practices. The project activities focus on three main fields:

1. Research to produce practical business tools that can easily be incorporated into existing business practices.

Development of training courses 2. to assist business people in identifying and addressing human rights issues in a business context.

Advisory services and confidential 3. guidance to enterprises regarding specific human rights issues and the wording of their business principles.

For further details about the Human Rights & Business Project see: www.humanrightsbusiness.org.

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#### **Human Rights & Business Project**

In 2004, a total of 14 employees (plus one on maternity leave) were attached to the project, including one team leader, three advisors, one communication officer, one job trainee, one student, four interns and three volunteers.

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# **INTERNATIONAL ACTIVITIES**

"The Danish Institute for Human Rights shall promote coordination between and assistance to voluntary organisations working with human rights and support and expand Nordic and other international cooperation in the human rights field and contribute to the implementation of human rights in Denmark and abroad."

Excerpt from Act No. 411 of 6 June 2002 on the Establishment of the Danish Institute for International Studies and Human Rights

The Danish Institute for Human Rights contributes to the development and implementation of human rights programmes together with government authorities, independent institutions, civil society and research institutions in new democratic societies and in countries open to a human rights dialogue. The Institute aims to assist societies to develop with ever greater respect for global, regional and national human rights norms. The international work of the DIHR builds on a partnership concept that is based on collectively defined fundamental values, local planning and implementation, capacity building, a collective feeling of responsibility and long-term sustainability as a component from beginning to end. The activities are categorised in the following thematic areas: Reform of Law and State; Access to Justice; Civil Society; Universities and Research Institutions, and Dialogue programmes.

Much work in 2004 concerned country strategies, which aim at carrying out activities together with authorities, independent institutions and the civil society of the individual countries. This may lead to significantly strengthened efforts and more communication resulting in improved inter-level collaboration. Moreover the DIHR has initiated a study of the possibility of a regional approach by sharing experience and using regional expertise. The work concerning the rights of juvenile offenders was changed in 2004 from being an independent programme field to becoming part of the mainstream international work of the DIHR. It is intended that the outcome of part of the work in these fields will be published in a book.

In the second half of 2004, the DIHR was actively involved the human rights work carried out by the Council of Europe in Turkey, and several Turkish delegations visited Denmark to study the DIHR as an independent national human rights institution, the aim being the preparations for negotiations on 17 December 2004 on a date for the commencement of Turkey's accession negotiations.

The work in Central America developed in 2004 after the end of many years' partnership with the Ministry of the Interior in Guatemala. One of Institute's projects was its first major reform of the legal framework of Honduras at the invitation of the Ombudsman and the Legislature, the Executive and the Judiciary of Honduras.

**Birgit Lindsnæs,** Head of International Department and Deputy Executive Director, maintained her position as the Chairperson of the Board of the International Service for Human Rights in Geneva in 2004.

The Danish Institute for Human rights intends to create room for discussion of and a positive development of the human rights situation through a dialogue between authorities, independent institutions and the civil society about the implementation of human rights. The concept of a dialogue was expanded in 2004 to comprise a transatlantic dialogue about human rights and terrorism as a reaction to the public debate and concern about developments in the relationship between Europe and the USA.

#### EU-Iran Human Rights Dialogue phase II

During 2004, the EU-Iran Human Rights Dialogue continued, the fourth Round Table being held in Tehran, Iran. The main purpose of the dialogue is to bring about concrete improvements of the human rights situation in Iran.

The fourth Round Table was held in June 2004 under the Irish Presidency at which the administration of justice and the stepping up of cooperation and solidarity in the field of human rights were the two main topics discussed. The Iranian delegation comprised representatives of the justice sector, the Iranian Parliament, the Ministry of the Interior, the judiciary, professors and several Iranian NGOs. The European participants were representatives of the Human Rights Unit of the European Parliament, the Irish Department of Foreign Affairs, the European Commission, the Danish police, the Swedish Prison and Probation Service and European NHRIs as well as representatives of European and international NGOs, including Amnesty International. It was difficult to set up this meeting because of the negotiations between Iran and the International Atomic Energy Agency (IAEA) regarding Iran's nuclear programme and whether it was intended exclusively for energy purposes. Due to those negotiations, Iran was very reluctant to continue the EU-Iran human rights dialogue until a preliminary agreement had been reached. The Round Table seemed to be influenced by those disagreements, and the tone seemed to be sharper than at the previous Round Tables.

The second phase of the Dialogue was completed in December 2004 with the publication of two collections of papers from the third and fourth Round Tables.

Partner: The European Commission.

#### **Transatlantic Human Rights Dialogue**

The Danish Institute of Human Rights and its partner organisations took the first steps in 2004 to set up a Transatlantic Human Rights Dialogue. This Dialogue is intended to promote and protect human rights on the North American and European continents and simultaneously focus on giving transatlantic human rights higher priority. The first of two preparatory meetings was held in Brooklyn in September and was attended by recognised human rights experts from both sides of the Atlantic Ocean. The first preparatory meeting was intended to develop modalities of the dialogue and at the same time discuss relevant substantial issues in a transatlantic perspective. The mission of the Dialogue was determined at this meeting, and a number of subjects of relevance to the human rights situation and of importance in a transatlantic perspective were discussed, including security and the war on terrorism, migration and globalisation. The second preparatory meeting will be held in Copenhagen in January 2005.

Partner: Columbia University Center for the Study of Human Rights, the Human Rights Centre of the University of Essex and the University of Minnesota Human Rights Center.

