

THE DANISH
INSTITUTE FOR
HUMAN RIGHTS

HUMAN RIGHTS
IN DENMARK
2020

ANNUAL REPORT TO
THE DANISH PARLIAMENT



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Closing date for contributions: 26 March 2020

ISBN: 978-87-93893-40-5
e-ISBN: 978-87-93893-41-2

Graphic design: Hedda Bank
Printed by: Toptryk Grafisk Aps

Photos: Front and back and pages 7, 12 and 31: David Lundbye. Page 5: Anne Mie Dreves.
Page 8: Christian Lindgren/Ritzau Scanpix. Page 14: Politiken. Page 16: Oscar Scott Carl.
Page 20: Ida Guldbæk Arentsen/Ritzau Scanpix. Page 22: Mette Kramer Kristensen.
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28: Gonzales Photo Dejan Obretkovic/Ritzau Scanpix. Page 32: John Rasmussen/
Narsaq Foto. Page 34: Kaung Htet. Page 36: Politikens Forlag.

Photomontage: Page 10: David Lundbye.

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CONTENTS

- 4** The Institute in 2019
- 5** Preface
- 6** Political respect for due process falters
- 8** Legal affairs
- 16** Aliens and integration
- 19** Citizenship
- 22** Social affairs
- 24** Social affairs – children and young people
- 26** Social affairs – disability
- 28** Gender equality
- 30** Healthcare and senior citizens
- 31** Danish children and young people do not know enough about their rights
- 32** Greenland
- 34** The international work of the institute
- 36** The 2019 Human Rights Award went to Sara Omar
- 37** Finances

THE INSTITUTE IN 2019

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

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

Among other things, in 2019 we have:

- Prepared **192** public consultation memos to bills and statutory instruments. All of the memos can be viewed (in Danish) at menneskeret.dk/hoeringsvar.
- Published **45** reports, four books and more than **36** research articles, papers and book chapters. The majority of these were peer-reviewed. For more information (in Danish) visit menneskeret.dk/viden/forskning.
- Published **62** op-ed pieces and analyses and contributed to more than **3,000** news items and articles in the national media. All our news items can be viewed (in Danish) at menneskeret.dk/presse/nyheder.
- Responded to **634** inquiries from the public and advised **101** people in cases related to unequal treatment and discrimination because of race, ethnicity, disability and/or gender. Read more about our consultancy services (in Danish) at menneskeret.dk/radgivning.

We work internationally via partnerships with government ministries, public authorities and national human rights institutions, and we provide consultancy services for the business community so as to ensure robust and sustainable results. We publish a separate annual report about our international work.

Read more about our work in Denmark at menneskeret.dk (in Danish) and about our international work at humanrights.dk

PREFACE

January this year marked 75 years since the liberation of Auschwitz. The extermination of Jews during World War II produced human atrocities on a scale that shook the world and united the international community in the consensus that it should never happen again. Shortly thereafter, the UN and then European declarations of human rights were enshrined in law.

Still today, the liberation of Auschwitz should be a reminder of the value of universal human rights. And of what can happen if we don't cherish them, if we take them for granted and if we do not keep them alive and active.

Unfortunately, in 2019, we at the Danish Institute for Human Rights have had to issue numerous warnings about political measures that put the rights of citizens under pressure. Political initiatives with the purpose of creating a more secure and safer life for citizens in Denmark have challenged legal certainty to an extent we are not used to seeing in Denmark.

Of course, we recognise that political room for action is needed to combat serious crime and terror, but at the same time political measures must ensure the protection of human rights and the fundamental rights of citizens. The continued protection of our rights is still crucial to our democracy and to the individual citizen.

2019 was also the year in which we could celebrate 30 years of the UN Convention on the Rights of the Child, which has had a great impact on the protection of children's rights in Denmark as well as in other parts of the world. In Denmark, we have seen a number of improvements in children's rights over the past year, which we have noted with great appreciation.

You can read about them and much more in this annual report.

Louise Holck
Acting executive director

Dorthe Elise Svinth
Chairperson of the board



POLITICAL RESPECT FOR DUE PROCESS FALTERS

Over the past year, the sitting governments have presented several policy measures leading to citizens losing some of their procedural guarantees. With this trend, Denmark is moving away from the fundamental values on which we have built our society, says Louise Holck, acting executive director of the Danish Institute for Human Rights.

In 2019, the Danish Institute for Human Rights sent an unusually high number of critical public consultation memos to ministries. The Institute was particularly critical about legislation that denies citizens their rights to due process.

“I understand why some politicians feel a need to react when bombs go off in Copenhagen, and when Danish citizens travel abroad to fight for the Islamic State. Having said that, they should carefully consider whether the actions they set in motion really are necessary, before they pave the way for legislation that undermines the fundamental values of our rule of law,” says Louise Holck, acting executive director of the Danish Institute for Human Rights. She goes on to say:

“I am convinced that it is possible to protect Danish citizens against gang-related crime and terrorist actions without undermining our fundamental rights to, for example, privacy and due process.”

Louise Holck points in particular to three far-reaching legislative actions presented in the past year that threaten the due process rights of Danish citizens. Since January 2020 the police have been able to search the homes of individuals convicted of a sex crime and check their computers without first having obtained a court order. The Danish government has recently proposed that the police should be given the same access to the homes of individuals convicted of terrorism. What is more, Danish citizens who have acted in a manner that is seriously prejudicial to the vital interests of Denmark can now be deprived of their citizenship without having been convicted in a court of law, and without prior authorisation of the revocation of their citizenship by a judge.

“We have legal safeguards like judicial orders to ensure that the government doesn’t abuse its power over its citizens. What we are seeing now is quite drastic, and standard legal safeguards are being sidelined. We must remember that due process rights are not just meaningless bureaucracy. They are absolutely fundamental for our rule of law,” says Louise Holck.

The Institute has also noted other issues that will have a negative impact on due process rights. The Danish government has proposed to allow significantly



Due process rights are not just meaningless bureaucracy. They are absolutely fundamental for our rule of law.

Louise Holck, acting executive director, Danish Institute for Human Rights

increased surveillance of citizens and so far, the government has ignored the Institute's recommendation to strengthen the legal safeguards of citizens subjected to surveillance.

In 2019 it became apparent that for years the police have been using data from telecom service providers incorrectly. Mobile phone records are obtained from telecom service providers' logs of their customers' communication. Even though innocent people may have been convicted based on incorrect information, the Danish Parliament is expected, for the ninth time, to postpone assessment of the rules on data retention.

In addition to this, due process rights have been under pressure in the courts, because the courts still lack a system to ensure that court interpreters are competent and professional. For several years now, the Institute has urged the government to initiate a fundamental and much-needed makeover of the system for court interpreters.

"Of course politicians want to do everything they can to stop serious crime. But it is possible to stop and punish criminals without compromising the rights of citizens. We are all protected by human rights. Even people we don't like. That's actually why we have them," says Louise Holck.



In December 2019, the Danish National Police cancelled a contract with the company EasyTranslate, who had won an interpretation tender for all institutions under the Ministry of Justice and the Ministry of Immigration and Integration in 2018. The Danish Institute for Human Rights urges the government to initiate a fundamental and much-needed makeover of the system of court interpreters. Not only is an independent certification scheme needed, so too is a publicly funded professional training programme for interpreters who work in migration and refugee contexts. Finally, the courts, ministries and other public institutions should be required to use qualified interpreters when possible. The Finance Act for 2020 includes a plan to establish an interministerial committee, the aim of which is to focus on how to improve interpretation services in the public sector.

POLICE SEARCHES WITHOUT A COURT ORDER

Since 1 January 2020, the police have been able to search the home of some sex offenders and remove objects from their homes without first obtaining a court order. The legislative amendment also expands the list of places the courts can prohibit convicted sex offenders from visiting. The Danish Institute for Human Rights assesses that the far-reaching powers granted to the police and the consequent interference in the right to privacy exceed what is necessary for supervising convicted sex offenders.

PROHIBITION OF SOJOURN AND CONTACT FOR INDIVIDUALS CONVICTED OF TERRORISM

It is likely that the police will, in the future, also search homes of individuals convicted of terrorism and check their computers without a court order. The Danish government has proposed new legislation that will make it possible for the courts to impose a prohibition of contact on individuals convicted of terrorism, meaning they must not contact others convicted of terrorism. The government also wants to increase the sentencing level for terror-related crimes and enable the courts to impose a prohibition of sojourn on individuals convicted of terrorism. The prohibition of sojourn means that an individual is banned from a specific geographical area. The Institute considers the prohibition of contact and the prohibition of sojourn severe infringements of the individual's right to freedom of movement and right to respect of privacy.

TOO MANY LONG SENTENCES FOR PERSONS WITH MENTAL ILLNESSES

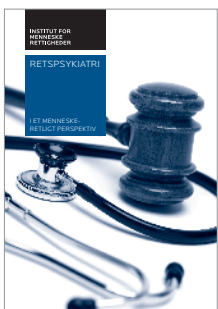
An increasing number of mentally ill individuals convicted of a crime are given a sentence to treatment and therefore end up in the forensic psychiatry system. Moreover, the sentences are becoming longer. Often, mentally ill offenders are given a significantly longer sentence than an individual with no mental illness would have been given had they committed the same crime. This is documented in a report from the Institute published in November 2019. The report concludes that the due process rights of convicted individuals are under pressure, and that a reform of the Danish forensic psychiatry system is needed. At present, 4,000 individuals have been sentenced to treatment or placement in the psychiatric system.

