



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Combined twenty-second to twenty-fourth
periodic reports submitted by Denmark under
article 9 of the Convention, due in 2019*, ****

[Date received: 21 December 2018]

* The present document is being issued without formal editing.
** Annexes to the document can be consulted in the files of the Secretariat.

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I. General observations

1. The present report is the combined twenty-second, twenty-third and twenty-fourth periodic report submitted by the Government of Denmark (subsequently referred to as “the Government”) under article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination. The report is an update of Denmark’s previous periodic reports to which reference is made, namely the combined twentieth and twenty-first periodic report (CERD/C/DNK/20-21) (subsequently referred to as the “twentieth periodic report”) submitted on 24 June 2013. Reference is also made to the concluding observations of the Committee on the Elimination of All Forms of Racial Discrimination on that report (CERD/C/DNK/CO/20-21). Reference is further made to the information provided by the Government on the consideration of the concluding observations of the Committee submitted on 13 May 2016 (CERD/C/DNK/CO/20-21/Add.1). For the purposes of the present report, when reference is made to “the concluding observations” without any further specification, this shall refer to Committee’s concluding observations to Denmark’s twentieth period report.
2. The present report covers the period July 2013–December 2018. Where there have been no relevant legislative, judicial or administrative changes during this period, reference is made to the twentieth or other previous periodic reports.
3. Specific reports on the situation in Greenland and the Faeroe Islands are set out as separate items III and IV, respectively. Information regarding the recommendations in the Committee’s concluding observations is provided under the two items.
4. The present report has been compiled by the Ministry of Foreign Affairs on the basis of contributions from line ministries and agencies of the Government as well as from the Government of Greenland and the Government of the Faeroe Islands.

Public release and consultations with civil society

5. The report will, as every periodic report submitted to the United Nations Treaty Bodies by the Government, be made available to the public on the official website of the Ministry of Foreign Affairs (www.um.dk). The concluding observations of the Committee will similarly be made available to the public when received and made subject of a press release.
6. Furthermore a draft of the report has been made available to the public on the Ministry’s website from 15 November 2018 to 6 December 2018 with a view to consulting and engaging with civil society. Responses from civil society, including from the Danish Institute for Human Rights, were discussed in the Government’s Human Rights Committee.

Denmark’s Core Document

7. The Government has taken due note of the Committee’s encouragement in para. 28 of its concluding observations to submit an updated version of Denmark’s Common Core Document (subsequently referred to as the “Core Document”) and has presented an updated version on 29 March 2018.

Durban Declaration and the International Decade for People of African Descent

8. With reference to concluding observations 24 and 25 the Government remains supportive of the primary objectives and commitments undertaken at the 2001 Durban World Conference. However, the Government finds that the reporting obligation under ICERD relates to the convention itself. Relevant parts of frameworks and resolutions, including the International Decade for People of African Descent, are of course taken into account when implementing the substantive provisions of ICERD.

Registration of ethnicity

9. The Government has taken note of the Committee's encouragement in paragraph 7 of its concluding observations to include ethnicity in its data collection.

10. The National Danish Civil Registration System (CRS) only contains basic personal data, i.e. name, address, marital status, nationality, etc., about every person legally residing in Denmark. The data content of the CRS does not include ethnicity. There are no future plans to include data concerning ethnicity in the CRS since the registration of ethnicity is not considered in accordance with the purpose of the CRS.

11. However, the Danish authorities have registered data on immigrants and descendants, on foreign nationals and on newly arrived refugees and immigrants. The register data show, among other things, country of origin, citizenship, gender, age, housing, employment, education, Danish education and training for employment of each individual in these population groups. The Danish authorities also have survey data on equal treatment, self-determination, citizenship and Danish language skills.

12. The Ministry of Immigration and Integration is responsible for an integration barometer which monitors the development towards nine goals regarding: Employment, education, Danish language skills, citizenship, equal treatment, self-determination, self-support, deprived urban areas and crime. The integration barometer focuses on immigrants and descendants and on newly arrived refugees and family united persons to refugees.

13. The Ministry of Immigration and Integration also publishes reports and articles on immigrants and descendants and on newly arrived refugees and immigrants, analysing the development in their country of origin, citizenship, age, gender, housing, employment, education, Danish education, training for employment, equal treatment, self-determination, citizenship, Danish language skills and crime.

II. Information relating to articles 1 to 7 of the Convention

Article 1

Incorporation into Danish law

14. In para. 8 of its concluding observations, the Committee reiterates its recommendation that Denmark reconsider to incorporate human rights core instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination into the domestic legal order. The Committee also encourages the State party to amend its Criminal Code to bring it fully into line with the provisions of the Convention, including the definition of racial discrimination in article 1 (1) of the Convention, and to ensure that the judiciary is fully conversant with the provisions of the Convention.

15. As described in para. 24–26 of the nineteenth periodic report as well as para. 24 in the twentieth periodic report, the Convention is a relevant and valid source of law in the Danish legal order. The chosen method of implementation does not hinder its practical application by the Danish courts.

16. Reference is made to paras. 134–135 in the Core Document, where it is stated that an incorporation might entail a risk of a shift in powers conferred upon the Parliament and Government to the courts. The Government respectfully maintains this position.

Article 2 (A–B)

General measures to eliminate racial discrimination

17. Reference is made to paras. 8–9 of the twentieth periodic report and paras. 215–218 and 252–265 in the Core Document.

18. The Danish Security and Intelligence Service has launched a digital mapping project in 2018 that amongst other things, will give authorities a more comprehensive, exact and updated picture of the role that social media play in relation to radicalization and hate crimes in Denmark. The knowledge gathered in this project will e.g. be used for adapting and strengthening the prevention efforts carried out by ministries, agencies, municipalities, the police, civil society participants and others.

Financial Statements Act (Section 99a)

19. Since 2009, the Financial Statements Act, cf. Section 99a, has required the approximately 1,100 largest Danish companies and all state-owned limited liability companies to report on CSR in their annual reports. In 2012 and again in 2015, the Danish Parliament passed a bill ensuring that in the future the same companies must also expressly state in their annual reports which measures they are taking to respect human rights, e.g. efforts to combat racial discrimination, and to report if they do not have such measures in place.

Advisory Council on CSR and SDG

20. The Danish Government is in the process of establishing a new multi-stakeholder Council on Corporate Social Responsibility (CSR) and the Sustainable Development Goals (SDG). The Council is mandated to initiate initiatives and give advice to the Government. It is up to the Council to decide which specific themes it wants to focus on, including in regard to ensuring respect of human rights in accordance with e.g. UN Guiding Principles on Business and Human Rights. The Council is replacing the advisory councils i.e. the former Forum on CSR and Growth, and the former Forum on Social Responsibility.

Awareness and information on rights and gender equality

21. The Minister for Equal Opportunities runs a campaign in 2018–2020 to raise awareness on women's rights and promote gender equality among migrants, refugees and ethnic minorities. Municipalities, language schools and NGO's can acquire teaching modules on themes such as gender equality in the labour market, in public and in families. Teaching materials include a number of films and a booklet with facts about women's rights and gender equality. Information and course materials are available in six languages here.

Initiative to ease the inclusion of newcomers from Greenland to Denmark

22. The initiative reaches out to and provides intensive and systematic support for newcomers from Greenland. It generally accommodates users in the form of assistance in handling linguistic, educational and cultural challenges when meeting the Danish public system. The Greenlandic Houses have for a number of years offered social services targeted towards vulnerable Greenlanders living in Denmark. The Greenlandic Houses constitute a significant support measure for vulnerable Greenlanders, and they are a significant partner for the municipalities in the efforts to prevent and limit social disadvantages among Greenlanders living in Denmark.

23. In Denmark there are four Greenlandic Houses. They are situated in the cities of Copenhagen, Odense, Aarhus and Aalborg. The target group of the initiative is vulnerable and potentially vulnerable Greenlanders – children as well as adults – who have recently relocated to Denmark. The target group includes both vulnerable Greenlanders and more well-functioning Greenlanders.

24. In 2019 two initiatives will be launched to support and ease the inclusion of Greenlandic students coming to Denmark to pursue their studies and, thus, to increase their chances of succeeding in their studies. The first initiative is an intensive language training course for Greenlandic students. The aim of the initiative is to strengthen the Danish language skills of future Greenlandic students in Denmark.

25. The second initiative is an introduction to academic language use and Danish study culture for Greenlandic students in the four Greenlandic Houses. The aim of the initiative is

to strengthen the academic language use, and to help the students in handling educational and cultural challenges, when meeting the Danish educational system.

Article 2 (C)

26. Reference can be made to Core Document paras. 183–194.

Article 2 (D)

27. The Government has taken due note of the Committee’s recommendations in paragraph 12, 13, 15 and 20 of its concluding observations, and would like to make it clear that it is pursuing a successful integration process in order to ensure fewer people live in parallel societies with no contact to the rest of the Danish society. The Government believes that practical labor market acquaintance is the surest path to obtain regular employment and integration in general, and that it serves as a tool to combat racial discrimination. The basic principles of the Danish welfare system are:

- Funding by the general taxation;
- That all residents (including ethnic minorities), free of charge, have equal access to a wide range of services – for instance health care, education and care for the elderly.

28. Refugees and ethnic minorities in general have, free of charge, full access to these welfare services on an equal level with any other resident. Furthermore, they are entitled to cash assistance if unemployed as well as supplementary benefits.

29. Appropriate housing for refugees is provided by municipalities within few months after arrival in Denmark and refugees are offered a free and tailored integration program (up to five years). Comprehensive and free language training and job training are the key measures in this program. The aim of the Danish integration effort is to support refugees in being fully able to make use of their talents and resources in order to become participating and economically independent citizens on an equal footing with other residents in Denmark. Employment and self-sufficiency is the principal target of the integration effort. Every adult refugee is being offered an integration program with job training and Danish language courses. Refugee children attend the regular Danish school system free of charge.

30. In March 2016 the Government concluded talks with the social partners (employers’, employees’ and local authorities’ organizations). The accords agreed on more than 50 initiatives aiming to strengthen the integration programs. The general target is to improve the outcome of employment and integration programs. The guiding principle is ‘work from day one’, which among other things calls for a better screening of refugees’ competencies, combining employment and language classes and tying refugees’ geographical allocation to local job opportunities.