#### **Danish-Iranian Human Rights Dialogue**

Since 2001, the Islamic Human Rights Commission in Iran (IHRC) and the Institute have together set up a framework for a joint human rights dialogue. This dialogue aims to improve the human rights situation in Iran through a dialogue with and training of employees in various parts of the legal system as well as officials, researchers, religious leaders and others who can influence legislation and its implementation directly or indirectly. The dialogue was started when Niels Helveg Petersen, the former Danish Minister for Foreign Affairs, visited Iran in April 2000. During this visit it was agreed to establish cooperation between Danish and Iranian human rights institutions. As the Islamic Human Rights Commission in Iran (IHRC), the Iranian partner of the Danish Institute for Human Rights, has asked for similar courses in future, the DIHR hopes to make Iranian human rights courses an integral part of a joint Danish-Iranian human rights dialogue in the short run.

Moreover, the conference 'Laicism and Human Rights' about human rights, citizenship and religion was held at the Shahid Beheshti University in Tehran on 18-20 December 2004. Unfortunately the DIHR had to postpone two missions to Iran and the

fourth Danish-Iranian human rights conference due to visa problems. The planned subjects of the conference agenda were political rights, freedom of religion and the fight against drugs.

Partner: The Islamic Human Rights Commission and Shahid Beheshti University, Tehran.



#### **International Department**

The Department had 44 employees, including the Head of Department, one administrative officer, one secretary, five team leaders, three administrative coordinators, 14 project managers, two education managers, three project coordinators, three job trainees, four students, one intern, one head of mission in Rwanda and five Human Rights Officers.

#### **EXAMPLES OF INTERNATIONAL PARTNERSHIP PROJECTS**

#### ACCESS TO JUSTICE

The programme is intended to develop flexible tools that can strengthen the capacity of DIHR's partners to safeguard equal access to efficient and adequate conflict resolution tools in accordance with the general human rights standards. The programme focuses on all formal and informal justice sector institutions working to implement human rights in the justice sector.

24 country projects with this aim were set up in 16 different countries.

Guarantee and a second se Two evaluations and reviews of partnership programmes were published, and 40 consultancy assignments were commenced in Africa and Asia.

#### **REFORM OF LAW AND** STATE INSTITUTIONS

The capacity of public authorities to administer justice in accordance with a commonly defined fundamental values basis is strengthened through joint reform work. Value-based strategic planning of the individual institutions may empower them to carry out their task in the most expedient way, and an inclusive visionary process of the judicial sector may improve the administration of justice and increase public confidence in the legal system. Methods to reform the legal framework, including focus on the implementation of legislation, may enhance a public administration based on legal rights, human rights, transparency and public accountability.

11 country projects with this aim had been set up in nine different countries.

#### CIVIL SOCIETY AND UNIVERSITIES

The programme aims to strengthen the ability and possibilities of the civil society to improve and monitor the protection of human rights in relation to the Government and other core institutions of society. Matters related to advocacy, monitoring and implementation of human rights receive particular attention, the emphasis being on providing input for a constructive dialogue between civil society and Government.

29 country projects with this aim had been set up in 21 different countries.

For further details about the current 65 partnership projects see: www. humanrights.dk/departments/ international/PA/

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#### **POST-GRADUATE PROGRAMME**

#### Human Rights Officers/Advisors (Framework Agreement with Danida)

This programme is aimed mainly at graduates who have obtained a university degree within the last four years. Human Rights Officers (HROs) are normally employed for a one-year period with the Danish Institute for Human Rights.

Human Rights Advisors (HRAs) differ from HROs in that they have specific knowledge within

the field required by the partner organisation and the nature of the project, e.g. law, case handling or strategic development.

About one month is allocated for an introduction course, one element of which can be the human rights course at the DIHR. After the introduction, the graduates are seconded for about 11 months to a partner organisation working together with or in developing countries.

Five Human Rights Officers/Advisors were seconded in 2004 to Canada, CERD/Geneva, Malawi and Rwanda.

#### **EXAMPLES OF INTERNATIONAL PROJECTS**

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#### Plan of Action in Malawi

The declared aim of Malawi has been to bring all public sector institutions into conformity with the provisions of the 1994 Constitution.

Good case-handling is characterised by three main elements: fairness, expediency and professionalism. Through mutual exchange, and with advice and support from the DIHR, the 13 participating institutions have developed a plan of action to strengthen and coordinate their performance in case-handling as a means of enhancing human rights and the delivery of administrative justice. The plan of action, which will be implemented over five years starting from June 2004, is being implemented with financial support from the British Department of International Development and from Danida.

#### The Latin American Fund

At a conference during the Danish EU Presidency in 2002, the Danish Ministry of Foreign Affairs took the initiative to set up a fund in Latin America and the Caribbean intended to act as a forum for the region's ombudsman offices and to strengthen the cooperation between them. The fund is called 'The Special Fund for Ombudsmen and National Human Rights Institutions in Latin America and the Caribbean'. It was officially opened in 2004. The Danish Institute for Human Rights has supported the establishment of the Fund, and in the years up to its opening, the DIHR acted as temporary secretariat of the Fund.

"In a number of countries it is customary for the office of the ombudsman to also have the mandate of a human rights institution. And the ombudsmen in Latin America in particular play a large role in securing human rights. These are institutions which have a great deal of respect in the region and are perceived as having a high level of integrity. So it's very important that they acquire a strong foundation, and this Fund can certainly provide that," explains Mrs. Birgit Lindsnæs, Deputy Executive Director and Head of the International Department of the DIHR. The Fund is supported by the High Commissioner for Human Rights, and its Board of Directors consists of representatives from a European group of ombudsmen as well as from various national human rights institutions.