OVERSIGHT BOARD CRITICAL OF POOR PROTECTION OF THE RIGHT TO PRIVACY

In its annual report, the Danish Intelligence Oversight Board reported that, for at least four years, the Danish Security and Intelligence Service had had access without a court order to surveillance data from the Defence Intelligence Service on persons registered in Denmark. A court order is required by law, and the Institute is concerned about this previous lack of compliance with the law.

PUBLICATIONS

- Retspsykiatri – I et menneskeretligt perspektiv (Forensic psychiatry in a human rights perspective)



SECURITY MEASURES PUT PRESSURE ON THE RIGHT TO PRIVACY

In 2019 there were 14 explosions in the greater Copenhagen area. According to the police, several of these explosions were gang-related. The Danish government made references to the explosions, a double killing on a public street in Herlev, a part of Greater Copenhagen, and the general threat of acts of terror aimed at Denmark, when the minister for justice, Nick Hækkerup, presented 16 new initiatives in October. The initiatives included increasing the use of CCTV surveillance by the police, municipalities and private citizens, increasing automatic registration of license plates and making it easier for the police to photograph individuals in the public sphere.

The Danish Institute for Human Rights assesses that, even though these initiatives do not in themselves entail a violation of human rights, they represent a significant interference in the individual's right to privacy. In its public consultation memos to the legislative proposals that have since been tabled in Parliament, the Institute presented a proposal for how the Danish Parliament could ensure due process rights and the necessary legal safeguards in the legislative amendments.

LACK OF CLARITY WITH REGARD TO HUMAN RIGHTS AND FACIAL RECOGNITION

In October 2019 Copenhagen Police reported that they would like to use facial recognition technology in their surveillance of the public. In a memorandum sent to the legal affairs spokespersons for all the parties in Parliament and to the minister for justice, Nick Hækkerup, the Institute assessed that facial recognition is a particularly intensive and invasive form of surveillance that fundamentally challenges the individual's right to privacy and protection of personal data. The human rights implications of using facial recognition are still unclear, and the Institute therefore urged the government to refrain from using the technology in connection with combatting criminal activity until the human rights consequences of specific types of use have been carefully examined.

DATA RETENTION UPHeld AFTER THE TELECOM SCANDAL

The Danish Parliament is likely to postpone an evaluation of the Danish data retention regulations for the ninth time since 2011. In accordance with Danish data retention regulation, it is mandatory for telecommunication providers to retain information about phone calls, emails and online traffic for potential use in police investigations and legal proceedings. When the Danish Parliament adopted the legal basis for data retention in 2002, this was based on the expectation that the intensive surveillance of citizens would be reviewed a few years after the law entered into force. Data retention constitutes indiscriminate surveillance of citizens who are under no suspicion of committing criminal activity. Thus, data retention is a significant interference with the right to privacy and the right to protection of personal data. For several years, the Institute has warned about the human rights implications of this practice and, in 2016, the European Court of Justice established that data retention is a violation of the fundamental rights of EU citizens.





According to SikkerhedsBranchen (a Danish association for safety and security), approximately 1.5 million cameras monitor the movements of Danes. The Danish government has proposed to make it easier for government institutions and private citizens to obtain authorisation to install surveillance cameras.

The government's proposal to postpone the evaluation of the data retention regulation was made after it became known that there were serious errors in the retained data from telecommunications providers used by the police and prosecution. In August 2019, the use of data from telecommunications providers was put on hold for two months in criminal cases and cases concerning pre-trial detention. The Institute has stressed that it is crucial that all cases in which a ruling relies on data from telecommunications providers are scrutinised.

YES TO CCTV SURVEILLANCE, NO TO SURVEILLANCE OF EMAILS

According to an extensive survey of the values of Danes, more than four in five Danes are positive towards the government's CCTV surveillance of citizens in public spaces. However, only one in five think it is acceptable that authorities can monitor emails and other information exchanged online. The results of the survey have been published in the book 'Usikker Modernitet – Danskernes værdier fra 1981 til 2017', (Uncertain modernity – Danish values from 1981 to 2017) (ed. Frederiksen, Hans Reitzels Forlag). Rikke Frank Jørgensen, senior research associate at the Danish Institute for Human Rights authored the chapter on Danes' attitudes towards state surveillance.

PUBLICATIONS

- Human Rights in the Age of Platforms (ed. Jørgensen, MIT Press)



EXTENSIVE USE OF SOLITARY CONFINEMENT AS A DISCIPLINARY MEASURE CONTINUES

In 2019 there were 705 instances of inmates placed in solitary confinement for more than 14 days in Danish prisons. The use of solitary confinement is the most severe disciplinary measure a prison officer can impose on an inmate. The use of long-term solitary confinement has increased significantly over the past five years. In 2015 by comparison, there were just seven instances of solitary confinement lasting more than 14 days.

CRITICISM OF CONDITIONS IN PRISONS AND PSYCHIATRIC DEPARTMENTS

In early 2020 the European Committee for the Prevention of Torture criticised Danish measures to protect detained individuals against inhumane or degrading treatment. The committee's report is based on its visit to Denmark in 2019. In its report, the committee expresses concern about crowded prisons and the extensive use of solitary confinement. Furthermore, the committee criticised Denmark for having failed to improve in several areas since the committee's previous visit in 2014.

RIGHT TO EXTERNAL MEDICAL ASSESSMENT

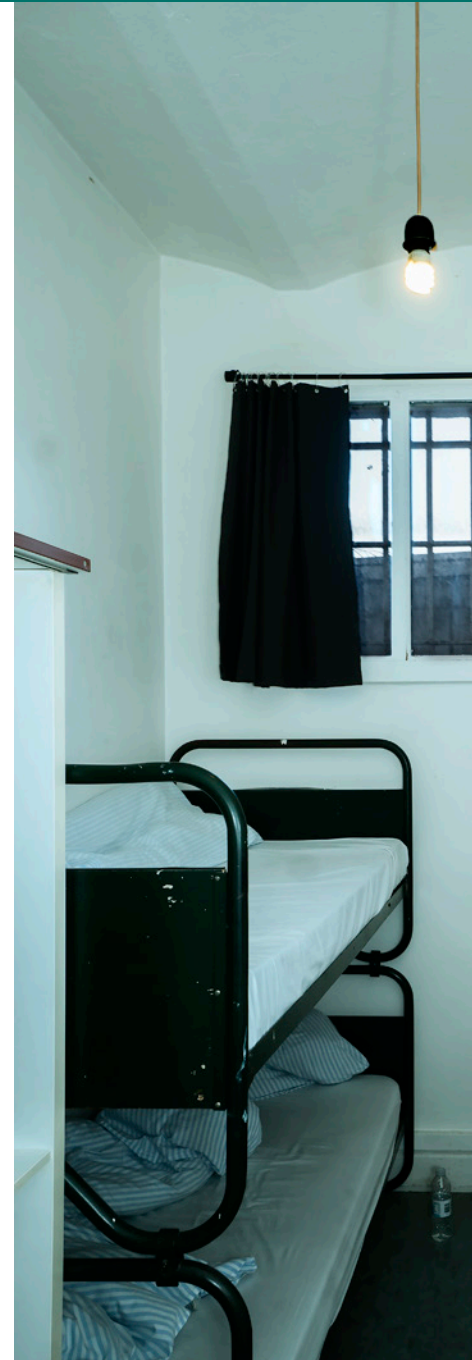
In July 2019 an inmate with a custodial sentence in Herstedvester Prison won a case against Denmark brought before the European Court of Human Rights. In 2015, based on an eight-year-old internal medical statement, the High Court of Eastern Denmark had ruled that the inmate was to remain in custody because he was still considered a threat. While his case was being processed the inmate requested that a new external medical statement be made, but his request was rejected. The European Court of Human Rights ruled in favour of the inmate and stated that denying him an external medical assessment was a violation of his right to freedom.

NATIONAL SOCIAL APPEALS BOARD FINDS ERRORS IN RULINGS FROM THE YOUTH CRIME BOARD

The National Social Appeals Board has found errors in nine out of 26 child placement cases processed by the Youth Crime Board that was established in January 2019. The objective of the Youth Crime Board is to prevent criminal activity among young people and ensure that children aged between 10 and 17 at risk of criminal behaviour get the help they need. Errors in such serious cases are a concern for children's right to due process. The Danish Institute for Human Rights recommends that the planned evaluation of the Youth Crime Board will examine how many decisions are reversed by the National Social Appeals Board.