31. Three years ago, only 3 pct. of the newly arrived were considered ‘ready for a job’, and 15 pct. were doing traineeships or wages subsidy programs. The accords assure that the starting points are:

- Everybody is considered ‘ready for a job’; and
- Everyone must participate in activities towards real workplace experience (for example traineeships or work with wages subsidies) within one month after arrival to the municipality.

32. Another key measure is the introduction of a new and more efficient job and training model [IGU] by which new arrivals gradually – over the course of two years on a regular workplace combined with periods of schooling – acquire skills and competencies at the level of regular employment recognizing that many initially may not possess the skills and productivity required to qualify for a job on a regular Danish wage level and working conditions. This model includes a so-called apprentice pay and ensures that working is combined with training.

33. Additionally, the Government has ensured a wide range of financial incentives for municipalities and businesses that support labour market integration of refugees and family reunified persons: A bonus is granted to municipalities for each additional refugee or family reunified person who achieves regular employment or enters secondary education. The bonus for companies that recruit refugees or family reunified persons during the first year after they are granted residency is a total of DKK 40,000 (USD 6,161), while the bonus is DKK 30,000 (USD 4,620) for companies recruiting refugees or family reunified persons up to 2 years after they are granted a residence permit.

34. Over the past 2 years, additional funding of DKK 1 billion (or approx. USD 154 mio.) has been provided for the municipal integration efforts, primarily in order to handle the challenges of providing adequate housing. The key indicators of bringing newly arrived into employment have improved significantly the last three years. From June 2015 to September 2018, the rate of newly arrived:

- Considered as 'ready for a job' has risen from 3 to 72 pct;
- Doing traineeships or work with wage subsidies has risen from 15 to 34 pct.

35. Additionally, the rate of refugees with 3 years of residence in regular employment has improved from 21 to 43 pct. from the second quarter of 2015 to the second quarter of 2018. By October 2018 more than 1,700 refugees have now been employed through the integration training model (IGU). (From May 2015 to May 2018) the employment rate among residents of non-Western origin (aged 18–64) has increased from 48 to 55 pct. among males. And from 43 to 47 pct. among females.

36. Further reference concerning concluding observation 15 can be made to the follow up document submitted on 13 May 2016 (CERD/C/DNK/CO/20-21/Add.1).

Article 3

Strategy against parallel societies

37. Recently, the Government has concluded a number of agreements with parliament to address the problems with residential areas that have major challenges related to a disproportionate share of residents who are unemployed, have a low income or education, or who have criminal records.

38. The strategy distinguishes between deprived neighbourhoods and ghetto areas. Ghettos all have issues with aforementioned criteria. They also have a higher share of non-western immigrants than deprived neighbourhoods. The government wants these residential areas to have a mixed composition of residents.

39. The Government wants all parts of Denmark to build on democratic values such as freedom, tolerance and equal rights for instance between men and women. The Government's effort against parallel societies therefore builds on four pillars:

1. Tearing down and renovating vulnerable neighbourhoods;
2. Stronger enforcement of who can or cannot live in vulnerable neighbourhoods;
3. Stronger police efforts and higher penalties in order to fight crime and create more security;
4. A good start in life for all children and young people.

40. The Government's strategy and the agreed initiatives contain new demands for people living in parallel societies while at the same time offering new ways to gain from all the possibilities that the Danish society offers.

Article 4

Prohibition against promotion or incitement to racial hatred and discrimination

41. With regard to the specific exhibition referred to by the Committee (concluding observation 10), reference is made to information in the follow up to the concluding observations (CERD/C/DNK/CO/20-21/Add.1) submitted 13 May 2016 and the observations of the Government submitted on 29 August 2018 in the CERD Communication No. 62/2018 in which the issue is thoroughly addressed. In the communication, the authors claim that the government has breached its obligations under Articles 4 (a), 4 (c) and 6 of CERD due to the decision to discontinue the investigation into the criminal case against the Swedish artist of the exhibition.

42. Denmark continues to attach great importance to combating hate crimes by taking several steps to ensure that such cases are effectively investigated and prosecuted. Combatting hate crimes is an important tool to prevent and combat racial discrimination.

43. The Danish National Police is obliged to enforce and investigate any kind of racism or discrimination targeting the Danish society according to the Criminal Code section 266 b and section 81, para. 6.

Monitoring of the number and nature of hate crimes in the police districts

44. In the spring of 2015, the overall responsibility for the prevention of and fight against hate crimes was transferred from the Danish Security and Intelligence Service to the Danish National Police.

45. The Danish National Police has a strong focus on ensuring that hate crimes are being handled and registered correctly in the police districts and that the police officers in that context receive sufficient training. For that reason, training of law enforcement on how to identify, register, investigate and handle hate crimes is an integrated part of the law enforcement training at the Danish National Police College. In addition, further training is offered by the Danish National Police after the law enforcement training has ended.

46. The Danish National Police also decided to strengthen the registration and handling of hate crimes in the police districts and to obtain an overview of hate crimes carried out in Denmark by launching a monitoring programme. The monitoring program is considered a valuable contribution in the attempt to follow the development of hate crimes closely and to target the effort against hate crimes in Denmark.

47. As part of the implementation of the monitoring programme, the Danish National Police issued guidelines to all the Danish police districts on how to detect hate crimes in specific cases and how to register hate crimes correctly to ensure that all relevant crimes are investigated as a hate crime. In 2018, the Danish National Police has initiated a dialog with the Danish police districts in order to ensure that all hate crimes are registered correctly in an IT/administrative system (POLSAS).

48. The monitoring programme is carried out through the use of so called search keys implemented in POLSAS used by the Danish Police. These keys are divided into different criminal categories in accordance with national criminal law. When a criminal offense believed to be a hate crime is subject to police investigation, the local police will attach a search key to the case in POLSAS. The programme enables the Danish National Police to monitor the area on a monthly basis by searching for the relevant cases in POLSAS, using the search keys, a free text search and a search on offenses against section 266 b of the Criminal Code.

49. In 2017, the Danish National Police decided to change the above-mentioned practice for monitoring hate crimes. The reason for this was the National Police becoming aware of several relevant hate crime cases in POLSAS that could not be located with the current search practice. The National Police has therefore added some supplementary search words to their monitoring practice, which has enabled the National Police to find more relevant hate crime cases in 2017. This has given a more accurate overview of the extent of hate crimes in Denmark.

50. The Danish National Police composes an annual report on the monitoring programme regarding the number and nature of registered hate crimes in Denmark. The third report was published in September 2018 and covers incidents from 2017.

51. According to the report 446 incidents characterized as hate crimes were registered in 2017. At the time of the preparation of the report there had been pressed 95 charges against 102 people. Furthermore, half of the registered hate crimes in 2017 was committed with a racist motivation concerning the victim's nationality, ethnicity, race or skin colour etc. This tendency has also been present in the reports from 2016 and 2015.

52. Due to the change of practice for monitoring hate crimes in 2017, the reports covering 2016 and 2015 are not directly comparable to the latest report.

53. The report can be found (in Danish only) by following this link: Report 2017.

Findings in the yearly crime victim survey

54. As of 1 January 2008 the yearly crime victim survey (conducted by the Research Division in the Ministry of Justice in cooperation with the University of Copenhagen) on the risk of becoming a victim of certain crimes in Denmark, e.g. violence, includes whether such an incident is seen as racially motivated. The most recent analyses covering the period 2008–2016 show that 7 percent of the victims of violence were sure that racism caused the offence while another 6 percent thought that might have been the case. More male victims of violence than female victims found that the offence was racially motivated.

55. Victims of racially motivated violence report the incidence to the police at the same frequency as other victims of violence.

Guidelines in the section on hate crimes in the Instruction from the Office of the Director of Public Prosecutions

56. Guidelines on the way the police and the prosecution service deal with cases concerning hate crimes are set out in the section on hate crimes in the Instruction from the Office of the Director of Public Prosecutions. This section deals with cases concerning contravention of section 266 b and section 81, para. 6, of the Criminal Code as well as the Act on the Prohibition of Discrimination Based on Race, etc.

57. This section underwent a major revision in 2016, one of the aims of this being to clarify the guidelines for handling these cases. For example, it was clarified which aspects it is particularly important for the police and the prosecution service to pay attention to in their processing of cases concerning hate crimes in order to ensure that – already in the initial phase of a case as well as in their assessment of the question of whether to raise formal charges – the police and the prosecution service pay attention to whether hate may be the motive of a criminal offence and also to ensure to a greater extent that all cases across the police districts are treated in an uniform and correct manner.

58. The guidelines also stipulate that all hate crimes must be recorded in POLSAS with a view to enabling the National Commissioner of Police to monitor the area.

59. According to the previous guidelines (Instruction No. 2/2011), cases concerning contravention of the Act on the Prohibition of Discrimination Based on Race, etc. in which a provisional charge had not been raised had to be referred to the regional state prosecutor. Cases in which a provisional charge had been raised, were to be referred to the Director of Public Prosecutions. According to the current guidelines, all cases concerning contravention of the Act on the Prohibition of Discrimination Based on Race, etc. must be referred to the regional state prosecutor by the commissioner irrespective of whether a provisional charge has been raised or not. In the event that the investigations are discontinued, the victim and others who are presumed to have a reasonable interest in the case may appeal against the decision to the Director of Public Prosecutions.

60. Moreover, the current guidelines now include a section describing the requirement of ICERD for effective investigation, and in that section, it is emphasized that in cases of violation of section 266 b of the Criminal Code, regardless of whether the detailed contents

of the statement are deemed not to be disputed, the overriding principle should always be that the persons involved in the matter should be interviewed.

Hate crime as a focus area

61. In 2016 and 2017, hate crime was selected as a focus area for prosecutors. This meant that the area was followed particularly closely and that, to the extent it was relevant, the prosecution service sought to have interpretation questions, sentencing levels and evidentiary matters clarified in case law.

62. The police and prosecution service continue to focus on ensuring that these cases are processed correctly and in a uniform manner and that, already in the initial phase of the case, the police focus on whether hate may be the motive of a crime. See Annex III for statistics concerning criminal cases concerning racist statements.