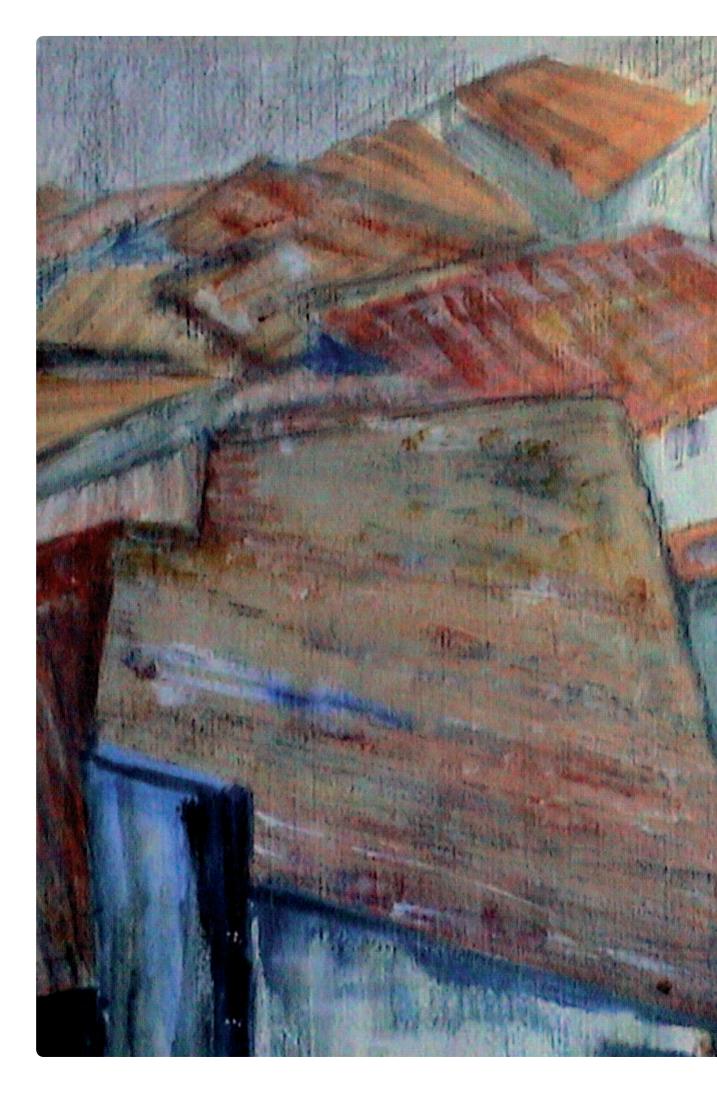
#### **Democracy in Iraq**

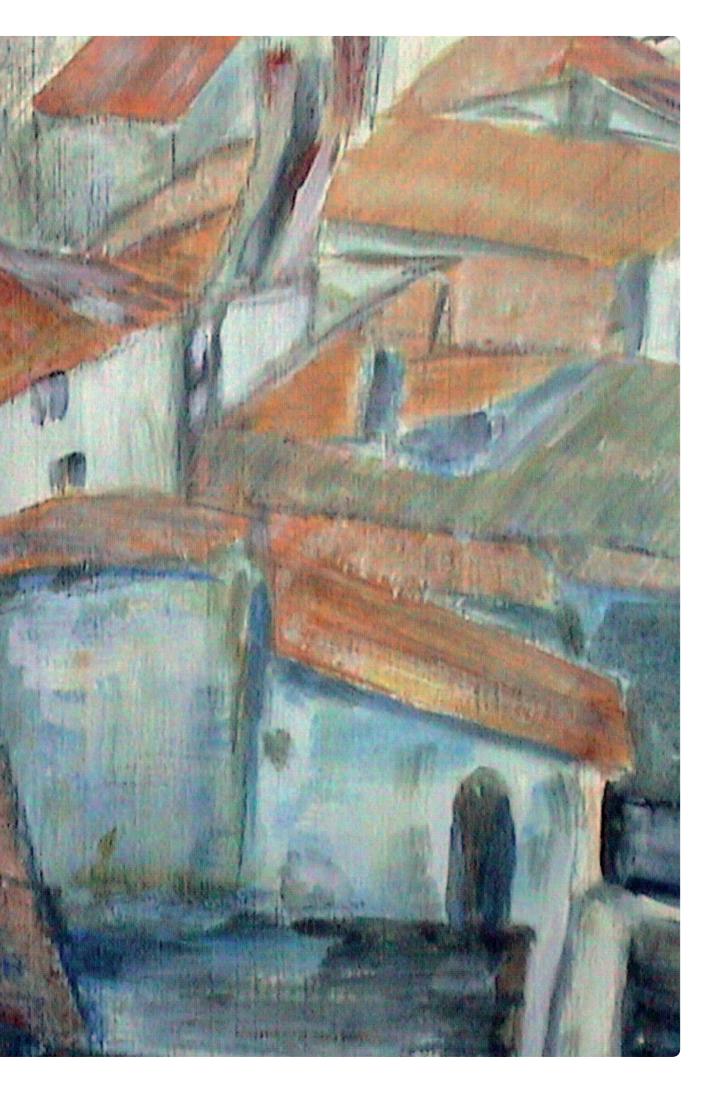
The Danish Institute for Human Rights has actively supported the Iraqi civil society after Saddam Hussein's dictatorship was overthrown. Representatives of universities in southern Iraq visited Denmark as part of DIHR's cooperation with the University of Basra. The aim was to develop human rights education at the university level in Iraq. During the visit a proposal was drafted for a first and second year human rights course curriculum for law students.

#### **Reforms in Serbia**

In the wake of the democratic changes and the parliamentary election in Serbia in late 2000, a reform of the security system and the military and police agencies has emerged as one of the top priorities of the new Serbian administration. The administration wanted a comprehensive reform of the Ministry of the Interior. The challenge was the serious problems inherited from the previous regime and the creation of a security structure. At the same time it was crucial to communicate these changes and their necessity to the public. The Danish Institute for Human Rights cooperates with the top management of the Serbian Ministry of the Interior on wording a human rights vision.

The vision process is financed by the Danish Ministry of Foreign Affairs (Danida/FRESTA).





# TRAINING

"The Danish Institute for Human Rights shall offer and promote education within the field of human rights at all educational levels, including through general adult education."