LIMITS ON FREEDOM OF EXPRESSION

In 2019 Rasmus Paludan, leader of the political party Stram Kurs, held a number of demonstrations against Islam that attracted a great deal of attention. Among other things, the demonstrations led to extensive debate on how to balance freedom of expression with hate speech. The Institute expressed concern that Rasmus Paludan's statements – no matter how unpleasant they were – were met



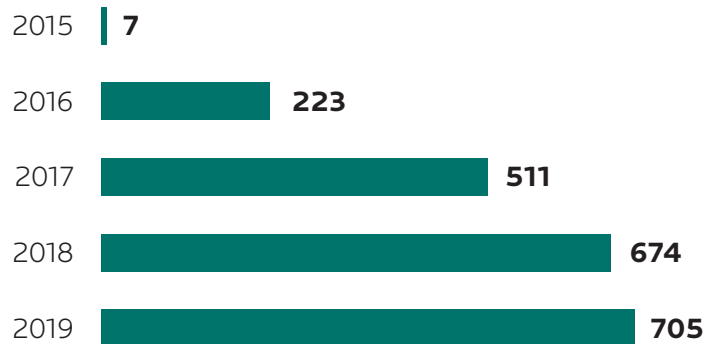


with violence. In accordance to sections 77 and 78 of the Danish Constitution, Rasmus Paludan has the right to freedom of expression and assembly. Unpleasant and unlawful speech should not be met with violence. It should be punished in accordance with the law. Freedom of expression is curtailed by, among other things, the section on racism – section 266b – of the Danish Penal Code. In July 2019, Rasmus Paludan was sentenced to a 14-day conditional jail sentence for violation of this section following his statement about the IQ of black South Africans.

OMBUDSMAN STANDS UP FOR GOVERNMENT EMPLOYEES' FREEDOM OF EXPRESSION

In three cases about the freedom of expression of government employees, the Danish Parliamentary Ombudsman ascertained that Danish municipalities lacked legal backing to issue reprimands or warnings to staff who had made critical remarks about their workplace on Facebook or in the press. In addition, Esbjerg and Aalborg municipalities have changed their internal guidelines which did not comply with the applicable rules.

NUMBER OF TIMES SOLITARY CONFINEMENT WAS IMPOSED FOR MORE THAN 14 DAYS



Source: The Danish Prison and Probation Service

Danish prisons hold more inmates than they were meant to accommodate. Often, two inmates share a cell designed for one person. The management of the Danish Prison and Probation Service and the prisons themselves should be aware that the European Convention on Human Rights and the European Committee for the Prevention of Torture grants inmates a specified size of cell. According to the European Court of Human Rights, providing an inmate with less than three m² of personal space in a two-prisoner cell is, in principle, considered inhumane and degrading treatment, and thus a violation of Article 3 of the European Convention on Human Rights.

STRONGER ACTION AGAINST HATE CRIMES NEEDED

Even though it is difficult to measure the scope of racist sentiment, figures from the national integration barometer show that approximately 50% of ethnic minorities experience discrimination. Surveys by the European Union Agency for Fundamental Rights show that many Jews and Muslims in Denmark feel discriminated against and experience negative attitudes, and records of hate crimes held by the Danish National Police show that anti-Semitism and hate toward Muslims is a consistent issue in Denmark. Therefore, the Danish Institute for Human Rights urges the government to prepare a national action plan to prevent and combat racism and hate crimes on the grounds of ethnicity and religion.

NEW RAPE PROVISION MAY STRENGTHEN HUMAN RIGHTS

In February 2020 the Criminal Law Council presented a new report in which the majority of the members of the council recommended a new rape provision, the essence of which is that a sexual act must be voluntary for all parties. Changing the definition of rape so that it is based on voluntary participation is positive. Moreover, the law must be worded so as to secure due process rights of all parties involved. In 2019 the UN Committee on Economic, Social and Cultural Rights recommended that Denmark incorporate the element of consent into the legal definition of rape.

COMMENDED FOR INITIATIVES TO COMBAT DOMESTIC VIOLENCE

In 2019, the United Nations Human Rights Committee commended Denmark for preventing and taking action against domestic violence. The committee noted that Denmark has established a national unit for the prevention of violence in families and violence in intimate relationships and has updated its guidelines for violence in intimate relationships.

DENMARK MAY ACCEDE ANOTHER HUMAN RIGHTS CONVENTION

The Danish Parliament has enabled the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance. The convention protects the rights of individuals not to be subjected to enforced disappearance. Furthermore, the convention requires states to tackle the issue of impunity and ensure that the perpetrators are brought to justice. The convention is the eighth of the UN's nine core conventions on human rights to which Denmark now can accede.

In September 2019, the minister of the interior, Astrid Krag, and a number of other politicians came forward in the press and spoke openly about the massive harassment they are victims of. A survey by the research institute Epinion for the Danish Institute for Human Rights showed that 72% of candidates who ran for election in June 2019 had experienced harassment and threatening behaviour during the election. Most of the harassment and threats were made on social media. The Institute would like to see an action plan to improve the public's digital skills through targeted public awareness campaigns aimed at various age groups on digital behaviour and rights, as well as instruction at primary and secondary schools.



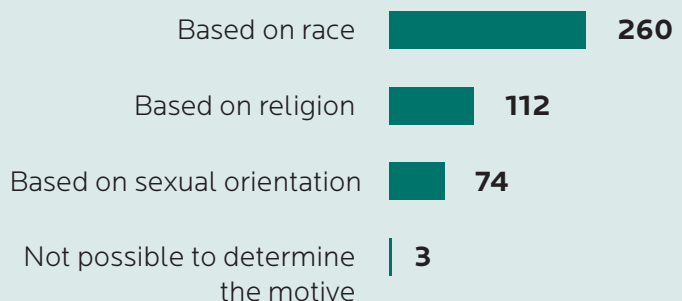
+ PROGRESS

- Psychological violence has been criminalised with a maximum penalty of three years of imprisonment.
- The supervisory authorities in Belgium, Denmark, the Netherlands, Norway and Switzerland have entered into close collaboration to improve supervision of how their intelligence services exchange intelligence across borders.
- The Danish National Police has strengthened its guidelines for updating DNA reference profiles so that in essence criminal procedures cannot be instigated in a case before tests have been made based on 16 DNA systems.
- In May 2019, the then government established the Data Ethics Council. The council is to support responsible and sustainable use of data by businesses and the public sector.
- Instruction in human rights has been strengthened in the basic programme and curriculum of the National Police.
- The Danish Prison and Probation Service has strengthened its rules for the use of pepper spray. This applies to the rules for when pepper spray may be used and how use is documented.
- The police have updated the procedures for reporting deaths and serious suicide attempts among people in police custody and have extended the police's duty to report.
- A new set of guidelines from the Danish National Police clarifies the obligations of Danish police in respect of deportations and contains guidelines for the police's authorisation to use force in connection with forced deportation.
- The Ministry of Justice has implemented a whistleblower scheme for employees in the justice system.

÷ SETBACKS

- Certain sex offenders may be imposed with a prohibition of contact and a prohibition of sojourn without an end date. As a consequence of the prohibition of contact, the police may search the homes of sex offenders without a court order or specific suspicion, and they may remove objects for investigation.
- The police may prohibit specific sex offenders from visiting specific places in the event that there is a risk the offenders will commit a similar crime, and the police may share information with staff about the identity of the convicted individual, e.g. in public swimming pools.
- The courts can now issue a ruling on expulsion without the individual appearing before the court.
- The authorisation of the Centre for Cyber Security has been extended, so that the centre, which falls under the auspices of the Defence Intelligence Service, has been granted considerable access to sensitive personal data.

HATE CRIMES IN 2018



449 in total

Source: Danish National Police

ALIENS AND INTEGRATION

RESOURCE PERSONNEL TO HELP RESIDENTS ANSWER QUESTIONS ABOUT RELIGION

As is now stated in the contracts between the Danish Immigration Service and operators of asylum centres, operators must appoint one or more resource personnel to assist residents with questions concerning religion or LGBTI+. The new requirement was introduced as the Danish Institute for Human Rights examined the level of freedom of religion at asylum centres in Denmark.

CRITICAL CONDITIONS AT ELLEBÆK DETENTION CENTRE

In June 2019 the Danish Parliamentary Ombudsman urged the management of the detention centre at Ellebæk to improve its documentation on the use of solitary confinement, to improve the physical conditions in the male quarters and in solitary confinement, and to complete guidelines for the administration of medications. This happened after a monitoring visit in which the Institute and DIGNITY – Danish Institute Against Torture also participated. In early 2020 the spotlight was once again on the physical conditions at detention centres when the European Committee for the Prevention of Torture criticised the centres and recommended that the Ellebæk and Nykøbing Falster Arrest detention centres either be overhauled or closed down. In March the Danish government informed the committee that Ellebæk will be refurbished.

DENMARK ILLEGALLY DEPORTED A MAN TO TURKEY

In October 2019 the European Court of Human Rights found that Denmark violated the human rights of a man by deporting him to Turkey. The man in question, who has serious mental health issues, was expelled because of criminal activity. The court found that the Danish government should have ensured that the man could receive adequate healthcare treatment in Turkey. The case has been brought before the Grand Chamber of the European Court of Human Rights.