The Act on the Prohibition of Discrimination Based on Race, etc.

63. It is currently not possible to obtain electronic extracts from POLSAS about contraventions of the Act on the Prohibition of Discrimination Based on Race, etc.

64. The state prosecutors, which constitute the referral and notification authority for cases concerning contravention of the Act on the Prohibition of Discrimination Based on Race, etc., have manually reviewed their records and stated that, in the period from 2013 to 2018, they were informed of 13 cases concerning contravention of the Act on the Prohibition of Discrimination Based on Race, etc.

65. Formal charges were raised in four of the cases, leading to two acquittals, one fixed-penalty notice and one legal warning. One of the 13 cases is awaiting case processing. In the remaining cases, investigations were either discontinued, or prosecution was withdrawn.

66. It should be noted that this review is subject to some uncertainty as the filing systems do not contain one or more filing groups which exclusively deal with cases concerning contravention of the Act on the Prohibition of Discrimination Based on Race, etc.

Crimes with a racist motivation (section 81, para. 6, of the Criminal Code)

67. Currently, it is not possible to extract information electronically from the police computer system on the number of cases in which section 81, para. 6, was invoked. Consequently, it is not possible to provide further statistical information on the number of cases in which section 81, para. 6, was invoked.

68. A review of the case law in the Prosecution Service's knowledge base shows that, in the period 2013–2017, a number of judgments were handed down in which the court referred to section 81, para. 6, of the Criminal Code and expressly attached aggravating importance to the aspect that the offence was based on the ethnic origin, faith, sexual orientation, etc. of others.

Employment law

69. Under Danish employment law, it is unlawful to discriminate on the basis of the following criteria: Gender, race, colour of skin, religion or religious belief, political belief, sexual orientation, age, handicap, national, social or ethnic origin.

70. The legal basis is the Act on Prohibition against Discrimination on the Labour Market etc. The Act is also known as the Discrimination Act, though only applicable on the labour market.

71. The Act prohibits both direct and indirect discrimination. Indirect discrimination occurs where an apparently neutral criterion or practice would put persons having a particular race, religion or belief, a particular disability, a particular age or a particular sexual orientation at a particular disadvantage compared with other persons, unless the criterion or practice is objectively justified by a legitimate aim. The prohibition of discrimination applies to all aspects of the employment.

72. Prohibition of differences of treatment in the labour market etc. appears in section 1 1: “Differences of treatment shall for the purposes of this Act mean any direct or indirect discrimination due to race, colour of skin, religion or belief, political affiliation, sexual orientation, age, disability or national, social or ethnic origin.”

73. The act and the prohibition against differences of treatment applies to (section 2) “workers or applicants for vacant jobs to differences of treatment in their appointment, dismissal, transfer, promotion or in respect of pay and working conditions.”

74. Section 3 states: “An employer may not expose workers to any difference of treatment in respect of their access to vocational guidance, vocational training, advanced vocational training and retraining. (2) The prohibition against differences of treatment furthermore applies to anyone who carries through guidance and training activity as referred to in subsection and anyone who provides employment. (3) The prohibition against differences of treatment furthermore applies to anyone who defines conditions and makes decisions on the access to self-employment. (4) The prohibition against differences of treatment furthermore applies to anyone who makes decisions on membership of and participation in a workers’ organisation or an employers association and the benefits offered by such organisations to their members.”

75. Failure to comply with the Discrimination Act is punishable by a fine or compensation to the employee.

76. Section of the Act states that violation of section 5 shall be punished with a fine. Where the violation has been committed by a company, an association, a proprietary institution, a foundation or a similar body, the legal person may as such be held liable to pay a fine. If the violation has been committed by the State, a local authority or a joint local authority enterprise comprised by section 60 of the Act on the Government of Local Authorities, the State, the local authority or the joint local authority enterprise may be held liable to pay a fine.

Article 5 (A)

77. As in the twentieth periodic report Annex III, the Danish Department of Prison and Probation Service has compiled data Annex II on the ethnic composition of the population in Danish Prisons. The compiled data is disaggregated by geographical origin and age of both immigrants and descendants of immigrants in Danish Prisons and includes information on the ethnic composition of the prison population in various institutions (closed state prisons, open state prisons, local prisons, halfway houses, etc.). Furthermore, the compiled data includes information on the composition of the Danish prison population based on nationality/citizenship.

78. The Danish Security and Intelligence Service (PET) in its role as national intelligence and security authority – is responsible for identifying, preventing, investigating and countering threats to the freedom, democracy and security of Danish society. This includes threats posed by terrorism, political extremism and espionage.

79. PET’s investigations are carried out on the basis of specific suspicions, and investigations and other coercive measures must be done in accordance with the rules in the Administration of Justice Act.

80. PET carries out its activities in accordance with general rules and principles in force in Denmark, including rules on non-discrimination, as well as the rules in the European Convention on Human Rights forbidding discrimination on the grounds of race, colour, etc. Thus, PET pays close attention to ensuring that the activities carried out by the service do not discriminate, in purpose or effect, on the grounds of race, colour, descent, or national or ethnic origin, and that individuals are not subjected to racial or ethnic profiling or stereotyping.

Measures taken to ensure that claims of racial discrimination by individuals are investigated thoroughly

81. Guidelines on the manner in which the police and the prosecution service deal with cases concerning hate crimes are set out in the section on hate crimes in the Instruction from the Office of the Director of Public Prosecutions, see paras. 49–53 above.

82. In order to ensure transparency and a uniform, thorough practice by the police and prosecution in cases concerning hate speech or racial discrimination, the current instruction contains detailed guidelines supplemented with relevant case law as to when an act generally should be considered a violation of the aforementioned rules.

83. Reference is also made to the elaborate description in paragraphs 48–53 of the twentieth periodic report concerning the Danish rules on referral and notification which are to ensure that a focus on in-depth investigation and case processing is given high priority.

Information on measures taken to ensure claims made against officials

84. The section of the Instruction from the Office of the Director of Public Prosecutions on public officials and cases against public officials contains guidelines on how to handle complaints and the further case processing of cases against public officials, including cases concerning discriminatory or racist behaviour.

85. The section states that complaints concerning criminal offences committed on duty by police officials or legal staff members of the local prosecution service or the Office of the National Commissioner of Police must be submitted to the Independent Police Complaints Authority which will be responsible for the investigation of the case and for referring the case to the state prosecutor for them to make a decision as to the question of whether to raise formal charges.

86. Complaints against the behaviour of on-duty police officials or legal staff members of the local prosecution service or the Office of the National Commissioner of Police will also be investigated and decided by the Independent Police Complaints Authority.

87. Complaints against the police's decisions within criminal procedure are generally dealt with by the police commissioner in the first instance with access to appeal to the state prosecutor, while complaints against the police's decisions outside criminal procedure will generally be dealt with by the police commissioner in the first instance with access to appeal to the National Commissioner of Police.

88. Criminal proceedings against other staff members of the local police district or the Office of the National Commissioner of Police, such as office staff or civil officials as well as staff members at the state prosecutors' offices and the Director of Public Prosecutions will be dealt with by the police commissioner, irrespective of whether the offence was committed on duty or off duty.

89. As regards persons who are staff members of the public administration and the courts, the Ministry of Justice's Circular no. 43 of 31 May 2012 sets out rules on reporting of, for example, cases in which provisional charges are brought for contravention of the Criminal Code and when judgments are passed for contravention of other legislation. Such reporting must be effected to the Director of Public Prosecutions or the employing authority.

Article 5 (B)

Information on measures taken to ensure equal protection of the security and integrity of victims or potential victims of racial discrimination by adopting measures for preventing racially motivated acts of violence against them

90. The guidelines on how to deal with hate crimes (see paras. 41–43 and 56–60) stipulate, amongst other things, that already upon receipt of a complaint concerning contravention of section 266 b of the Criminal Code, the police should, as a rule, launch an investigation. Thus, the overriding principle should be that the person making the statement or imparting the information should be interviewed in order to clarify the purpose and

background of the statement, etc., and the victim of the case (the person lodging the report of the alleged offence) should also be interviewed. The requirement for carrying through interviews also applies even though the details of the statement must be presumed to be firmly established.

91. The interview should shed light on the contents and form of the statement or information, where it was made, the background to the statement, who and how many people have heard/read/seen the statement, etc. Moreover, the police must make sure they secure evidence by obtaining a copy of the article, video, etc. in question if the statement was made in the media or on the internet, and they must also elucidate how and how many are able to access the media or the internet in the forum in which the statement was made. If the statement was made directly to one or more people, the police must describe in their report how many people heard the statement, and they must interview relevant witnesses.

92. When receiving complaints of contravention of the Act on the Prohibition of Discrimination Based on Race, etc., the police must attempt in their investigation to clarify what was said or expressed in connection with service or access being denied and how the conditions at the entertainment venue in question tally with the reason for refusing the person. If the refusal was justified by the person's lack of adherence to the venue's dress code, membership or age, the police must check how other guests were dressed, their membership and age and, if relevant, obtain documentation of the venue's dress code, membership requirement and age restrictions.

93. In cases where a harsher sentence under section 81, para. 6, of the Criminal Code may be relevant, the police must, already at the time they receive the complaint, pay attention to circumstances indicating that the offence was fully or partially attributable to other people's race, ethnic origin, faith, sexual orientation, etc. Indications that such a hate motive may be involved could be verbal expressions or the fact that the suspect has an affinity with or sympathy for an organisation, association, etc. to which strongly racist or homophobic views are attributed. Moreover, the victim's participation at the time of the crime in activities related to his race, ethnic origin, faith or sexual orientation or information about the scene of the crime may indicate that there is a hate motive. In their investigation, the police must seek to uncover the motive further and investigate whether there was a prior conflict which is of importance to the case.

94. In court proceedings concerning hate crimes, the prosecution service must pay particular attention to elucidating during the production of evidence any potential hate motive by calling witnesses and documenting relevant information about this. During the closing arguments concerning the sentence to be imposed, any hate motive must be underlined as an aggravating circumstance, and the court must be asked to take a stance in the judgment as to the question of applying provisions stipulating a harsher sentence, such as section 81, para. 6 of the Criminal Code so as to create, through case law, a better knowledge of the use of the provision.