Excerpt from Act No. 411 of 6 June 2002 on the Establishment of the Danish Institute for International Studies and Human Rights

The Danish Institute for Human Rights is involved in educational work, nationally and internationally, within two focus areas: 'general issues' aimed at human rights professionals and 'thematic aspects' aimed at representatives of the justice sector. Some of the activities were organisation of courses, development of material and curricula, and implementation. A significant part of the educational activities is to support the international projects of the Institute. Moreover the establishment of international networks is initiated.

#### General human rights education

At the national level, the Danish Institute for Human Rights gave several lectures at upper secondary schools and folk high schools about human rights and the work carried by the Institute, and the Institute also organised special courses for lower secondary school pupils together with the Youth Town of the course centre of the National Innovative Centre *(Statens Pædagogiske Forsøgscenter).* Moreover, Danish university students were offered classes.

Courses for institutions and organisations

Two semi-annual courses for Danish officials, organisation employees and others were held in 2004. The courses introduced the essential human rights instruments and mechanisms as well as central subjects, such as human rights and development, etc. As in previous years the Danish Institute for Human Rights organised two 15-day courses for human rights activists and officials working with this subject in countries having cooperation projects with the Institute. The participants are mainly from the Institute's partner organisations and from institutions in Africa, Latin America, Asia and the former Communist countries. Courses were also organised for the Danish Ministry of Foreign Affairs, the National Defence, the Danish National Police College and other agencies.

#### Courses in China, Vietnam and Cambodia

These courses are elements of the comprehensive training programme for Chinese prosecutors and lawyers, the 'EU-China Legal and Judicial Programme'. The courses are funded by the EU and are one element of the cooperation between the British Council and the Danish Institute for Human Rights. 'The rule of law' in European legal systems is to be illustrated through education and dialogue. The courses 'Strengthening the Procuratorial Capacity' and 'Strengthening the Capacity of the People's Supreme Court' are part of a major project intended to strengthen the capacity of central functions of the Vietnamese procuracy and court sectors to handle the tasks that are crucial to the Vietnamese legal reforms.

The Danish Institute for Human Rights and its partners in Cambodia organised training of partners and representatives from central organisations and government offices in Cambodia.

#### **Development of police manuals in Central Asia**

Three seminars were held in connection with the development of manuals on policing and human rights in Kyrgizstan and Tajikistan. The course 'Judicial Function and Ethics' was held in December 2004 for 16 judges from Kyrgizstan and Tajikistan.

#### Educational work in Russia and Central and Eastern Europe

A seminar was held in Bosnia in connection with the preparation of pamphlets on policing and human rights in Albania, Bulgaria, Macedonia, Montenegro and Croatia. The Danish Institute for Human Rights has cooperated with the Danish Centre for Conflict Resolution (Center for Konfliktløsning) about development of educational modules and the training of police officers with particular focus on the protection of Romas.

The Danish Institute for Human Rights designed and held a course on human rights and the use of UN mechanisms for Russian organisations wanting to introduce a rights-based approach to their work with homeless people in St. Petersburg and in the northwestern part of Russia.

#### Development of teaching material about the Sabra and Shatilla refugee camps in Lebanon

The Danish Institute for Human Rights has partnered with the Human Rights Education Working Group of the European-Mediterranean Human Rights Network to prepare educational material about the refugee camps of Sabra and Shatilla. The material is based on photos and is aimed at young people.

#### Secretariat of the European Platform for Policing and **Human Rights**

The Danish Institute for Human Rights had a leading role in connection with this platform that was set up together with NGOs and the police in several European countries and developed together with the Council of Europe.

#### Integration facilitation

This project mainly concerned the development of a tool for 'appreciative communication of integration', which focuses on the appreciative inquiry as a tool to further integration and equal treatment. The project aimed at strengthening the situation of ethnic minorities in Denmark and carrying out activities

that fall under the positive duty of the Institute to advance equal treatment. This project intended to create a basis for ensuring that newcomers had equal opportunities to become fellow citizens and thereby capable of utilising their own resources and the possibilities of influence offered by a democratic society.

#### **European Platform for Policing and Human Rights** (EPPHR)

The Danish Institute for Human Rights also housed the EPPHR secretariat in 2004 and was funded to this end by the Danish Ministry of Foreign Affairs. Coordination group meetings were held in Copenhagen and Strasbourg in March and June. The annual general meeting in September was hosted by the Finnish police in Tampere.

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THE DANISH INSTITUTE FOR HUMAN

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## INFORMATION

"The Danish Institute for Human Rights is responsible for communicating general human rights information for the use by voluntary organisations, researchers, public authorities, and interested members of the general public, securing up-to-date public library and documentation facilities regarding human rights, and supporting voluntary organisations and others in collecting human rights documentation."

Excerpt from Act No. 411 of 6 June 2002 on the Establishment of the Danish Institute for International Studies and Human Rights

#### Information campaigns

The Danish Institute for Human Rights ran two media campaigns in Denmark in 2004 in connection with new activities, such as the MIA Prize (for diversity in working life) awarded to small and big enterprises in Denmark that make a special effort in favour of equal treatment in the workplace. The new Complaints Committee for Ethnic Equal Treatment was also supported by a special campaign.

#### **Complaints Committee for Ethnic Equal Treatment**

In September 2004 the Complaints Committee released its website *www.klagekomite.dk* , which provides information on the Complaints Committee. It is also possible to submit a complaint directly to the Complaints Committee through its so-called 'click and complain' feature. Moreover, decisions and particulars on anti-discrimination legislation can be viewed on the website, which is both in Danish and English. The pamphlet published by the Committee can also be downloaded from the website. This means that it is possible to read a presentation of the Committee on the website in the following languages: Danish, Turkish, Somali, Farsi, Urdu, French, Arabic, Serbo Croatian and English. Since it was launched in September, about 875 persons have visited the website every month. Moreover, about 30 complaints have been filed on the Committee website. When the website was launched, the Complaints Committee ran a comprehensive information campaign to raise the awareness of the possibility of complaining to the Committee of differential treatment based on racial or ethnic origin.