REQUIREMENT FOR SUCCESSFUL INTEGRATION REMOVED

A child who applies for family reunification with a parent who has been granted a residence permit in Denmark is no longer required to undergo an assessment of their potential for integration. The Institute considers it to be a positive step that the requirement for 'successful integration' has now been completely removed from the Danish Aliens Act. On the other hand, a child below the age of 15 is now strictly required to apply for family reunification in Denmark within three months of the parent being granted a Danish residence permit.

THE DANISH IMMIGRATION SERVICE ADJUSTS ITS PRACTICE TOWARDS CHILDREN

In September 2019 the Danish Immigration Service announced that they will adjust their practice in cases concerning applications for family reunification from parents who are nationals of a country outside the EU and who apply for a residence permit with a child who is a Danish citizen. By doing so the Danish Immigration Service will comply with a decision from the European Court of Justice of May 2017 stating that parents from countries outside the EU may be granted residence permits if the child and the parent are significantly dependent upon one another.





In a theme-based report from July 2019 the Danish Parliamentary Ombudsman highlighted the use of force against children at children's asylum centres and at private residences. In the report, the Ombudsman concludes that there is general focus on ensuring that the best interests of children and young people are given first priority. However, the visits by the Ombudsman also revealed that the staff at several sites lacked knowledge of legislation on the use of force.

SEGREGATION OF SCHOOL PUPILS WAS DISCRIMINATION

In September 2008 Herning municipality's decided to divide a school into two separate branches – one for children from a social housing area and one for the other children. The decision was aimed at deterring children of Danish ethnic origin from leaving the school and resulted in segregation on minority children. The Institute therefore submitted a complaint against the municipality to the Danish Board of Equal Treatment. Herning municipality has since acknowledged that the division of the school constituted discrimination, and the Institute has therefore closed the case.

HUMAN RIGHTS STANDARDS IN INTERNATIONAL COOPERATION ON REFUGEES

In a recent Ph.D. dissertation, Nikolas Feith Tan, researcher at the Danish Institute for Human Rights, presents a new legal framework for how states can work together to offer refugees asylum and at the same time protect the rights of refugees and live up to their human rights commitments. Nikolas Feith Tan proposes 14 specific human rights standards to be met via interstate agreements on refugees in order to guarantee refugees basic human rights.

ALIENS AND INTEGRATION

THE SECURITY SITUATION IN THE SYRIAN PROVINCE OF DAMASCUS NO LONGER CONSTITUTES GROUNDS FOR ASYLUM

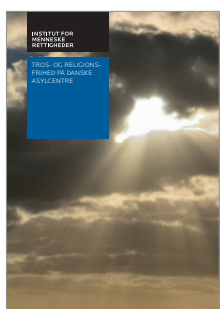
In February 2019 a report by the Danish Immigration Service and the Danish Refugee Council concluded that the security situation in the Syrian province of Damascus has improved significantly. The Danish Immigration Service then selected a number of test cases to determine whether it was possible to send Syrian nationals who had been granted or had applied for asylum on the grounds of the general situation in the province, back to Syria. In 2019, the Danish Refugee Appeals Board concluded that asylum will no longer be granted solely on the basis of the security situation in Damascus.

ATTACHMENT REQUIREMENT OVERRULED BY THE EUROPEAN COURT OF JUSTICE

In July 2019 the European Court of Justice determined that the previous attachment requirement related to family reunification between spouses contravenes with the EU's association agreement with Turkey. The Ministry of Immigration and Integration has determined that the Danish immigration authorities are obliged to reopen 138 cases concerning Turkish workers granted residence permits in Denmark between 2011-2019.

PUBLICATIONS

- Tros- og religionsfrihed på danske asylcentre (Freedom of religion or belief at Danish asylum centres)
- Egenbetaling for tolkebistand – læger erfaring med ordningen (A charge for interpreter services in the Danish health service – Doctors' experiences with the scheme) (published in collaboration with the Danish Medical Association)
- Kvinder med tørklæde – ti kvinders erfaringer med arbejdsmarkedet (Women who wear hijab – ten women's experiences with the labour market)



+ PROGRESS

- It is easier for Danish children to live with their parents who are third country nationals in Denmark, because the Danish Immigration Service is now granting more residence permits to these parents on the grounds of family reunification.
- A child's potential for integration is no longer the deciding factor determining whether he or she may be granted family reunification with a parent who has been granted a Danish residence permit.
- Operators of asylum centres must appoint resource personnel to assist residents with questions concerning religion or LGBTI+.

÷ SETBACKS

- Legislation on socially marginalised residential areas is now being implemented through action plans for the areas in question. There is a major risk that the housing associations concerned will adopt measures which constitute illegal discrimination, because they will have a disproportionate impact on ethnic minorities.
- Children below the age of 15 must now apply for family reunification in Denmark strictly within three months of a parent being granted a Danish residence permit.

NEWBORNS ARE NO LONGER ENTITLED TO DANISH CITIZENSHIP

Up until recently, all children with a Danish parent automatically acquired Danish citizenship at birth – regardless of where in the world they were born. The Danish Parliament abandoned this policy with respect to children born to so-called foreign fighters. This means that, henceforth, children born in a conflict zone will not receive Danish citizenship through a Danish parent if the parent in question has illegally entered or resides in such conflict zone. The Danish Institute for Human Rights takes the view that this rule infringes on the right of the child to acquire the same citizenship as the parents.

FOREIGN FIGHTERS MAY BE STRIPPED OF THEIR DANISH CITIZENSHIP

Danish citizens who have engaged in actions that are seriously prejudicial to Denmark's vital interests may henceforth be stripped of their citizenship while they are abroad without having been convicted in a court of law. This legislative amendment was fast-tracked through the Danish Parliament in the space of three days, following a short consultation period. The Institute urged the Danish Parliament to ensure that all administrative decisions on loss of citizenship automatically be brought before a court of law. This proposal was rejected.

FOREIGN FIGHTERS MAY BE REFUSED CONSULAR ASSISTANCE

The Danish Parliament has granted the Danish foreign service powers to limit or refuse consular assistance to specific persons based on individual assessment. This represents a departure from previous foreign service policy, given that no Danish citizen has previously been blocked from receiving consular assistance. The Institute was concerned about the policy for a number of reasons and issued a public consultation memo calling for greater clarity concerning the scope of this provision. The Institute urged the Danish government to ensure that citizens are consulted before they are refused consular assistance. The government made partial changes to the bill based on the two recommendations prior to the legislative amendment being adopted.

POTENTIAL FOREIGN FIGHTERS WILL CONTINUE TO BE DENIED PASSPORTS

In 2015 the Danish Parliament made it possible for the police to revoke or refuse to issue a passport if there is reason to believe that a person intends to participate in activities outside Denmark which may pose a threat to Denmark's national security. These regulations were due to expire in March 2020 but have now been rendered permanent. At the same time, the period for which it is possible to revoke or refuse to issue a passport was extended to up to three years. The Institute had recommended that, in general, the period should be limited to one year.

DISCRIMINATION ON THE GROUND OF DISABILITY

Fewer than 2% of applicants for naturalisation receive a positive response when they apply to the Danish Parliament's Naturalisation Committee for exemption from the requirements on Danish language skills and knowledge of Danish culture. Persons who, due to disability, are not able to fulfil the requirements, are, on the basis of their disability, entitled to exemption from the requirements pursuant to the UN Convention on the Rights of Persons with Disabilities. However, in recent years, exemption has become significantly more difficult to secure, and in 2019, 98% of the applications were



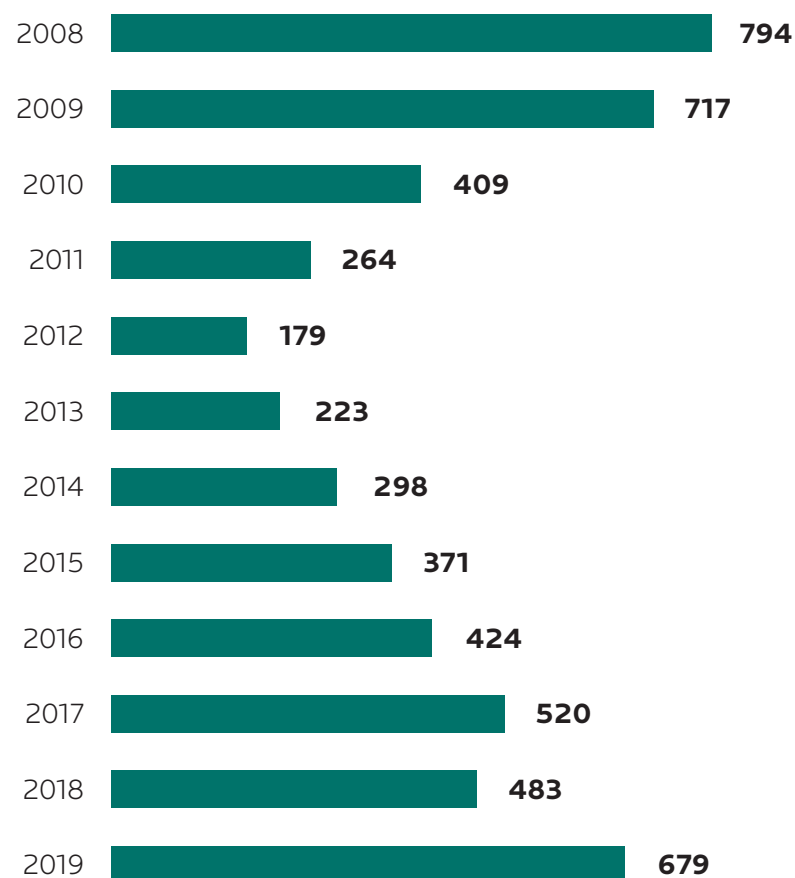
refused. In February 2020, the western division of the Danish High Court ruled that a refusal of the Danish Parliament's Naturalisation Committee in 2015 to approve an application for Danish citizenship submitted by a disabled man who, for a short period, could not meet the self-support requirement, constituted illegal indirect discrimination. The Institute intervened in the case to support the claim of the applicant. The Institute recommends that citizenship legislation be amended such that the grounds for rejection of an application for dispensation must be stated, and such that the legislation sets out clearly what conditions must be met in order to be granted exemption.