95. In order to avoid conflict of interest issues, or if circumstances exist where there may be doubts as to whether a case is being dealt with in an impartial manner, and to ensure independent investigation and case processing of criminal proceedings against public officials, reports of criminal offences committed on duty must be submitted to the Independent Police Complaints Authority as referred to above. If the report is submitted to the police or the prosecution service, it will immediately be forwarded to the Independent Police Complaints Authority. The Independent Police Complaints Authority will be in charge of the investigation of the case and will then refer it to the state prosecutor for them to decide whether to raise formal charges. The Independent Police Complaints Authority will itself notify the disciplinary authority about the case.

96. All hate crimes must be recorded in POLSAS with a view to the National Commissioner of Police being able to monitor the area of hate crimes.

97. In connection to concluding observation number 18 it should be noted that the Court Administration in its own recruitment as well as in its instructions of the courts are aware of The Agency for the Modernisation of Public Administration's general instructions and guidelines regarding initiatives intended to improve the recruitment of ethnic minorities in the state administration.

98. Also the Danish National Police attaches great importance to our aspiration towards making the police force reflecting the population in Denmark in all aspects. Diversity is in general an essential element of the policy on personnel and leadership in the Danish Police. In our recruitment endeavours we are adamant in attracting students, that reflect the population and therefore designing the recruitment materials with a view of addressing the entire population in Denmark. This is achieved by using diversity in photographs, video materials and when participating in job information gatherings and educational bazaars to act as role models for potential recruits.

Victims of human trafficking

99. Denmark seeks to combat human trafficking through prevention strategies as well as through prosecution of the individuals responsible for the trafficking and by providing victims of trafficking with targeted support. As victims of trafficking are regarded as vulnerable, Denmark has developed an effective institutional system and implemented a large number of activities to support victims during their stay in Denmark.

100. In 2018, the Government agreed on a new National Action Plan against Human Trafficking for the period 2019–2021. The action plan continues and builds on previous efforts in this area. Focus is on making the efforts more flexible to new trends, forms of exploitation and tailored to the individual needs of the victims, and on including relevant actors already in contact with potential victims in the outreach work and prevention of human trafficking. For information on services provided for victims under the action plan, including asylum seekers or irregular immigrants, reference is made to the twentieth periodic report.

Dialogue with groups of victims of hate crimes

101. In 2016, the Danish National Police initiated a dialogue regarding hate crimes with a number of relevant stakeholders in the field in order to establish a closer and ongoing collaboration with the stakeholders and to obtain input to future police efforts concerning hate crimes. The purpose of the dialogue is also to collaborate on how to encourage more victims to report hate crimes to the police, as well as shedding light on any difficulties or barriers with regard to the reporting process.

Victims of domestic violence

102. According to article 19 (8) of the Aliens Act and in relation to concluding observation 16, the immigration authorities can decide not to revoke or deny extension of a residence permit on the basis of family reunification with a spouse or partner, if the cohabitation has ceased because the foreign spouse or children are victims of domestic violence, mistreatment or other forms of abuse. The aim of this article is i.a. to avoid situations where a foreign spouse has to choose between leaving the country or stay in a violent relationship. Thus, the foreign spouse may retain a time limited residence permit and have such permit extended when the conditions in article 19 (8) are met.

103. In order to qualify for a permanent residence permit, the foreign spouse must not have received certain forms of social benefits within four years of applying for a permanent residence permit. The decisive factor when evaluating whether the foreign spouse has received social benefits is whether they have been awarded under the terms of the Active Social Policy Act or the Integration Act. There are no current plans to amend this requirement of self-support in the rules on permanent residence permits.

Ethnic profiling

104. With regard to concluding observation 18 there has been no specific initiative in the field of ethnic profiling in 2018. However, the Danish National Police and the Director of Public Prosecution will make an overview of the number of complaints concerning the dispositions of the police and the type and number of cases where the relevant appeals body has agreed with the applicant. This overview will provide the background for organizational learning across the police districts so that any inappropriate behaviour can be changed quickly and efficiently.

105. Furthermore, the Independent Police Complaints Authority will elaborate a supplement to the annual report published by the Independent Police Complaints Authority, which will contain recommendations aimed specifically at the police and the Prosecution Service to consider and work on.

Fight against radicalisation

106. The Danish effort regarding prevention of extremism and radicalisation is based on a comprehensive and varied approach, using different types of interventions depending on the target group. An important part of this prevention effort contributes to providing children and young people with democratic skills, honing their critical thinking and social competencies, and thereby preventing the development of risk behaviour. The effort includes a systematic effort in day-care facilities, primary schools and upper secondary schools to strengthen democratic skills and citizenship, mobilization of young people in prevention of hate speech and radicalisation online, and a nationwide youth dialogue corps consisting of young people aged between 18 and 35 who run discussions and workshops to fuel a debate among young people on topics significant to their development. This includes topics such as identity, discrimination and non-discrimination, images of friends and enemies, intolerance, extremism, etc.

Article 5 (C)

Political rights, in particular the right to participate in elections, to vote and to stand for election

107. Reference can be made to paras. 87–94 of the Core Document concerning the rules for the administration of parliamentary elections and elections to local and regional councils.

108. Franchise for the Danish elections to the European Parliament is held by persons who on the day of the election are entitled to vote at Danish parliamentary elections, cf. section 2 of the Members of the European Parliament Elections Act. Furthermore, every person of Danish nationality, who has attained the age of 18 years, and is residing in Denmark or in one of the other EU Member States, is also entitled to vote at elections to the European Parliament in Denmark. In addition, nationals of the other EU Member States who are residing in Denmark and persons registered with the Protocol Department of the Ministry of Foreign Affairs of Denmark (diplomats from EU member states in Denmark) may vote at elections to the European Parliament in Denmark.

109. Since 2016, persons that have been deprived of their legal capacity according to section 6 of the Act on Legal Guardianship are also entitled to vote at elections to the European Parliament. A person entitled to vote in elections to the European Parliament is also eligible for election to the European Parliament unless the person in question has been convicted of an offence that in the public opinion makes the candidate unworthy of being a member of the European Parliament. Moreover, nationals of other EU Member States who have been deprived of their eligibility in their home country are not eligible for election to European Parliament in Denmark.

Article 5 (D)

The right to freedom of movement and residence within the border of the State

110. The Danish rules regarding permanent residence permit are based on a wish to encourage foreigners to integrate into the Danish society. It is noted that a number of the requirements for obtaining permanent residence permit do not apply if Denmark's international obligations, including the UN Disability Convention, so require.

111. Accordingly, aliens who are unable to meet one or more of the requirements, in accordance with the UN Disability Convention will not meet these requirements due to disability.

112. For instance a refugee who suffers from posttraumatic stress can be regarded as a disabled person covered by the UN Disability Convention if the post-traumatic stress is a long-term disability. It depends on a concrete and individual assessment. If so, he or she will not be met with one or more of the requirements.

113. Moreover, since 2012 refugees who have been residents for more than 8 years and who have demonstrated a willingness to integrate into the Danish society can obtain a permanent residence permit even though they fail to meet a number of the requirements for permanent residence permit.

114. In this context, it should be noted that the rules regarding permanent residence permit changed in 2017 as regards, inter alia, the requirement for residence, language skills, self-support and employment. Thus, aliens (still) need to meet a number of basic requirements and at least 2 of 4 supplementary requirements in order to qualify for a permanent residence permit (re active citizenship, additional employment requirements, income level and increased Danish language skills). If aliens meet all 4 supplementary requirements, they will qualify for a permanent residence permit after 4 years of legal residence in Denmark instead of the normal 8 years. Thus, aliens residing in Denmark who have demonstrated a special ability and willingness to integrate into Danish society can obtain permanent residence permit at an earlier time.

115. The possibility to waive one or more requirements if Denmark's international obligations so require still applies, whereas the special rule about refugees who had demonstrated a willingness to integrate into Danish society has been abolished.

Non-refoulement

116. Denmark has implemented the principle of non-refoulement directly in the Aliens Act section 31 to ensure that non-citizens are not returned or removed to a country or territory where they are at risk of being subject to serious human rights abuses, including torture and cruel, inhuman or degrading treatment or punishment. The principle is also found in the Danish Aliens Act section 7, which determines that an alien will be granted asylum if he or she is in risk of being subject to torture or cruel, inhuman or degrading treatment or punishment, if returned to the country of origin.

The right to leave any country, including one's own, and to return to one's country

117. According to the Aliens Act section 17, para. 1, a residence permit lapses when an alien gives up his or her residence in Denmark. The permit also lapses when the alien has resided outside Denmark for more than 6 consecutive months. If the alien either has been issued a residence permit with a possibility of permanent residence and has been a lawfully resident for more than 2 years in Denmark, or has obtained a permanent residence permit in Denmark, the residence permit lapses when the alien has resided outside Denmark for more than 12 consecutive months. It is possible to ask for dispensation from these rules.

118. If an alien is considering repatriation to his/her country of origin, it is possible for the alien to retain his/her residence permit until 12 months after they have repatriated cf. section 17 a (1) of the Aliens Act. The alien can ask the Danish Immigration Service to stay outside Denmark for an additional 12 months, cf. section 17 a, para. 2 of the Aliens Act.

119. However, if the alien has been granted a residence permit on the grounds of asylum, the residence permit lapses only in the situation when the alien has returned voluntarily to his or her country of origin or has obtained protection in a third country.

New political agreement

120. In June 2018, a new political agreement was adopted regarding the criteria for obtaining Danish nationality. The new criteria among other things heightened the requirements concerning the applicant's self-support, the rules about crimes and the documentation requirements in the case that an applicant applies for dispensation regarding Danish language proficiency due to disease. The parties of the agreement also stated that the agreement should ensure that the number of dispensations will be reduced. In regard to the rules about crimes in the new criteria, an applicant can never obtain Danish nationality

if he or she for instance has been imprisoned for 1 year or more for a criminal offence, 3 months or more for assault etc., or has been sentenced for gang-related crimes. Furthermore, the new criteria institute a ceremony that the applicant must participate in, in order to obtain Danish nationality. At this ceremony the applicant must sign that he or she agrees to comply with the Danish Constitution etc. and furthermore exchange a handshake with a representative of the public authorities.