On that occasion, the Complaints Committee made a pamphlet about the Committee in nine different languages: Danish, Turkish, Somali, Farsi, Urdu, Arabic, Serbo Croatian and English.

The pamphlet describes the fields in which individuals may complain and how any such complaint can be made. The pamphlet was printed in 110,000 copies and was circulated to all public libraries in Denmark, municipal integration units, police stations and various legal aid and other nongovernmental organisations.

A so-called Go-Card campaign postcard was also designed in 2004. This postcard was free and described overleaf the possibility of complaining to the Complaints Committee. The postcard was distributed to bars, cafes, etc., in the second half of September 2004.

#### **Campaign in Turkey**

In 2004, the Council of Europe and the European Union ended a wide-ranging awareness campaign on human rights and democracy in Turkey. In partnership with the Government of Turkey, the Danish Institute for Human Rights arranged TV spots and documentaries, posters and leaflets as well as round tables for NGOs and the Turkish authorities with discussions on torture, rights of the child, domestic violence and other human rights issues. Afterwards the Danish Institute for Human Rights has started a partnership programme which Turkish participants in order to set up a national Turkish human rights institution intended to promote the implementation of human rights in Turkey.

#### Websites

The Danish Institute for Human Rights has six comprehensive websites, which all communicate the national and international activities of the Institute. www.humanrights.dk is the official website of the DIHR. It provides information about the activities of the Institute in both Danish and English. 160,000 visitors.

www.menneskeret.dk is a comprehensive and popular multimedia website with themes, news, education and several interactive features. 300,000 visitors.

www.humanrights.dk/humanrightsbusiness is a research-based project on human rights and business.

www.miapris.dk supports a project with a frontrunner prize to businesses that actively promote diversity and consistently counter differential treatment in their organisations. 17,000 visitors. www.klagekomite.dk is the website of the Complaints Committee for Ethnic Equal Treatment. On this website everybody can file a complaint of violations of the prohibition of differential treatment based on racial or ethnic origin free of charge, regardless of whether the alleged differential treatment is related to the labour market. 3,500 visitors.

www.NHRI.net is an international website of all national human rights institutions. It is run in collaboration with the United Nations. 97,000 visitors.

## **RADIO AS TOOL TO RAISE** AWARENESS AND UNDERSTANDING **OF HUMAN RIGHTS**

#### **New Voice in Afghanistan**

In August, the DIHR established a network of 30 human rights organisations. The network named Civil Society & Human Rights Network (CSHRN) has organised the broadcasting of a weekly radio programme at national level. This programme is called 'The Voice' and deals with respect for human rights, fundamental rules of law and democracy. It is the first programme ever in Afghanistan about human rights. The CSHRN also publishes a magazine called 'Angara'. This magazine brings articles and analyses of the human rights situation in Afghanistan. 'Angara' has a circulation of 1,000 copies and is published six times a year. 'Angara' is distributed to the police, the justice sector, the Ministry of Women's Affairs, academic institutions, schools, libraries and NGOs. The CSHRN also makes brochures, newsletters and manuals on human rights and democracy. One of its manuals described the parliamentary election in Afghanistan.

#### Project Radio FM 102

The purpose of the media campaign about the rule of law in Cambodia is to increase the ordinary citizen's awareness of international legal rights standards. For the past two-year project period, the main activity has been to produce, broadcast and re-broadcast weekly one-hour radio programmes about themes such as criminal procedures concerning domestic violence affecting women and children, the conditions of female textile workers, legal proceedings, analysing evidence, marriage and divorce legislation, registration of new-born babies, marriages, etc., and the Khmer Rouge Extraordinary Chambers. Once every three months, the programme is prolonged with a quiz for listeners who call in and compete with each other. Questions are posed about themes described in the preceding three-month period. The task of the DIHR is to provide advice and assistance in connection with concept development, coaching, reporting trips to far-off places difficult of access with the journalists of the programme for the collection of background information and material for commentaries, etc. A new project phase involving support to the radio programme 'The Road to Law in Cambodia' will be launched in 2005. The Cambodian partner of the DIHR is the Women's Media Centre.

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#### List of articles and other writings

In 2004, the Institute staff produced texts for both Danish and foreign books, journals and newspapers.

Feature and major articles in Danish newspapers: 18 Articles/chapters for Danish books, magazines and journals: 46

Articles/chapters for international books, magazines and journals: 36

Contributions to Danish research reports: 3

Contributions to international research reports: 6 Web articles: 3

Ph.D. dissertation: 1

- Books published in Denmark: 1
- Books published abroad: 2

The list does not include books, articles and websites published internally by the DIHR.

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#### Lectures, presentations and speeches

The Institute staff gave 214 lectures in 2004 at courses, conferences, etc. All subjects presented less than five times are listed under miscellaneous.

#### **Lectures by Subject**

Human rights in general 27 National human rights institutions 25 UN human rights systems 18 Solitary confinement, etc. 16 Philosophy of law 15 Institute for Human Rights 15 Discrimination 12 Rights of women and children 11 Religion and human rights 10 Social rights 8 Torture 7 Equal treatment 6 The EU and human rights 6 Human rights and business 5 Freedom of expression (IT) 5 Integration/migration 6 Miscellaneous 23

#### List of publications

In 2004, the Institute produced 28 publications together with Danish or foreign publishing houses or alone. Some of the publications are the annual journal, the Annual Report, regular newsletters, the Status Report about the human rights situation in Denmark and evaluation reports regarding the international partnership programmes of the DIHR.