AN INCREASING NUMBER OF STATELESS CHILDREN IN DENMARK

Even though Denmark is obliged to grant stateless children born in Denmark Danish citizenship, a large – and growing – number of Danish born stateless children reside in the country. The reason may be that the parents of the children are unaware of the children's entitlement to Danish citizenship. The Institute has urged the Danish government to automatically grant Danish citizenship to stateless children born in Denmark and, in the meantime, to provide guidance to all affected families concerning the children's entitlement to Danish citizenship.

The municipalities can now be permitted to hold Danish citizenship ceremonies within the first month after a bill granting citizenship has been adopted by the Danish Parliament. This option is intended to help applicants with children who reach the age of 18 within the month following the adoption of the naturalisation bill. The timing is important because the parent must participate in a ceremony before the child turns 18. Failing this, the child cannot become a Danish citizen together with the parent but must apply independently.

STATELESS 0-17 YEAR OLDS BORN IN DENMARK



Source: Statistics Denmark

+ PROGRESS

- The Danish minister for immigration and integration has amended the wording in application forms for Danish citizenship such that, instead of having to provide details of all periods in the preceding 12 years that the applicant has travelled abroad, the applicants only need to document significant periods spent abroad.
- Danish citizenship ceremonies can now be held sooner, such that more children approaching the age of 18 can be granted citizenship together with a parent who naturalise.
- In cases of deprivation of Danish citizenship and thereby European Union citizenship, the decision on this matter may only be reached following thorough consideration of what impact losing union citizenship rights will have on the individual in question.

÷ SETBACKS

- Children born to Danish parents in conflict zones are henceforth not granted Danish citizenship at birth.
- Foreign fighters may have their citizenship revoked without automatic judicial review.
- The Danish foreign service may deny foreign fighters consular assistance.

SOCIAL AFFAIRS

UN COMMITTEE: STOP CRIMINALISING HOMELESSNESS

In 2019 the UN Committee on Economic, Social and Cultural Rights made a series of recommendations to the Danish government concerning how Denmark can strengthen the protection of the rights of citizens. In its critique the committee highlights a growing number of homeless persons and increased criminalisation of homelessness as particularly worrying. The committee recommends, for example, that the 2017 prohibitions on camps and begging be repealed. The Danish Institute for Human Rights has made the same recommendation.

ACQUITTALS IN CASES AGAINST HOMELESS PEOPLE

In April 2019 the Danish High Court overturned a ruling by the District Court concerning a Romanian man who was convicted of having established a camp which created insecurity. The man, who was homeless, was residing in an entrance area which he had furnished with a shelter consisting of cardboard, rugs, duvets, a sleeping bag and pillows. Besides this he had some personal belongings. He had packed it all and removed it at around six o' clock in the morning. Copenhagen City Court also acquitted two men accused of having set up a camp which created insecurity. These men had, likewise, cleared away their handful of belongings early in the morning from the spot where they had spent the night.

RECIPIENTS OF CASH BENEFITS SAVING IN PENSION SCHEMES

Since 1 January 2020 all recipients of benefits such as a maintenance allowance, unemployment benefits, early retirement benefits or cash benefits have received pension savings. At the same time pensioners who have already taken retirement receive a slightly higher pension. The compulsory pension scheme has been financed by funds previously used for the rate adjustment pool.

On an October morning in 2018, André Christiansen and his friend were awoken by police officers who concluded that the two men had established a camp which breached the peace under a porch roof at the Round Tower in Copenhagen. Both men were handed a zonal ban, meaning they were not permitted to enter Copenhagen Municipality for a period of three months. In September 2019 the two men were acquitted by the Copenhagen District Court.



UNEMPLOYMENT BENEFITS WITHOUT A RESIDENCE REQUIREMENT

The Danish Parliament has decided to repeal the requirement that recipients of unemployment benefits hold a residence permit. The residence requirement meant that a person was entitled to unemployment benefits if they had resided in Denmark for five out of the preceding 12 years. This change in policy came in the wake of a recommendation from the UN Committee on Economic, Social and Cultural Rights in October 2019 that Denmark remove the residence requirement.

SPECIAL RAPPOORTEUR WARNS AGAINST ALLOWING VENTURE CAPITAL FUNDS TO OPERATE ON THE DANISH HOUSING MARKET

In March 2019 the United Nations' special rapporteur on the right to housing warned the Danish government to be wary of venture capital funds with the potential to exploit Danish law and charge exorbitantly high rents for renovated flats. A majority of the Danish Parliament has agreed to amend the legislation such that residential landlords will be required to wait five years from buying a building before they are allowed to increase the rent following the renovation of rental properties.

6431 people were without a home in Denmark in 2019

In its 2019 census, VIVE – The Danish Center for Social Science Research counted a total of 6431 homeless persons. This represents a slight (3%) reduction compared with the most recent census conducted in 2017. The reduction is, however, so small that it falls within the ordinary margin of uncertainty. Accordingly, VIVE estimates that the number of homeless persons is more or less the same as in 2017. Following a number of years in which homelessness has steadily risen, it is positive that the number of homeless persons has not increased since 2017.

+ PROGRESS

- Anyone in receipt of benefits such as a maintenance allowance, unemployment benefits, early retirement benefits or cash benefits will receive pension savings in future.
- It is no longer a requirement for entitlement to unemployment benefits that the recipient has resided in Denmark for at least five out of the past 12 years.
- The Finance Act for 2020 has earmarked DKK 25 million for care leavers to assist young people in care with finding accommodation of their own.
- An annual budget of DKK 50 million has been earmarked for 2020 and 2021 to bolster initiatives aimed at determining whether recipients of cash benefits over the age of 30 who are ready to return to the labour market should continue to receive cash benefits.
- Henceforth an annual review of inequality will be conducted which will analyse inequality in Denmark.
- An annual budget of DKK 55 million over four years will fund a nationwide voluntary financial advice and debt-counselling service.
- It has become easier to set up and renovate social housing for particularly vulnerable groups and to employ social caretakers.

÷ SETBACKS

- Henceforth only one out of every two – rather than all, as previously – vacant social housing property in a housing association has to be offered to tenants on an internal waiting list. This will make it more difficult for residents to move into another, more suitable, property within the same housing association.
- Housing departments which belong to so-called hard ghetto areas are now required to reject potential residents if the person in question or their spouse is receiving integration benefits, cash benefits for unskilled people under the age of 30 or social security.

SOCIAL AFFAIRS – CHILDREN AND YOUNG PEOPLE

THE GOVERNMENT’S GOAL TO INCREASE THE NUMBER OF COMPULSORY REMOVALS OF CHILDREN FROM THEIR PARENTS

In her 2020 new year’s eve message Mette Frederiksen, the Danish prime minister focused on vulnerable children, and the government’s desire to reform social sector legislation in order to increase the number of compulsory adoptions and early mandatory removals of children from their parents. Separating children from their parents may be a necessary measure to safeguard the child’s best interests, but the decision to do so must be well-grounded and uphold a high level of legal protection and protection of both the child’s and the parents’ right to family life. Compulsory adoptions in particular represent a definitive intervention in family life, and the European Court of Human Rights has repeatedly stated that compulsory adoption must only be carried out in very exceptional circumstances. In 2019 Norway was convicted three times at the European Court of Human Rights for having violated children’s and parents’ human rights in cases concerning compulsory adoptions and removals.

In a legislative amendment of February 2020 the Danish Parliament made changes to social sector legislation in order to ensure greater consideration of the child’s best interests in cases concerning placement in public care. This legislative amendment empowers the National Social Appeals Board, at its own initiative, to reach decisions concerning contact with parents in compulsory removal cases. At the same time, when placing school-age children in care, the municipality in question is now required to prioritise finding care placements within reasonable proximity of a suitable school. In order to increase legal protection for parents, the Danish Parliament has also introduced a requirement that the municipality in question assess the parents’ ability to care for the child prior to carrying out compulsory removals.