Dual Nationality

121. In December 2014, the Danish Parliament adopted rules accepting dual nationality and the act came into force on 1 September 2015. In connection with the Act on Multiple Nationalities, two temporary transitional schemes were established according to which former Danish nationals and persons whose names are listed in specific Naturalisation Bills could acquire Danish nationality by declaration.

Long term residents

122. It is, in principle, a precondition for obtaining Danish nationality that the applicant has a Danish permanent residence and is a resident in Denmark.

Spouses of Danish nationals

123. Spouses of Danish nationals have more lenient rules when it comes to obtaining Danish nationality.

Stateless persons

124. Denmark has provisions to ensure, that nationality is granted to applicants of Danish nationality who are born in Denmark and covered by the UN Convention on the Reduction of Statelessness of 1961 and the UN Convention on the Rights of the Child.

The right to marriage and choice of spouse

125. With reference to the twentieth periodic report (para. 111), it should be noted that new rules on family reunification with a spouse or partner entered into force on 24 May 2017 and 1 July 2018. The former rules on family reunification entailed a condition that the spouses' aggregate ties with Denmark must be stronger than their ties with any other country (the attachment condition). This condition did not apply if the spouse or partner living in Denmark 1) had held a Danish citizenship for over 26 years or 2) came to Denmark as a small child or was born and raised in Denmark and had been a legal resident in Denmark for more than 26 years (the 26-year rule).

126. The rules that entered into force on 24 May 2017 revoked the 26-year rule as a follow up to the European Court of Human Rights' judgment of 24 May 2016 in the case of *Biao v. Denmark* (Application no. 38590/10). In the case of *Biao v. Denmark* the Court found that the 28-year rule (later the 26-year rule) amounted to indirect discrimination on the basis of ethnic origin which constituted a violation of Article 14 read in conjunction with Article 8 of The European Convention on Human Rights.

127. The new rules that entered into force on 1 July 2018 revoked the attachment condition and replaced it with a new integration condition. According to the new integration condition, four out of six requirements have to be met:

1. The spouse or partner living in Denmark has a high proficiency in Danish;
2. Has been employed in Denmark for 5 years or more;
3. Or has spent 6 years or more in education in Denmark;
4. The family member speaks English or some Danish;
5. Has been employed for 3 out of the preceding 5 years;
6. Or has spent 1 year or more in education comparable to Danish higher education or vocational training.

Family Reunification

128. In relation to concluding observation 11, the Government can inform that in January 2016, the Danish Parliament amended the Aliens Act as a response to the European challenges with increasing numbers of refugees and migrants arriving in – among other countries – Denmark.

129. One of the amendments postponed certain refugees' right to family reunification from 1 to 3 years.

130. Under the previous regulation, family reunification would in general not be granted to a refugee with temporary protection status, whose residence permit had not (yet) been extended after one year.

131. The amendment postponed the access to family reunification from 1 to 3 years. The postponement only applies to refugees with temporary protection status. It does not apply to refugees who are granted a residence permit according to the Geneva Convention (the 1951 Convention Relating to the Status of Refugees), nor to refugees with subsidiary protection status, who – due to individual circumstances – are at risk of the death penalty or of being subjected to torture or inhuman or degrading treatment or punishment in case of return.

132. Consequently, the postponement only applies to asylum seekers who are entitled to protection due to a general unstable situation in their home country at such a level of intensity that anyone in that particular country would be in real risk of being subjected to inhuman or degrading treatment in case of return.

133. According to the Aliens Act, exceptions must be made in all cases, where Denmark's international obligations so require.

134. Consequently, Danish authorities will perform an individual assessment in each case, ensuring that Denmark's international obligations are respected, and ensuring that family reunification is granted when individual circumstances should lead to such a decision.

135. It should also be mentioned that asylum seekers may file a complaint on decisions on refugee status and family reunification to an independent complaints board free of charge.

136. The legal rationale behind the Danish regulation is that a refugee with temporary protection status has limited ties to Denmark, and that the expected temporary nature of their need of protection must be taken into account when it comes to family reunification.

137. According to section 77 of the Danish Constitutional Act "any person" shall be at liberty to publish his ideas in print, in writing, and in speech. This involves both Danish and foreign citizens located in Denmark. Both Danish and foreign expressions are covered by the provision.

138. The right to freedom of peaceful assembly is protected by section 79 of the Danish Constitutional Act. The group of persons covered by the provision is similarly not restricted to Danish citizens.

Article 5 (E)

The right to work

139. It is the goal of the Government to increase the number of persons with other ethnic backgrounds than Danish in employment. Since the twentieth periodic report in 2013 the number of employed immigrants and descendants from non-Western countries has increased from 146.000 in 2013 to 179.400 in 2016 (the latest available figure).

140. The unemployment rate among non-Western immigrants and their descendants has decreased from 13.2 pct. in 2013 to 9.8 pct. in 2016. For persons of Danish origin, the unemployment rate has decreased from 5.5 pct. to 3.5 pct. in the same period. In 2016, the employment rate among non-Western immigrants and their descendants was 51.4 pct. compared to 49.9 pct. in 2013, while for persons of Danish origin it was 75.8 pct. compared to 73.9 pct. in 2013.

141. Compared to persons of Danish origin non-Western immigrants and their descendants have a lower employment rate.

142. There has been an increase since 2013 in persons with non-Western origin receiving public benefits from approximately 129.000 in 2013 to 148.000 persons in 2017. This development can be explained by a growing number of non-Western immigrants in the population during the period, including a large number of refugees and family reunifications in 2015 and 2016.

143. Possible explanations to the lower employment rate among non-Western immigrants and their descendants include factors such as a general lack of proficiency in Danish, formal qualifications, vocational training and limited work experience and personal network. A large share of non-Western immigrants have either no training/education or a very low level of training/education from their home countries. Furthermore, lack of insight into the Danish society, educational system and labour market may play a role as regards the higher unemployment rate.

144. The Ministry of Employment continues to run campaigns, programs and monitoring of the impact measures of the labour market policy for the most vulnerable groups. This also includes monitoring the level of education and employment among immigrants and their adult descendants from development countries.

145. There have been no legislative changes to the Act on Prohibition Against Discrimination on the Labour Market etc., which prohibits discrimination on grounds of race and ethnic origin in the relationship between an employer and an employee since the last report concerning article 5 (e) (i) and (ii) and in relation to concluding observation 20.

146. The Ministry of Employment follows the development in legal precedent at the national courts in cases concerning the prohibition of differential treatment in the relation between an employer and an employee.

147. There are no official statistics on the number of court cases about employment discrimination, but the judgments are published and can be found in different databases.

The Board of Equal Treatment

148. The Board of Equal Treatment was established in 2009 with the purpose of dealing with complaints related to discrimination on grounds of gender, race, colour, religion or belief, political opinion, sexual orientation, age, disability, or national, social or ethnic origin. The Board of Equal Treatment replaced the Gender Equality Board and the Complaints Committee.

149. With effect from 1 January 2016 the Board can only consider cases if the person concerned has an individual interest in the concrete case. This means that it is not sufficient for the complainant to belong to a group of persons who may have been discriminated against.

150. The amendment also includes granting the Danish Institute for Human Rights (DIHR) the right to bring a complaint to the Board. This means that the DIHR has the opportunity to file complaints to the Board on matters that are of importance to the public.

151. Whenever the Board rejects a case on the basis that the complainant does not have a personal interest in the case, the Board notifies the DIHR and the complainant of the competence of the DIHR.

Initiatives to strengthen integration into the labour market, 2013–2018

152. From 2016–2017, a randomized controlled trial conducted in 15 municipalities called “JobFirst” was launched. The target group consisted of individuals older than 30 years in the interdisciplinary rehabilitation program who had received cash assistance for more than a year. Almost 5.000 individuals were affected by the program either in the control group or the trial group.

153. Around 25 pct. of the participants from the cash assistance program in JobFirst were immigrants or descendants of non-western origin. The aim of JobFirst has been two-fold:

1. To transfer people from social benefits to ordinary employment;
2. To develop and test a model for job centres to work with business oriented efforts for vulnerable citizens.

154. Core elements are embedded in the ordinary labour market and sets out to find the right job match for the citizen from day one. It focuses on ordinary payment from the beginning. Internship is considered a means to an end, while ordinary payment leads to recognition, motivation and a belief that it is possible to gain foothold in the labour market.

155. JobFirst includes close and individual support from job centre professionals to ensure that challenges are solved along the way and help build a relationship that strengthens motivation and progress for the participants.

156. The evaluation of JobFirst shows that the approach moves people across race, gender, age and ethnicity from social benefits to ordinary employment. The effect for immigrants and descendants of non-western origin are slightly higher when looking at the share that enters ordinary employment compared to ethnic Danes after participating in JobFirst.

157. In 2017–2019, the Government will invest USD 40,4 mio. in a programme aimed at strengthening clarification and individual support to long-term recipients of social assistance (“Flere skal med”). The programme is targeted at helping long term recipients of cash assistance (5 years or more) to gain a foothold in the labour market. 88 out of 98 municipalities have chosen to participate in the initiative.

158. The program is based on a mid-term evaluation of the project “JobFirst”. Immigrants and descendants of non-western origins are included as part of the target group. Approximately 33 percent of the target group has a non-western origin (of a target group of 27,000 individuals). A mid-term review of the program will be made in 2018.

159. Core elements of “Flere skal med” are the assessment of the participant’s need for support and individual support towards the labour market to help the participant to obtain ordinary employment if possible or, alternatively, company-oriented measures (e.g. practical training in enterprises). When needed, the participants are offered additional interdisciplinary measures such as social and health initiatives to help overcome challenges related to their entry into the labour market.

160. For information on the employment and unemployment rates among 16–64-year-old persons see Annex I.

The right to form and join trade unions

161. According to section 78 of the Danish Constitutional Act “citizens”, are free to form associations. This includes not only Danish citizens but also non-citizens with residence permit or permanent address in Denmark.

162. Furthermore, there are no restrictions in the right to form trade unions for specific professions or types of contract according to the Constitution.