Visit the bookshop of the Danish Institute for Human Rights: http://shop.humanrights.dk

#### Update, the newsletter

English newsletter about the activities of the DIHR. Both Danish and English versions can be downloaded from the Internet. Subscribe for human rights newsletter: mca@humanrights.dk. For further details see: www.humanrights.dk/news/updateuk

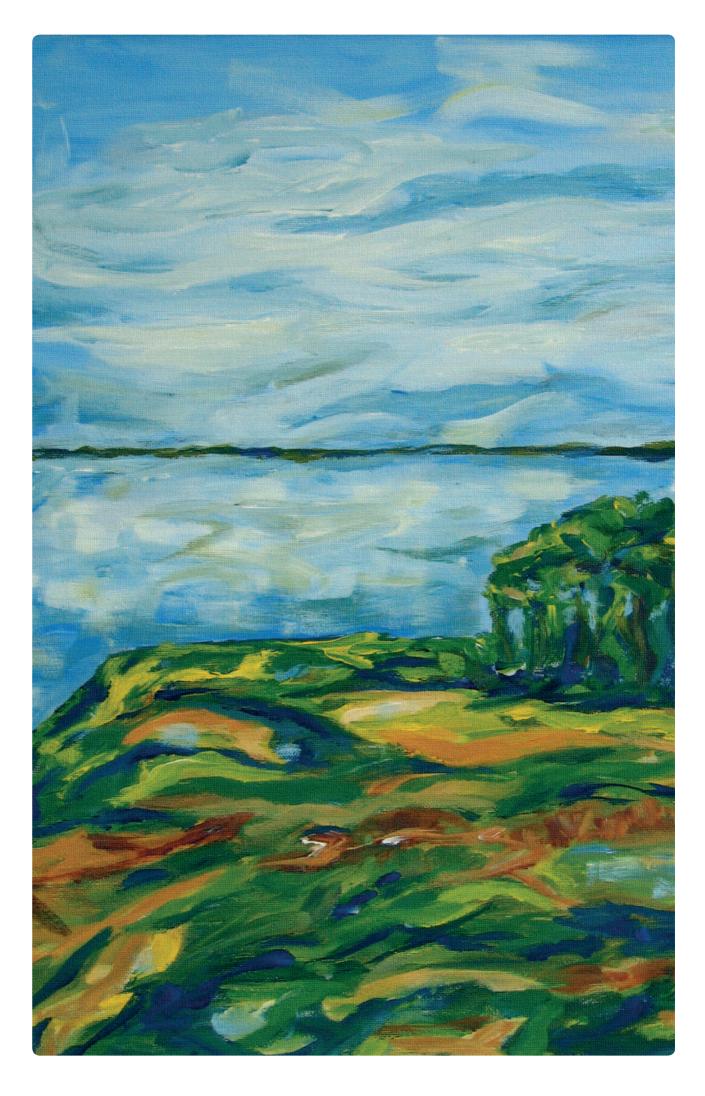
#### Conferences, workshops and seminars

64 other events about social rights, solitary confinement, freedom of expression, discrimination, religion and other subjects were held in 2004, either by the Danish Institute for Human Rights as the only organiser or together with others. Events were held both in Denmark and abroad.

#### Queries to 'Kloge Aage' (the bright boy)

On the Danish website www.menneskeret.dk everybody can pose questions about human rights to the Institute staff. The Institute received 261 different inquiries from the public in 2003, corresponding to about five a week.

## Information and Education Department The Department had 20 employees, including the Head of Department, one team leader, one secretary, two ICT officers, one information officer, one project employee, three education managers, one course manager, one special consultant, one programme manager, two students, four interns and one conscientious objector.



## **MANAGEMENT AND FINANCES**

"The Danish Institute for Human Rights shall base it activities on the human rights recognised by the international community at any time, including in particular the human rights laid down in the Universal Declaration, the conventions of the United Nations and the Council of Europe, and the Danish Constitution.

The Institute shall promote research in and education about human rights in peacetime and during armed conflicts, particularly by giving advice to the Danish Parliament and Government on Denmark's human rights obligations."

Excerpt from Act No. 411 of 6 June 2002 on the Establishment of the Danish Institute for International Studies and Human Rights

#### Day-to-day management

The Executive Director and two Deputies are in charge of the day-to-day management of the Danish Institute for Human Rights. The Board is in charge of the superior management of the Institute, the preparation of guidelines for the Danish Institute for Human Rights regarding budget, Plans of Action, and appointment of researchers.

#### **Board meetings**

The Board has 13 members, elected for three years at a time. Six members are appointed by Danish universities, six by the Council of the DIHR and one by the Institute employees.

Board meetings were held on 17 March, 9 June, 7 October and 15 December. Some of the items discussed by the Board were the allocation of tasks to the Research Department and the National Department, the strategic plan and rules of procedure for the Complaints Committee for Ethnic Equal Treatment, the research and development analysis of the family reunification rules, and the Plan of Action of the DIHR.

#### **Council meetings**

The Council gives advice and guidance in relation to the general activities of the Institute. The Council is composed of 60 representatives from all political parties of the Danish Parliament, labour market organisations, the General Council of the Bar in Denmark (*Advokatrådet*), Danish ministries, many NGOs and individuals.

Council meetings were held on 29 March and 27 September. The Council debated the Transatlantic Human Rights Dialogue, the strategic plan and the Plan of Action of the DIHR, incorporation of international conventions into Danish law. the Committee on Equal Treatment set up by the Council, and other items. The Council also set up a committee which drew up general criteria of admission to the Council.

#### Council

Chairperson of the Council: Bjørn Elmquist, attorney. Vice-chairperson of the Council: Ebbe Strange.

#### **Dialogue promotes understanding**

The Minister of Justice, Lene Espersen, the Minister of Refugee, Immigration and Integration Affairs, Bertel Haarder, and the Minister for Foreign Affairs, Per Stig Møller visited the Danish Institute for Human Rights in 2004 upon invitation from the Institute to discuss matters of common interest. The Institute also invited the leaders of all non-Government parties for a presentation of the work of the DIHR and an opportunity to discuss matters of common interest.