POOR FAMILIES WITH CHILDREN WILL RECEIVE CHILD BENEFITS

The Danish Parliament has decided to provide families with children under the age of 15 with temporary tax-free child benefit in cases where one or both parents are impacted by the increased threshold for entitlement to cash benefits or are in receipt of a transitional allowance or cash benefits for unskilled people under the age of 30. In a report from 2018, the Danish Institute for Human Rights demonstrated that some families with young children who are in receipt of integration benefits are so financially hard-pressed that their income is below the minimum level for subsistence as prescribed in the Danish constitution. The Institute considers that the new temporary child benefit will mean that fewer families fall below this minimum level for subsistence.

MORE CHILDREN IN SOCIAL CARE PLACED IN SECURE FACILITIES

An increasing number of socially vulnerable children and young people are being placed in secure facilities which ordinarily are used to house children and young people convicted of criminal offences placed in care pursuant to the Criminal Code. In 2008 one out of every twenty children or young people kept in a secure facility was placed there pursuant to the Danish Social Services Act. In 2018 this number had risen to one in four. The length of care placements has also significantly

In 2019, after a struggle lasting many years, a group of former residents of the Godhavn Orphanage who were abused in the 1960’s received an apology from the Danish state. In August 2019, the Danish prime minister Mette Frederiksen apologised in a speech in which she called the experiences of the residents “one of the darkest chapters in our history”. The photograph shows Mette Frederiksen together with Poul-Erik Rasmussen, who was a resident of the Godhavn Orphanage from 1962-1965. In 2017 he was awarded the Council for Human Rights’ honorary award.



increased, such that children and young people placed in social care spend significantly longer in secure facilities. The Institute is concerned that, because they lack proper alternatives, municipalities are detaining vulnerable youths by placing them together with, and under the same terms as, youths convicted of criminal offences.

SECOND-PARENT ADOPTION IS A LEGALLY BINDING COMMITMENT

In November 2019, the Danish Supreme Court ruled that second-parent adoption is a legally binding commitment on a par with fatherhood, and that a woman may not at a later date choose to opt out of her role as parent. This ruling serves to further clarify that parenthood is a permanent commitment up until the child is of legal age.

THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD CELEBRATES ITS 30TH ANNIVERSARY

The 20th November 2019 marked the 30th anniversary of the adoption of the United Nations Convention on the Rights of the Child. Since its entry into force the convention has become so rooted in Danish society that consideration of the rights of children is now largely integrated into Danish legislation, case law, institutional practice and public discourse. Out of all the UN's human rights conventions, the Convention on the Rights of the Child is the one supported by the largest number of states, and the convention has helped draw greater attention to the rights of children in Denmark.

+ PROGRESS

- The Danish Supreme Court has ruled that a second-parent adoptive mother may not at a later stage opt out of her responsibilities as a parent.
- Families with children under the age of 15 in which one or both parents are impacted by the increased threshold for entitlement to cash benefits or are in receipt of a transitional allowance or cash benefits for unskilled people under the age of 30 are now entitled to tax-free child benefit.
- The National Social Appeals Board is now empowered to, on its own initiative, reach decisions concerning contact with parents in compulsory removal cases.
- In cases concerning the placement of school-age children in care, the municipalities must prioritise finding care locations which are within reasonable proximity of a suitable school.
- Municipalities must assess parents' ability to care for a child prior to carrying out compulsory removal of the child from its home.

÷ SETBACKS

- Children born to Danish parents in conflict zones do henceforth not acquire Danish citizenship at birth.

SOCIAL AFFAIRS – DISABILITY

RECOMMENDING A POLITICAL ACTION PLAN FOR DISABILITY

In nine out of ten key areas including education, employment, health and discrimination, people with disabilities are subject to inferior living conditions compared with the rest of the population. And in many cases, the trend is moving in the wrong direction. Despite this situation, Denmark continues to have no coherent policy for promoting equality of treatment and equal opportunities for people with disabilities. For this reason, the Danish Institute for Human Rights has communicated a number of specific proposals for what such an action plan could comprise of.

In addition, in a report to the UN Committee on the Rights of Persons with Disabilities, the Institute has called for an overall political action plan for disability ahead of autumn 2020 when the committee will review Denmark's efforts to protect the rights of people with disabilities.

REASONABLE ACCOMMODATION IN PUBLIC SCHOOLS AND DAY CARE SERVICES FOR CHILDREN

In January 2020 the Danish government submitted draft legislation introducing an obligation to provide reasonable accommodation within public primary and lower secondary schools and day care services for children. Reasonable accommodation means that special consideration must be given to people with disabilities, such that they have the same opportunities as others – to the extent that the accommodation is not an undue burden. The Institute considers that people with disabilities will not be given effective protection against discrimination as long as there is no requirement to provide reasonable accommodation. The UN Committee on Economic, Social and Cultural Rights has also criticised Denmark on the basis that the protection it provides against discrimination on the grounds of disability does not extend to the duty to provide reasonable accommodation and access in areas other than on the labour market.

COURTS RARELY MAKE USE OF THE NEW GUARDIANSHIP LAWS

Since January 2019 it has been possible to partially deprive persons who are in legal guardianship of their legal rights. The purpose of this legislative amendment was to guarantee more people the right to vote in general elections, given that one automatically loses one's right to vote if one is deprived of one's full legal capacity. Unfortunately, to date, the new regulations have only been used to a very limited extent. This means that the purpose of the amendment risks not being achieved. The Institute is working to ensure that the new regulations concerning the possibility of partial suspension of legal capacity are specified in a set of guidelines.

THE HEALTH INSURANCE AGENCY SYGEFORSIKRINGEN “DANMARK” CHANGES PROBLEMATIC WORDING

In 2019, the Institute had a dialogue with the health insurance agency Sygeforsikringen “danmark” about whether it might be discriminating against people with disabilities. This has resulted in “danmark” changing its insurance

In February 2020, a comprehensive study by the Danish Institute for Human Rights demonstrated that students with disabilities were far more likely to drop out of vocational training programmes than students without disabilities. 51% of students with disabilities drop out within five years, compared with only 37% of none-disabled students. In the view of the Institute, more inclusion and flexibility for students with disabilities on vocational education and training programmes is needed.



+ PROGRESS

- Professional guidelines for hearing aids have been improved and updated, national quality standards and a requirement to hand out an information booklet have been formulated, and supervision has become more uniform.

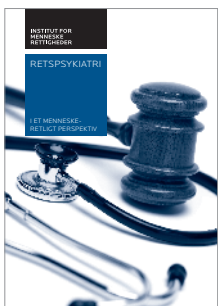
÷ SETBACKS

- Since 1 January 2020, the scope for exercising physical force over adult citizens with impaired mental functional capacity who are resident in sheltered housing facilities or nursing homes has been expanded.

policy conditions. The insurance conditions previously left the impression that applicants could not join if they had a “physical frailty”. The conditions now specify that all applications are subject to a specific and individual assessment.

PUBLICATIONS

- Retspsykiatri – i et menneskeretligt perspektiv (Forensic psychiatry in a human rights perspective)
- Ligebehandling af elever med handicap på erhvervsskoler (Young people with disabilities on vocational education and training programmes)
- Gør demokratiet tilgængeligt (Make democracy accessible)



GENDER EQUALITY

APPRENTICES EXPERIENCE SEXUAL HARASSMENT

In November 2019, the Danish Institute for Human Rights published a study which showed that one in five apprentices in the hotel and restaurant sector had experienced sexual harassment during their apprenticeship. The harassment is typically committed by a male member of staff. The Institute recommends that the Danish minister for education provides that all vocational schools set up support services for apprentices who have experienced sexual harassment.

WOMEN AND YOUNG PEOPLE REFRAIN FROM DEBATES ON FACEBOOK

As many as 59% of Danes refrain from engaging in public debates on Facebook because of the tone of the debate or due to threats and harassment. Women and young people in particular are absenting themselves from debates, and this poses a challenge to democratic participation. In a report from April 2019, the Institute recommends that a national action plan for digital etiquette be drafted with a view to improving the digital skills of Danes through targeted public awareness campaigns on rights and digital behaviour aimed at various age groups. Moreover, the police and the Danish Prosecution Service should bring cases against social media to clarify and stress when social media are liable for illegal content posted on their platforms.

A UN COMMITTEE WANTS TO SEE MORE WOMEN IN MANAGEMENT ROLES

In November 2019 the UN Committee on Economic, Social and Cultural Rights made a series of recommendations to the Danish government. Several of the recommendations concerned challenges that the Institute has been calling attention to for several years. These include recommendations that Denmark should strengthen its efforts to promote women's access to positions of power and influence in boardrooms, and should do more to secure equal pay and protect women more effectively against violence.

THE EU INTRODUCES EARMARKED PATERNITY LEAVE

In 2019 the EU adopted a directive that earmarks two months of paternity leave for fathers. These regulations must be implemented in Denmark by no later than 2022. The Institute considers that an increase in paternity leave will have a profoundly positive impact on equality between men and women in Denmark.

24% of apprentices in the hotels and restaurant sector have experienced verbal sexual abusive behaviour.