163. In Denmark, questions about freedom of association of trade unions are primarily regulated by collective agreements. The Danish trade union system is a one-string system and follows occupational lines and not political or religious lines.

164. Union membership is open to all, regardless of nationality and degree of employment. The Act on Dismissal on Grounds of Union Membership regarding unlawful dismissal on grounds of union membership offers protection.

165. A trade union may be formed without any official authorisation, and there is no general legislation on such organisations. A union can deny membership to a person with a different educational and occupational background than the existing members, and instead recommend membership of another more fitting union. It is also legal to deny unemployed

membership, and a union can demand that membership of the union's unemployment fund is a condition for membership.

The right to housing

166. The social housing sector is one of the cornerstones in the Danish welfare system since it guarantees low-income families, persons with minority background, mental illness and other vulnerable groups a decent place to live. Social housing is a possibility for all persons irrespective of ethnical background or income. As a main rule, social housing is let to tenants through seniority-based waiting lists and every individual is entitled to be put on the waiting lists. As of 1 January 2017, 24,7 pct. of persons living in a social housing dwelling were immigrants from non-Western countries and their descendants.

167. In order to ensure social housing for all kinds of vulnerable citizens, the local municipals have an unconditioned right to dispose of 25 pct. of all vacant family dwellings and dwellings for young persons in social housing to solve a range of social housing problems. Thus, the local municipals can place any person or family who needs a place to live in vacant social housing dwellings in the municipality.

168. Furthermore, the local municipalities are responsible for evaluating each individual case for persons with special housing needs, such as persons with immigrant background. It is therefore the responsibility of each municipal to provide the necessary social housing, and accommodate the needs of these persons, in accordance with the Act on Social Housing etc.

169. The rent in the social housing family dwellings is relatively low due to public subsidy. Furthermore, low-income families are entitled to individual housing benefits.

170. The social housing sector is administered by the non-profit housing associations, which are under inspection by the local municipalities. The local municipalities grant subsidy to the building of social housing according to the local needs and structures. The total number of social housing units in Denmark is approximately 600.000, which amounts to approximately 22 pct. of the total number of housing units. Approximately 492.000 of them are family dwellings. The majority of the social housing units provide popular dwellings of high quality with a strong community and a well-developed neighbourhood democracy, which gives residents an influence on their neighbourhood.

The governmental policies fighting stigmatization of people living in the challenged social housing neighbourhoods

171. Unfortunately, some of the social housing residents are caught in circles of social problems and a high rate of unemployment, etc. During the past years, a social, ethnic and geographical division of the housing market has developed, and it remains a challenge to establish a mix of resourceful and vulnerable groups of persons in social housing. Nonetheless, it is a political goal to obtain such a mix since it is considered a precondition for a positive development in the challenged social housing neighbourhoods. These particular neighbourhoods are characterized by a concentration of low-income families, often with social problems. Employment rates and educational attainment are low and some of the neighbourhoods face problems with crime and insecurity.

172. This is a problem for both children and adults. Some children lack role models in education and work, and the adults are isolated without employment and networks outside the neighbourhood. As a result, persons living in such neighbourhoods may find it increasingly difficult to enjoy the same job or education opportunities as the remaining population.

173. In order to address the problems, the municipalities and neighbourhoods have certain options such as access to infrastructural improvements, demolition, renovation, social work and alternative letting rules. The main objective of the Government is to reduce the number of the challenged social housing neighbourhoods and maintain social housing as an attractive housing option.

174. The Government is committed to integrating the isolated and challenged neighbourhoods into society. The aim is amongst others to ensure that persons with a minority background are not marginalized as an effect of their place of living.

175. It is therefore a main objective for the Government to integrate these neighbourhoods into the rest of society. One of the most important instruments with which to pursue this objective is to give priority to for example employed persons when letting vacant dwellings in these neighbourhoods. The government has various means to address the complex problems characterising some social housing areas ranging from physical interventions, strengthening of the social mix of tenants, improving the inhabitants' ability to work and initiatives to combat crime. During the last years, different governments in Denmark have launched both strategies and area-based measures in order to fight the vicious circle which is the reality in some of the challenged neighbourhoods.

Challenges with affordable housing for different vulnerable groups

176. The Government has taken different measures to provide affordable housing. The municipality provides basic capital loans that cover 10 percent of the acquisition costs.

177. It has been agreed to reduce the local basic capital from 14 to 10 percent of the acquisition costs in 2019 and 2020. To promote affordable and smaller dwellings for groups in need of more affordable housing, the basic capital will depend on the average size of the dwellings. The size of the basic capital loan is of major significance to the scale of operations and is used as an overall management tool. On this basis it is expected that the municipalities will grant subsidies to the construction of smaller and more affordable public housing in 2019 and 2020.

178. From 1 January 2014 until 31 December 2017, approx. 9,000 social housing family dwellings have been constructed or are under construction. The rent in the social housing family dwellings is kept relatively low due to strains on acquisitions costs and the public subsidy described above.

179. For the municipalities to be able to handle the high demand for housing, it was decided that a state funding amounting to 640 mill. DKK (or approx. USD 97 mio.) was allocated as a special case of state funding for affordable, small family dwellings, which could be reserved for refugees. With this funding, it was possible to establish upwards of 10,000 new dwellings. The municipalities have assessed the need and issued grants for around 3.200 new dwellings.

180. The Government has in 2017 established a network of free municipalities regarding affordable housing and flexible housing solutions.

181. The network has been established as a wish from the Government to include the experiences of the municipalities in an effort to provide affordable housing for e.g. homeless persons, socially vulnerable citizens. In 2020 an evaluation of the trials will be conducted, including an evaluation of how or if the trials can be included in the housing legislation.

The right to public health, medical care, social security and social services

182. Denmark has a public tax-financed healthcare system. All residents in Denmark have access to public healthcare services free of charge, e.g. hospital treatment, services in the primary health care sector, i.e. treatment by GP's and specialist practitioners, and municipal health services such as home nursing and dental care to children and youths under the age of 18. All persons under temporary stay in Denmark are entitled to free emergency hospital treatment in case of accident, sudden illness and birth or aggravation of chronic disease etc.

183. All persons under temporary stay in Denmark, incl. persons with a Roma background, are entitled to free emergency hospital treatment in case of accident, sudden illness and birth or aggravation of chronic disease etc. The hospital may charge payment for a non-emergency hospital treatment in cases, where it is not considered reasonable to refer

the person to treatment in his or her home country. The treatment may, however, be given free of charge in cases, where the region considers it reasonable.¹

184. The access to healthcare in Denmark is defined not by ethnicity but by a medical assessment of the patient's current need for treatment. Assistance to persons with a Roma background is thus deemed fully feasible within the current framework for health care provision to persons with permanent or temporary residence in Denmark.

Right to interpretation in the health-care system

185. According to section 50 of the Health Act, all residents with a right to free treatment at hospitals, by general practitioners or by specialists have a right to interpretation when a doctor finds that interpretation is necessary for the treatment.

186. With the primary aim of enhancing foreigner's incentive to learn Danish, new rules of interpretation fees came into force on 1 July 2018. According to section 50, para. 2 in the Health Act, patients who have a need for interpretation, and who have lived in Denmark for more than three years, are charged with a fee for the interpretation service provided for by the Danish health authorities. The following groups of patients are not charged with a fee for interpretation:

- Patients who due to psychological or physical reduced functional capacity have lost their ability to speak and/or comprehend the Danish language;
- Children who are not accompanied by their parents;
- Parents with a need for interpretation in connection with the treatment of their child;
- Patients belonging to the German minority in Denmark with a need for interpretation of the German language.

187. Any patients with a need for interpretation of the Greenlandic or Faroese language are not charged with a fee for the interpretation service.

188. In continuation of the enactment of the interpretation fees rules the Government is now working on a new certification system for interpreters to enhance and ensure the quality of the provided interpretation services.

189. It is always the doctor who decides whether an interpreter should be present in order to provide the treatment. Doctors are obliged to inform the patient about the illness, the possibility of treatment, the side effects, etc., with a view to gaining the patient's consent to the treatment – the so-called "informed consent". Therefore, the doctor must always ensure that the patient understands the information given. If interpretation is considered necessary, the doctor must call for an interpreter.

190. Children should not act as interpreters, for instance for their parents, in situations where it will be problematic due to the interests of the child or to the adult's right to privacy in the communication with the doctor. Therefore, children under the age of 18 cannot act as interpreters in the health care-system according to Danish law, unless it is necessary in a life-threatening emergency situation. Children at the age of 15 or more can also act as interpreters, if the health care professional in charge of the treatment considers the case to be unproblematic and uncomplicated.

Children and young persons with special needs

191. According to the Danish health legislation, all primary health care nurses should pay attention to children and young persons with special needs, including families with a non-

¹ The Danish government has introduced a bill to the Parliament that non-residents in Denmark will be charged payment for emergency hospital treatment, he or she may receive under temporary stay in Denmark. These persons will also be charged payment for non-emergency hospital treatment in cases, where it is not considered reasonable to refer the person to treatment in his or her home country. The bill will not change the fact that the treatments can still be provided free of charge, when the region considers it reasonable. However, in case of emergency no persons will be denied hospital treatment in the public healthcare system with reference to payment claims.

Danish ethnic background, if there are signs of failure to thrive – a term which in Danish, besides health and growth parameters, includes social and personal circumstances.

192. For all children under one year of age, the nurse offers home-visits as well as extra visits if there is concern as to the child's health and development and if circumstances within the family demands extra attention. The primary health care nurse cooperates with the general practitioner and the social welfare department. During the period in which children and young persons attend school, the primary health-care nurse offers regular health dialogues with all children and in this setting extra attention is given to children with special needs.

Ethnic minorities and HIV/AIDS

193. In Denmark, all persons have equal access to prevention, treatment, care and support in relation to HIV/AIDS. An important element of the Danish AIDS policy is to avoid any form of discrimination. Information and motivation are essential elements in the AIDS-policy. The number of diagnosed new HIV-cases has stabilised in Denmark in recent years and today amounts to about 250 cases a year. In 2016, 244 cases were reported, 182 of whom were newly diagnosed and 62 had previously been diagnosed in other countries, including 11 Danish-born. Of the 182 new cases, 70 (42%) were immigrants.