#### Management

**Executive Director of the DIHR:** Morten Kjærum

**Heads of Department:** Research: Hans-Otto Sano (Deputy Executive Director)

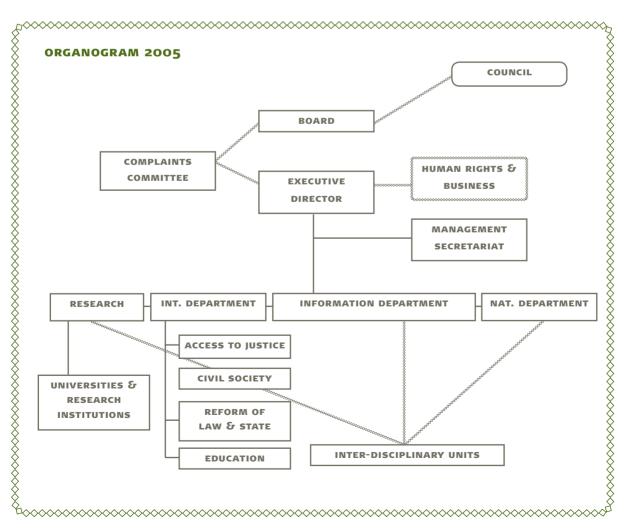
Information and Education: Klaus Slavensky

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National Activities: Birgitte Kofod Olsen

International Activities: Birgit Lindsnæs (Deputy Executive Director)

Management Secretariat: Benita Bertram



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NATIONAL AND INTERNATIONAL NETWORKS

Institute employees are represented on 82 different external working groups, councils, committees and delegations within fields such as treatment centres, housing, rights of the child, ethnic minorities, the European Union, the United Nations, research, international organisations, the information society and protection of privacy, cultural rights, equal treatment and diversity, ministerial committees and commissions, editorial boards, social matters, and education and training.

Moreover, Morten Kjærum, Executive Director of the Institute, is a member of the UN Committee on the Elimination of Racial Discrimination (CERD).

THE INSTITUTE HOSTS AND PARTICIPATES IN SEVERAL NETWORKS

Nordic, European and International networks, such as:

- Nordic Network for Institutions of Equal Treatment (Nordisk netværk for Ligebehandlingsinstitutioner)
- European Network of Specialised Equality Bodies
- National working group for EU's anti-diskriminationskampaane
- EU Network of Independent Experts on Fundamental Rights
- ECMI Team of Experts on Minority Ombudsman institutions
- European Migration Dialogue
- International network for national human rights institutions
- Privacy Internationals Advisory Board
- Global WSIS Human Rights working group
- Coordinating group of European National Human **Rights Institutions**

CONTRIBUTORS AND INITIATORS

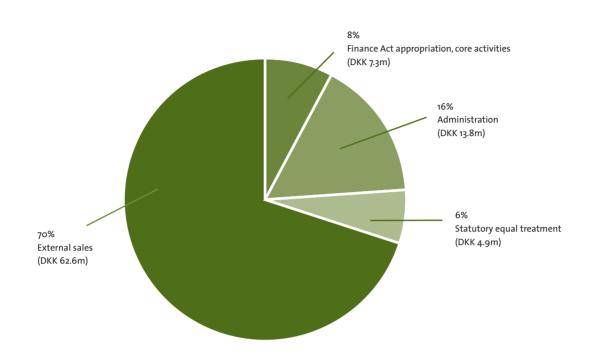
In 2004, the Danish Institute for Human Rights was pleased to receive support for individual projects and activities from the following institutions, foundations and initiators:

British Council Danish Centre for Conflict Resolution Centro Universitario, Venice Danfoss A/S Danida - Danish Ministry of Foreign Affairs **Danish Refugee Council Danish Red Cross** The Danish Council of Organisations of Disabled People British Embassy, Vietnam The Documentation and Advisory Centre of Racial **Discrimination in Denmark European Union Council of Europe European Cultural Foundation, Amsterdam** (Europese Culturele Stichting) **Danish Research Councils GEM Den Haag Bestuursdns** Grundfos A/S **Croatian Helsinki Committee for Human Rights** (Hrwatski helsinfiki odbor za ljudska prava) **International Media Service** International Organization for Migration International Rehabilitation Council for Torture Victims (IRCT) **KPMG Consulting** National Organisation of Shelters for Battered Women and their Children The conference centre LO-Skolen (owned by the Danish Confederation of Trade Unions)

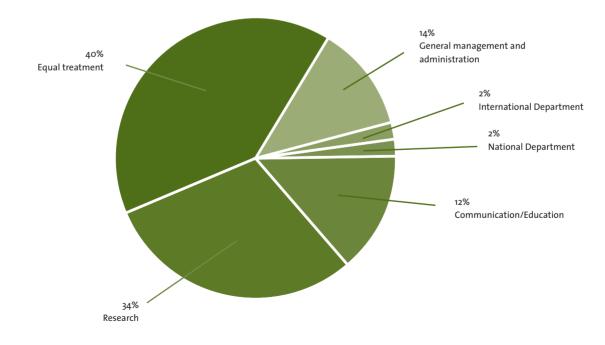
Danish Ministry of Refugee, Immigration and **Integration Affairs NCC** Treasury Norwegian Agency for Development Cooperation (NORAD) **Nordic Council of Ministers** Norsk Hydro Novo Nordisk A/S **Board for EU Enlightenment in Denmark** Office of the High Commissioner for Human Rights (OHCHR) **Pricewaterhouse Coopers Project Counselling Service in Denmark Raoul Wallenberg Institute** The Danish National Commissioner of Police Shell SIDA (Swedish Ministry for Foreign Affairs) **Society for International Development** The National Innovative Centre in Denmark Statoil Stichting Coraid (MPFI) T&B Consult **Danish Ministry of Foreign Affairs Danish Ministry of Education** UNDP UNHCR Université catholique de Louvain Lund University Åbo Academy University