22% of apprentices in the hotels and restaurant sector have experienced physical sexual abusive behaviour.

Source: Sexual harassment against apprentices in the hotels and restaurants sector, Danish Institute for Human Rights



Footballer Victor Fischer spoke out against homophobic jeering following a Danish Superliga match in 2019. For a number of years, the Danish Institute for Human Rights has been working together with the Danish Football Association to change this culture. The need for increased efforts in this area was highlighted by a study carried out among Danish footballers in February 2020. In this study, which was conducted by Kantar Gallup on behalf of the Danish Football Association, 44% of homosexual respondents stated that they encounter discriminatory language in football circles.



+ PROGRESS

- Bullying and sexual harassment are now covered by the Danish Working Environment Authority's guidelines on abusive behaviour in the workplaces.
- The Eastern Division of the Danish High Court has ruled that companies have a duty to ensure a working environment free from harassment, even in cases where harassment is committed by a person not employed by the company.

DISCRIMINATORY JOB ADVERTISEMENTS

The Institute has submitted a complaint to the Danish Board of Equal Treatment concerning two companies that have targeted job advertisements on Facebook on the basis of age and gender. The Institute considers that such targeted job advertisements result in illegal discrimination.

THE DANISH WORKING ENVIRONMENT AUTHORITY CHANGES ITS DEFINITION OF SEXUAL HARASSMENT

In 2019 the Institute was in dialogue with the Danish Working Environment Authority to change its definition of sexual harassment in its guidelines on abusive behaviour. The existing definition provided less protection than the definition in the Danish Law on Equal Treatment and EU Law. The Danish Working Environment Authority has subsequently changed the definition of sexual harassment in their new updated guidelines.

PUBLICATIONS

- LGBT+ – trivsel og åbenhed blandt lærere i grundskolen (LGBT+ – wellbeing and openness among teachers at primary and lower secondary schools)
- Sexchikane mod elever i hotel- og restaurationsbranchen (Sexual harassment against apprentices in the hotels and restaurants sector)
- Kvinder, demokrati og folketingsvalg 2019 (Women, democracy, and the 2019 general election)
- Demokratisk deltagelse på Facebook (Democratic participation on Facebook)



HEALTHCARE AND SENIOR CITIZENS

DOCTORS WARN AGAINST CHARGING FOR INTERPRETER SERVICES

In 2019 the Danish Institute for Human Rights and the Danish Medical Association examined doctors' experiences of the policy of charging for interpreter services, which was introduced as of 1 July 2018. The policy means that patients who have lived in Denmark for three years or more must, as a rule, pay a fee for assistance from an interpreter. 97% of general practitioners experience that the charge increases the risk of errors, because it negatively impacts doctor-patient conversations. The Institute and the Danish Medical Association urge the Danish Parliament to abolish the interpreter services charge.

STILL NO ACCREDITED INTERPRETERS IN THE HEALTHCARE SECTOR

In February 2019 a united Danish Parliament passed a law that allows the Danish minister for health and senior citizens to approve institutions to accredit interpreters who are to work in the Danish health service. However, in February 2020 no accrediting institutions had yet been approved pursuant to the new law.

NO FREE HEALTHCARE FOR UNREGISTERED MIGRANTS

A patient who is not domiciled in Denmark, and who is temporarily residing in Denmark, as a general rule may no longer receive urgent healthcare in Denmark without having to pay for it. The same applies to unregistered migrants. In 2019, the UN Committee on Economic, Social and Cultural Rights criticised the limited access to healthcare services in Denmark and has made clear to the Danish government that Denmark has a duty to respect the right to healthcare.

COERCIVE MEASURES IN PSYCHIATRIC TREATMENT

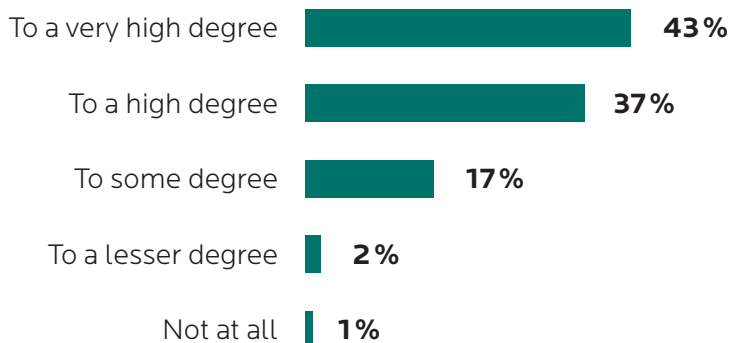
The use of belt restraints has been reduced in recent years, but nonetheless many patients are being placed under other kinds of physical restraint for more than 48 hours at a time. Moreover, an increasing number of patients are being subjected to coercive measures such as long-lasting manual restraint. The Institute has made very clear to the Danish Health Authority that manual restraint should only be used for short periods.

PUBLICATIONS

- Egenbetaling for tolkebistand – lægers erfaring med ordningen (A charge for interpreter services in the Danish health service – Doctors' experiences with the scheme) (published in collaboration with the Danish Medical Association)



GENERAL PRACTITIONERS: THE REQUIREMENT THAT PATIENTS HAVE TO PAY FOR INTERPRETER SERVICES INCREASES THE RISK OF ERRORS, BECAUSE OF THE NEGATIVE IMPACT ON DOCTOR-PATIENT CONVERSATIONS



Source: A charge for interpreter services in the Danish health service – Doctors' experiences with the scheme, Danish Institute for Human Rights and the Danish Medical Association

DANISH CHILDREN AND YOUNG PEOPLE DO NOT KNOW ENOUGH ABOUT THEIR RIGHTS

Only half of Danish school children are familiar with the UN Convention on the Rights of the Child. This was highlighted in a 2019 study by the Danish Institute for Human Rights and UNICEF Denmark. As a matter of fact, fewer children are familiar with the Convention today than when the study was conducted two years ago. Of the children surveyed, 44% were unable to name a single human right. The study is based on responses from more than a thousand Danish school children in grades 6 to 10.

According to the study, not only are children and young people ignorant of human rights, they are also reluctant to support particular human rights. One fifth of the children surveyed were of the opinion that it is acceptable for the police to use torture in exceptional circumstances. Furthermore, the percentage of children who are in favour of government surveillance of citizens is increasing. The percentage has risen from 4% in 2017 to 11% in 2019.

Both UNICEF Denmark and the Institute consider this an unwelcome development and proposes as a response that human rights and their value for children and young people, their daily lives and society as a whole be strengthened in school curricula at a far earlier stage than is currently the case.

The Institute urges Denmark to follow the recommendations of the UN Committee on the Rights of the Child on how to consolidate human rights education at all ages and in teacher training programmes. At present many children learn about children's rights and living conditions via the internet, which is awash with unreliable sources. As such it is a higher priority than ever that children are equipped to take a critical stance towards the world around them and learn about the cornerstones of human rights upon which our democracy is built, and at the same time acquire the skills necessary to navigate the digital world.





FOCUS ON SOCIALLY DISADVANTAGED CHILDREN AND POOR FAMILIES WITH YOUNG CHILDREN

In 2019 the UN Committee on Economic, Social and Cultural Rights reviewed the efforts of Denmark and Greenland to safeguard citizens' rights in Greenland. In a report to the committee, the Danish Institute for Human Rights and the Human Rights Council of Greenland highlighted the challenges faced in particular by socially disadvantaged children, and the committee has expressed concern about the number of poor families with children in remote settlements.

COLLABORATION BETWEEN GREENLAND AND DENMARK TO HELP CHILDREN AND YOUNG PEOPLE IN GREENLAND

In October 2019 the government of Greenland, Naalakkersuisut, launched a collaborative effort with the Danish government to improve the conditions of vulnerable children and young people in Greenland. In September 2019 the Danish government allocated DKK 5.3 million for emergency support for Greenland to bolster efforts to help vulnerable children and young people. In addition, a broad majority in the Danish Parliament has allocated a further DKK 80 million to augment Greenland's own budget.

PUBLICATIONS

- Human rights in focus – Report to Inatsisartut, the Parliament of Greenland, 2018



Naalakkersuisut has set a goal of ensuring that no children or young people born from 2022 onwards will be subjected to abuse, and in November 2019 Naalakkersuisut published a national action plan on parental neglect of children. In addition, a new public health programme which places greater focus on children's rights was published in early 2020. The Danish Institute for Human Rights considers that these initiatives are likely to contribute to plotting a positive course for development in this area. This will however require that specific objectives are set out and coordinated across the initiatives.

FEWER CHILDREN ARE AWARE OF THEIR RIGHTS

In 2019, NAKUUSA, UNICEF Denmark and the Institute asked Greenlandic schoolchildren in the grades 6 to 10 about their knowledge of, and attitudes towards, human rights and the UN Convention on the Rights of the Child. Compared with figures from 2014, these children displayed a significant reduction in knowledge about their own rights. In 2014, 38% of the children surveyed responded either that they knew a lot about or had some knowledge of their rights. In 2019, this figure had fallen to 16%. On the other hand, the children displayed a greater knowledge of the existence of the UN Convention on the Rights of the Child than previously.