194. The Danish AIDS Foundation runs Checkpoint testing clinics in the three largest cities and provides testing and counselling on an individual basis as well as in groups. Some of the counsellors have a special focus on ethnic minorities and collaborate with partners involved in both health and professional aspects and financial assistance, while the community-based organisations contribute with their knowledge on specific, cultural and linguistic matters related to all the phases of the activities. The "cross over" project under the Danish AIDS Foundation has as its task to place HIV/AIDS issues on the agenda in the communities and has, thus contributed significantly to the change from top-down preventive efforts to a more participatory approach. This participatory approach has highly increased the HIV/AIDS-preventive activities in the ethnic communities.

195. The Checkpoint clinics have special campaigns and services targeting the immigrant community with HIV-testing and counselling both inside and outside the clinical settings performed by peers. The availability of testing, counselling and linkage to care in such a community based setting, provides a secure – and easy to reach environment and the number of visits is increasing also among immigrants. However, heavy stigma is still associated with HIV/AIDS among ethnic minorities, and The Danish AIDS Foundation continues to pursue new approaches to penetrate those communities hardest to reach, for example sex workers and Arab and African migrants.

The right to education and training

196. In response to concluding observation 14 it can be noted, that asylum-seeking children of school age are, like other children in Denmark, subject to compulsory school attendance. According to section 42 g of the Aliens Act, asylum-seeking children of school age must participate in separately arranged tuition or in tuition equivalent to the general requirements for separately arranged tuition.

197. The details of this rule are regulated in the Executive Order on Education and Activation, etc., of asylum-seekers and others.

198. It is the operators of the accommodation centres who are responsible for providing tuition to asylum-seeking children. The content of the tuition must be equivalent to tuition received by bilingual pupils in the Danish public school. In practice, asylum seekers of school age are taught either at a school at the asylum centres or in the local public school.

199. According to section 13 in in the Executive Order on Education and Activation, etc. of asylum-seekers and others, asylum-seeking children can be accepted in Danish public schools. The admission requires approval from the local municipality.

200. The operator of the accommodation centres can request for admission to a public school, if the child in question is accommodated privately outside the asylum centres, and there is not any lodging facility offering training within a reasonable distance, if teaching at

the public school in special cases will be of benefit to the child or if the accommodation centre does not offer separate arranged tuition.

201. As of 1 February 2018, out of the 889 asylum-seeking children accommodated, 239 attended a school run by the accommodation operator, 635 were enrolled in a Danish public school, 10 attended a private school or received special tuition and 5 children were in the process of determining which option would be the best solution to match their needs.

The public primary and lower secondary school

202. A key goal within the education system continues to be equal opportunities for all children irrespective of their race or ethnic background. In order to improve the public school, and thereby also help children with an ethnic minority background succeed in the education system, Denmark has taken a number of measures, which are described below. These efforts seek to provide adequate support to bilingual students to help them overcome any language barriers to full and equal participation in the school system.

203. Despite these efforts, children with an ethnic minority background on average continue to have lower academic results than their peers with a majority background in literacy, mathematics and science. In PISA (the Programme for International Student Assessment of the OECD) from 2015, 1st and 2nd generation immigrant students score 441 points in science whilst students with majority background on average score 510. Also in reading and mathematics, students with majority background score significantly higher than students with ethnic minority background.

204. However, since PISA 2012, especially 1st generation immigrant students have improved their results so that in 2015 they are level with 2nd generation immigrant students in mathematics, literacy and science. Furthermore, the gap between 1st generation immigrant students and students without immigrant background has been reduced.

205. The efforts of schools in addressing the challenges of children with an immigrant background seem to have positive effects, but common to both 1st and 2nd generation immigrant students is that the socioeconomic background explains some of the reasons why the students do not have the same skills as students without an immigrant background. But the social background explains only part of the difference. Earlier PISA studies have shown that the differences in results between students with and without immigrant background can be explained by language barriers. Students with an immigrant background, where the language at home is Danish, perform better in the three domains than students, where another language is spoken at home.

206. The PISA 2015 showed that 1st generation immigrant students have a greater joy, interest and motivation for science than students with a majority background. But 2nd generation immigrant students have significantly lower self-efficacy in relation to science, which can lead to diminution of student's belief in his or her capacity to execute behaviours necessary to produce specific performance attainments. Still, the results are a cause for concern and the Ministry of Education is continually striving to identify areas where the efforts need to be further strengthened. It is a central focus area to ensure that bilingual students have sufficient skills in reading and acquiring knowledge in Danish. Bilingual students typically develop good competencies in the everyday language, but a developed language connected to subjects in education is necessary to succeed within the education system.

General measures to improve the quality of education

207. The evaluations and studies carried out identify a number of challenges and areas where further efforts are required, including better support for the implementation of the framework for language development, making better use of the resources of ethnic minority parents, greater consistency of support for minority students and stronger support for an appreciative approach towards diversity. As well as strengthening monitoring and evaluation at all levels of the system to ensure that migrant education policies are implemented and effective. A number of initiatives have been taken to address these needs.

208. The most important element in the effort for improving the results of ethnic minority children is the overall quality of the school system. In order to strengthen this, the Government reformed the public primary and lower secondary school with effect from 2014. The central aims are, inter alia, creating a school that better helps all students achieve their full potential and to reduce the impact of social background on academic results. In addition, the reform emphasized creating a more inclusive school with room for everyone, ethnic minority children included.

209. Furthermore, in 2017–2020 500 million DKK (or approx. USD 77 mio.) have been earmarked to efforts across 120 schools in Denmark, which have the highest share of academically challenged pupils. As part of the pool, the Ministry of Education has established a three-year program with a specific focus on supporting schools in their efforts to launch targeted efforts to lift the especially challenged students.

210. The Quality Supervision Authority (located within the Danish Ministry of Education) aims to identify schools with sustained quality challenges. If a screening based on selected quality indicators and a concrete analysis of the individual school's screening results show signs of persistent quality challenges with teaching at school, the board initiates dialogue with the responsible municipal council. Supervision can lead to the Minister of Education's instructing the municipal council to draw up an action plan and/or to contact the learning consultants to improve the academic level at the school.

211. In 2018 the Government as part of the political agreement to strengthen the efforts against 'parallel societies' (see paras. 37–40) the Government decided to:

- Strengthen pupils' language in schools with 30 pct. or more children residing in residential areas that have been on the list of exposed housing areas in the last three years. A total of 32 million DKK (or approx. USD 4,57 mio.) has been allocated to the initiative;
- Strengthen parental responsibility. If children in primary and lower secondary schools have more than 15 pct. illegal absence in a quarter, certain efforts to respond early to students' absence in school have been introduced;
- Increase sanctions against schools with poor results. The Ministry of Education can issue orders to the municipality and ultimately close schools that continuously deliver poor academic results.

Specific interventions for ethnic minorities

212. In addition to the overall measures to improve the school system, a number of regulations and initiatives aim specifically at addressing the challenges faced by bilingual children.

213. In primary and lower secondary school, bilingual children in need of language support have the right to receive instruction in Danish as a second language. The subjects for bilingual students are 'Danish as a second language basic' and 'Danish as a second language supplementary'. These are both independent subjects on the same level as any other subjects in school. Each subject is bound by a national description of the specific subject (Common objectives). It is the responsibility of the school leader to assess and decide – with due involvement of expert assistance and in cooperation with the student's family – if a student needs language support, and how this language support is to be given.

214. The Ministry of Education has a corps of learning consultants who support challenged schools and schools that are under supervision. The support is given by facilitating knowledge-based and practice-orientated guidance, courses and networking. The guidance areas of the learning consultants include, amongst others, bilingual children.

215. The Ministry of Education offers national tests in Danish as a second language aimed at mapping the linguistic competences and potential of bilingual children in order to aid the teachers support in the language development of the child in the instruction in all subjects. These tests are voluntary.

216. In 2014 language goals and language development were written into all school subjects on a national level. This emphasizes the importance of simultaneous linguistic and

academic development, giving the teacher the responsibility for both the academic and linguistic development of the pupil. These language goals apply for both bilingual and non-bilingual children.

217. The Ministry of Education offers the screening material “Around the pupils’ competences” which helps establish bilingual pupils’ academic level in their mother tongue thereby giving teachers a better platform for integrating the pupil into general education and organizing teaching that builds on the pupils’ qualifications.

218. The Ministry of Education also provides materials for assisting teachers in the language development of their students. These are available on the ministry’s online portal Emu.dk.

219. In 2016 the legislation for the receiving of refugees was changed to provide a better and more flexible framework. The change provides municipalities with the opportunity to establish special primary education to certain foreign children and young people (i.e. students with traumatic experiences, or students with no parents).

Preparatory Basic Education

220. In October 2017, a political agreement in the Parliament was reached on the establishment of a new preparatory basic education and training. The aim is to support a larger amount of young people below the age of 25 to proceed into the labour market, into upper secondary school or into vocational education and training. In the group of young people without attachment to education or the labour market, 12.3 pct. has another origin than Danish. The new education structure will pay a particular linguistic attention to this group, and Danish as a second language will be included in the course of the program.

Vocational and Educational training

221. Students in Vocational and Educational Training have an apprenticeship contract at the labour market, where they learn about behaviour with colleagues, regardless of culture, religion, sex and ethnicity.

General Upper Secondary Education

222. The Ministry of Education is working on introducing a number of recommendations regarding how democratic values in education and citizenship can play a greater role in general and vocational upper secondary education.

223. The recommendations will be based upon the following key points:

1. Knowledge of democratic values and citizenship;
2. Accepting basic democratic values, rights and duties;
3. Participation in formal and informal democratic processes;
4. Respect and tolerance for the individual’s rights.

224. The recommendations could be realized through clarification in the curriculum, new teaching material on the subject etc.

Teacher training

225. In 2012, a political agreement was reached concerning a reform of teacher training. The reform will ensure that teachers in all subjects will be better prepared to meet the needs of bilingual pupils. Teaching bilingual pupils, including knowledge of teaching Danish as a second language, thus becomes one of four topics in the mandatory pedagogical subject with a separate learning goal forming part of the exam. Teaching bilingual children will also be a cross-cutting theme in the other subjects.