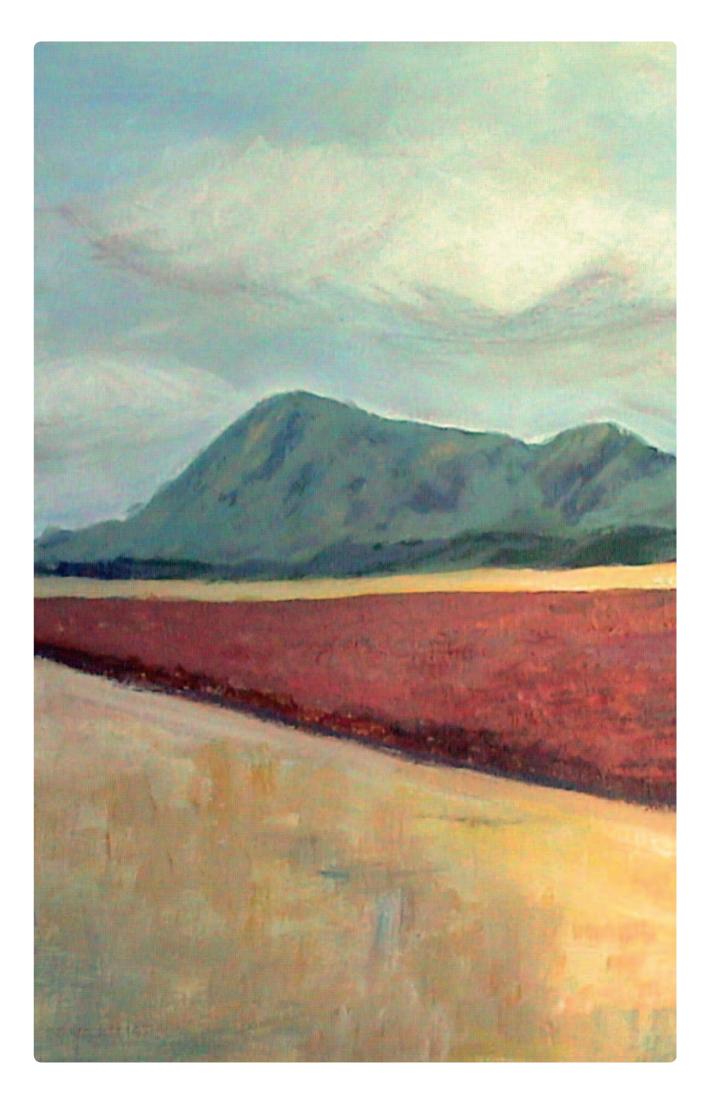
FINANCES 2004

Breakdown of turnover: Finance Act appropriation vs. external turnover and administration DKK 88.6m



Expenditure of Finance Act funds for core activities and equal treatment activities DKK 12.2m, by purposes





Board

Chairman Professor Claus Haagen Jensen Aalborg University

Professor Ole Espersen, University of Copenhagen, former Minister of Justice

Sükrü Ertosun, Council of Ethnic Minorities (Rådet for Etniske Minoriteter)

Bodil Folke Frederiksen, Senior Lecturer, Roskilde University

Kjeld Holm, Bishop, Diocese of Aarhus

Professor Henning Koch, University of Copenhagen

Anne-Marie Meldgaard, Member of the Danish Parliament, the Social Democratic Party

Fahkra Mohammad, Documentary and Advisory Centre of Racial Discrimination (Dokumentations- og rådgivningscentret om racediskrimination)

Helle Porsdam, Senior Lecturer, University of Southern Denmark

Sten Schaumburg-Müller, Senior Lecturer, University of Aarhus

Hanne Severinsen, Member of the Danish Parliament, Venstre - Denmark's Liberal Party

Sune Skadegård Thorsen, Attorney at Law

Lone Lindholt, Staff Representative, the Danish Institute for Human Rights

Bent Christensen, Substitute, the Danish Association for International Co-operation (Mellemfolkeligt Samvirke)

Camilla Jensen, Substitute, Women's Council *(Kvinderådet)* **The Danish Institute for Human Rights** (DIHR) was originally established as the Danish Centre for Human Rights by a parliamentary decision on 5 May 1987.

As at 1 January 2003 the DIHR changed its status as a consequence of Act No. 411 of 6 June 2002 on the Establishment of the Danish Centre for International Studies and Human Rights.

The work of the Institute follows the UN Paris Principles relating to the status and functioning of national institutions for the protection and promotion of human rights, and the activities of the DIHR comprise research, information, education and training, project activities and documentation regarding Danish, European and international conditions. The DIHR is the principal organisation in Denmark for gathering knowledge on human rights and it cooperates with NGOs and public authorities in Denmark and other countries and intergovernmental organisations, such as the Nordic Council, the Council of Europe, the European Union and the United Nations.

Editor: Klaus Slavensky Illustrations: Aase Nygaard, onygaard@get2net.dk Design: Simon de Tusch-lec, www.tusch.dk Translation: Dialog Translatørservice Printed by: Handy-Print A/S Special thanks to Aase Nygaard for making her paintings available for this publication.

Opening hours:

Monday-Thursday from 9:00 am to 4:00 pm Wednesday from 10:00 am Friday from 9:00 am to 3:00 pm

The library is open:

Monday, Wednesday, Thursday and Friday from 10:00 am to 3:00 pm. Tuesday from 1:00 to 6:00 pm NB: July and August Monday-Friday from 10:00 am to 12:30 pm Visiting address: Wilders Plads 8K, 1st floor www.dcism.dk / Tel. (+45) 32 69 86 76

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