MORE OFFICERS AT UNDERSTAFFED FACILITY

For some time, the Danish Prison and Probation Service in Greenland has experienced a severe shortage of staff. Consequently, in autumn 2019, the Danish Prison and Probation Service in Greenland and Denmark, in consultation with the Danish Ministry of Justice, decided to temporarily employ retired police officers and to post experienced prison officers from Denmark to the facility in Nuuk. However, there is an ongoing need to improve the framework for recruiting qualified manpower. Accordingly, the Danish government's most recent Finance Act allocated an additional DKK 50 million over four years to give a boost to the Greenlandic judiciary.

A NEW COUNCIL IS TAKING OVER HUMAN RIGHTS WORK IN GREENLAND

At the end of 2019 the Greenlandic Parliament, Inatsisartut, appointed new members to the Human Rights Council of Greenland pursuant to a new law. The law has given the council greater independence and granted it powers to set up a secretariat. The Institute looks forward to continuing its close collaboration with the Human Rights Council of Greenland and its secretariat.

GREENLAND GAINS A SPOKESPERSON FOR THE ELDERLY

Greenland will soon have its first office of the spokesperson for the elderly. The Institute regards the establishment of more spokesperson offices in Greenland in recent years as an expression of a general increase in political goodwill to allocate resources to institutions working with human rights in Greenland.

20% of all persons born in Greenland since 1995 have been victims of sexual abuse during their childhood. At the same time, 28% have been victims of violence.

Source: Greenland population study 2018

THE INTERNATIONAL WORK OF THE INSTITUTE

COLLABORATION ACROSS BORDERS IN THE SAHEL

In 2019 the Danish Institute for Human Rights has continued its work to consolidate human rights in the impoverished Sahel region where vulnerable refugees and migrants have been exposed to extensive violations of their human rights. The Institute, in collaboration with the African Commission on Human and Peoples' Rights (ACHPR), has studied the causes of these violations, which include inadequate legislation and abuses committed by police and security forces. In the wake of this study, the ACHPR now convenes regular meetings between states in the region at which those present exchange practical experience of protecting the rights of migrants and refugees.

In the past year, the Institute received a grant of EUR 10.4 million to continue its work on consolidating human rights in the Sahel, including the training of police and security forces in human rights matters.

A VOICE IN INTERNATIONAL FORA

In 2019 Denmark became a member of the United Nations Human Rights Council. This has presented the Institute with new opportunities. Since 2015, the Institute has made a concerted effort to consolidate human rights through sustainable development goals, which hold huge, albeit unfulfilled, mutual potential. Denmark was among the members of the United Nations Human Rights Council who promoted a resolution on the role of human rights in the achievement of sustainable development goals, and the Institute has contributed significantly to boosting and moving the agenda forward. This has been done by conducting analyses, developing tools and participating in panels at the council's meetings and at the UN High-Level Political Forum in New York.

IMPROVING HUMAN RIGHTS IN BUSINESS

In 2019, the Institute marked its 20th anniversary of working with human rights and business. In this connection, it took stock of the results achieved over the past two decades. The Institute has, for instance, developed tools and guidelines which are now used throughout the world and has supported other nations in developing national action plans for promoting corporate responsibility for human rights. Furthermore, in 2019 experts from the Institute edited and authored content for the first-ever handbook on human rights impact assessment – one of the most widely-used methods for assessing the impact of business on human rights.



In Myanmar the Danish Institute for Human Rights has worked to create long-term change through reforms to the education system, among other things by ensuring that law students receive training in human rights. In 2019 4,000 students received training in human rights, and today human rights are a compulsory element of law degrees at universities throughout the country.



PARTNERSHIPS SPANNING THE GLOBE

A central element of the Institute's international work is about producing results in collaboration with partners. Over the course of 2019 the Institute worked to promote human rights in partnership with foreign states, businesses, human rights institutions in other countries and NGOs, as well as in international fora.

IMPROVED COMPLAINTS PROCEDURES IN PALESTINE

The Institute works in close partnership with the national human rights institution in Palestine. Together with the Palestinian Ombudsman's office, the Institute has assisted Palestine's human rights institution with drastically improving its complaints process, meaning it is now in a far better position to process complaints from citizens who experience human rights violations in this conflict-ridden area.

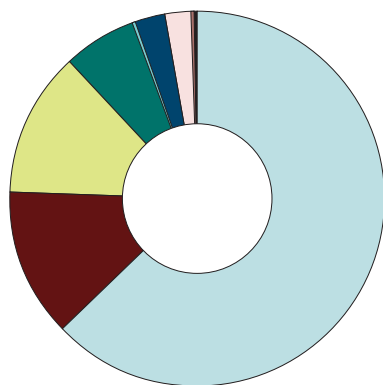
IMPROVED REGIONAL FOCUS IN LATIN AMERICA

A key step towards bringing about stronger human rights institutions globally is to set up regional offices which can support and coordinate the work of individual human rights institutions. The Institute has assisted with the work of setting up the first regional office in Latin America, and in 2019 the establishment and construction of a new regional office in Panama was finally approved.

RESPONSIBLE CORPORATE BEHAVIOUR IN GHANA

Child labour, human trafficking and forced labour are among the most serious violations of human rights which continue to take place in Ghana's corporate sector, including in the country's extensive cocoa industry. In 2019, with the assistance of the Institute and other partners, Ghana took an important step towards more responsible corporate behaviour by launching an investigation into the extent of the problems.

INCOME FOR OUR INTERNATIONAL WORK IN 2019



Million DKK	
Danida	56.1
EU	11.5
Sida	11.0
Private Cooperations	5.7
British Council	0.1
Other Donors	2.5
Giz	2.1
Internal Projects	0.1
Multilateral organisations (UN.etc.)	0.1
In total	89.2

THE 2019 HUMAN RIGHTS AWARD WENT TO SARA OMAR

In 2019 author and debater Sara Omar was given an honorary award by the Council for Human Rights. She received the award for her crucial work fighting for the rights of women and children.

The Kurdish born author fled the war in Iraq in the late 1990s and was 15 years old when she came to Denmark. While studying for a degree in political science, she published her first novel, *Dead Washer*, which was inspired by a life marked by violence and abuse, and 2019 saw the publication of a follow-up, *Shadow Dancer*.

Since the publication of these books, Sara Omar has publically defended human rights and advocated for women's right to bodily integrity. She has broken down taboos for women, not only as a member of the Kurdish minority, but in every sphere of Danish society and abroad. Despite living with death threats and police protection, she continues the fight.

"I'm touched, proud and extremely grateful to receive this profound recognition. It tells me that my struggle for a dignified life for myself and the many voices that have been silenced and oppressed has not been in vain. It is not in vain," said Sara Omar upon being presented with her award.



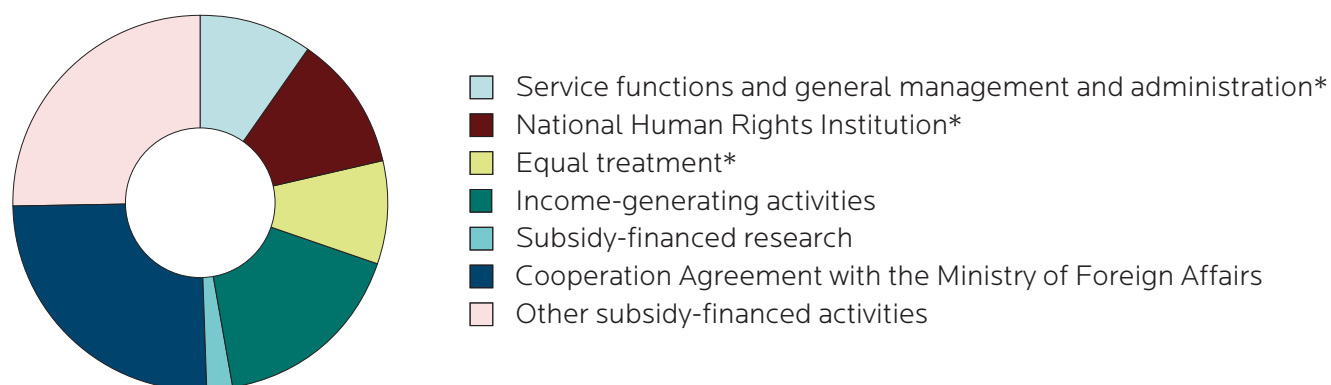
FINANCES

FINANCES

Million DKK	Budget	Income
Service functions and general management and administration*	12.7	12.7
National Human Rights Institution*	14.8	15.0
Equal treatment*	11.0	11.1
Income-generating activities	22.2	21.9
Subsidy-financed research	2.3	2.7
Cooperation Agreement with the Ministry of Foreign Affairs	32.3	32.4
Other subsidy-financed activities	38.4	32.2
In total	133.7	128.0

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

The deviation between the budget and the accounts for other subsidy-financed activities is mainly due to the fact that certain activities in 2019 have been postponed to the following year. All the planned activities are expected to be completed at a later date.



*Appropriation in the Finance Act

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