226. In addition, teacher training institutions will have the possibility of offering the students to acquire specialist competences in Danish as a second language. The reformed teacher training is now undergoing an evaluation. The evaluation is expected to be

completed at the end of 2018. The outcome of the evaluation will be a basis for possible adjustments of the teacher training program.

The right to equal participation in cultural activities

227. The legislation and institutional infrastructure in the field of culture and the general objectives of Danish cultural policy are based on the principle of freedom of expression aimed at offering and encouraging everyone living in or visiting Denmark to take an active part in cultural life in its broadest sense. Different policy measures have been taken to secure equal access to and participation in cultural activities for everyone living in Denmark.

228. The general measures to achieve this include: decentralization, information technologies and digitizing, copyright and collective licenses and audience development. The public funding system has secured that Denmark is geographically covered with a broad variety of cultural institutions such as museums, theatres, orchestras, venues, libraries, music schools for children and young people, facilitating access to culture for everybody.

229. The cultural policy measures apply to everyone living in Denmark irrespective of ethnic, religious, linguistic or other background.

230. Among the recipients of national grants for culture in Denmark are people from diverse ethnic backgrounds as well projects about cultural diversity or projects that are specifically aimed at people from ethnic minorities. The grants are mainly provided through the Danish Arts Foundation and are primarily distributed based on artistic quality and talent. One example is the performing arts initiative C:NTACT that involves young people from different ethnic backgrounds in theatre performances about their own personal story and background giving them a unique platform for sharing their experiences with a wider audience.

231. Particularly for children and adolescents measures have been taken to strengthen their participation in cultural activities by obliging the Danish elementary schools to cooperate with local cultural stakeholders. In December 2013 the Parliament decided on a reform of the Danish Elementary School where the initiative “The Open School” obliged elementary schools to enter into cooperation with music schools as well as local volunteer and cultural organisations. Through these measures a far wider group of children and adolescents will engage and participate in cultural activities than otherwise, and this includes children which would not or could not seek out cultural activities on their own.

232. In an effort to engage more children and adolescents in vulnerable residential areas in art, artistic expression and other cultural activities the Government has decided to fund new collaborations between local citizens, stakeholders within the social housing and cultural sector as well as organisers of cultural activities. Engaging in art and artistic expression can be a way to empower, build bridges and create trust among people and break down parallel societies.

233. In order to support the German minority’s ability to produce and distribute audio-visual material, such as podcasts and internet based material, the Government has from 2019–2021 allocated extra funding to the German minority’s newspaper, Der Nordschleswiger. The funds are earmarked for digital communication and dissemination for Der Nordschleswiger to the German minority.

234. Besides the abovementioned, work is ongoing in the associations of general education, sports associations and cultural institutions to ensure that there are platforms for intercultural meetings between the different cultures that exist at all levels of Danish society.

Article 5 (II)

Rejected asylum seekers

235. If an asylum seeker receives a final rejection, he or she is accommodated at return centre Avnstrup, and as a rule he or she must leave Denmark within seven days. The authorities will take into consideration if an asylum seeker is suffering from an acute illness,

is in an advanced stage of pregnancy or has given birth shortly before the final decision. A final rejection means that an asylum seeker does not have any more avenues of appeal available.

236. An asylum seeker who has received a final rejection can apply for a temporary residence permit if the return of the alien has not been possible for at least 18 months, the alien has cooperated in the return efforts for 18 months consecutively, and the return is considered futile according to the information available at the time.

Aliens whose residence permit has been revoked or has lapsed

237. A residence permit may be revoked if the basis of the application or the residence permit was incorrect or is no longer present, the alien has obtained his or her residence permit by fraud, information has been provided on circumstances that would exclude the alien from a residence permit or the alien has travelled back to his or her country of origin.

238. A residence permit lapses when the alien gives up his residence in Denmark and takes up residence in his or her country of origin or has been granted protection in another country.

Aliens expelled due to crime

239. An alien who has been convicted of a serious crime can be expelled from Denmark and will thereby lose his or her residence permit.

Voluntary return

240. Rejected asylum seekers, aliens whose residence permits have been revoked or has lapsed, and aliens expelled due to crime are no longer residing in Denmark legally and must therefore leave the country.

241. Aliens that fulfil certain national legal requirements and who cooperate fully with Danish police on a voluntary return, are eligible to receive a reintegration package consisting of pre-departure counselling, counselling upon return as well as material support in re-establishing a life once back in the country of return.

242. Denmark is currently making such reintegration packages available through the European Return and Reintegration Network (ERRIN) in 11 countries; Afghanistan, Bangladesh, Ghana, Iraq, Morocco, Nigeria, Pakistan, Sri Lanka, Ethiopia, Somalia and Nepal.

243. Denmark is further making reintegration packages available through the European Reintegration Support Organizations (ERSO) in 31 countries Angola, Armenia, Benin, Bolivia, Brazil, Burkina Faso, Cameroon, Colombia, Cote d'Ivoire, Democratic Republic of Congo, Ecuador, Georgia, Guinea Conakry, India, Kenya, Kyrgyzstan, Lebanon, Malawi, Mongolia, Niger, Paraguay, Peru, Philippines, Russia, Rwanda, Senegal, Sierra Leone, Tajikistan, Togo, Uganda and Ukraine.

244. In general all aliens who have lost their residence permit are able to return to their country of origin if they cooperate on their return.

Forced return

245. If the alien does not return voluntarily, the Danish authorities will carefully plan a forced return operation. The return procedure is handled by the Danish National Police. The return procedure is carefully planned in corporation with the receiving country. In this way, the forced return can be managed in a dignified and proper manner.

246. The cooperation with the home countries includes issuing travel documents and identification of the alien. The costs of forced returns are in general covered by the Government, or if the alien has sufficient funds, by the alien him- or herself.

247. If it is not possible to return the alien, the alien will be obliged to reside at one of two departure centres – Kærshovedgård or Sjælsmark – depending on whether they are single men, single women or families. In addition, the aliens must report at the departure

centre three times a week. The Danish Immigration Service and the Danish Police will monitor whether the measures are complied with by the alien.

248. When violating the above mentioned injunctions The Danish Immigration Service will decide to deprive the alien his or her cash benefits.

249. Finally, if the above mentioned injunctions are not sufficient to ensure the alien's presence, the police may order that the alien is to be deprived of his or her liberty.

Tolerated stay

250. An alien resides in Denmark on tolerated stay if the alien is excluded from obtaining a residence permit or if the alien has lost his or hers already obtained residence permit on the grounds of crime etc., but meets the conditions for asylum, and therefore cannot be returned to the country of origin due to the principle of non-refoulement.

251. This group of aliens include:

- Aliens who are considered to be a risk to the state's safety;
- Refugees and asylum seekers who are expelled for committing a serious crime committed in Denmark;
- Aliens that are excluded from obtaining a residence permit according to article 1F of the UN refugee Convention.

252. These individuals are thus excluded from being granted a residence permit in Denmark. There is no maximum length of a tolerated stay, but the authorities must at least every 6 month review if the basis for the decision regarding the tolerated stay is still present.

253. Aliens on tolerated stay are subjects to various restrictions such as taking residence at a return centre, Kærshovedgård, they must give notice if they intend to stay outside the return centre between 23.00 and 06.00, and they are required to report to the police daily. After a period of time these restrictions can be repealed due to specific circumstances.

254. Furthermore, aliens on tolerated stay are not allowed to work and do not have a right to education apart from shorter courses.

Article 6

Effective protection and remedies

255. In relation to concluding observation 17 the Government can inform, that the Board of Equal Treatment which was established in 2009 continues to deal with concrete complaints related to discrimination including on the grounds of race and ethnic origin. The Board may award compensation. In 2017, the Board received 294 complaints of which the majority related to gender, disability and age and only a small number related to race and ethnic origin (app. 44 cases). In 2017 the Board decided in favour of the complainant in 26 out of the 44 cases. The Board handles written complaints. A complaint may be rejected if an oral testimony is necessary in order to reach a decision. In such cases the complainant can choose to start legal proceedings at the judicial courts.

256. The Board has a website with information on the Board's activities, including information on the complaint procedure, as well as access to subscribe to a newsletter with information on decisions taken by the Board. Further, the Board produces regular newsletters with information on decisions deemed to have a broader public interest. The Board is currently producing a leaflet with information on how to lodge complaint with the Board. The leaflet will be distributed to public institutions with open access to the public.

257. The Danish Institute for Human Rights provides advice to people who feel discriminated against including on grounds of race and ethnic origin. The Institute may help lodging a complaint with the Board of Equal Treatment.

258. Reference is also made to the remarks in the present report paras. 148–151.

The Danish Mediation and Complaints-handling Institution for Responsible Business Conduct

259. Denmark has in accordance with international obligations provided a national contact point dealing with the OECD Guidelines for Multinational Enterprises and UN Guiding Principles on Business and Human Rights, the so-called Mediation and complaints-handling institution for responsible business conduct.

260. The Danish mediation and complaints-handling institution for responsible business conduct is established by law in 2012 and deals with specific instances involving potential non-compliance of international CSR guidelines, including human rights violations, e.g. racial discrimination, by Danish private or public companies, Danish authorities, Danish private or public organizations and their business associates. The institution is an independent body within the public administration.

261. Any person may bring a complaint before the mediation and complaints-handling institution on their own behalf, or that of a third party. The institution can facilitate mediation between the parties for them to find a solution and even offer to mediate. The institution has a mandate to initiate its own investigations if it deems it necessary.

262. Furthermore, the institution will assist Danish companies in their endeavour to comply with international CSR guidelines by providing interpretations and guidance.

Focus on increasing the inclination to report hate crimes

263. The Danish National Police has a strong focus on increasing the inclination to report hate crimes amongst victims of hate crimes. The Danish National Police is therefore in collaboration with relevant civil society organisations planning to launch a video on social media with information concerning the importance of reporting hate crimes to the police.

264. Reference is also made to para. 101 of this report.

265. The Danish National Police is aware that especially victims of foreign origin need basic information about Danish legislation and how to report and proceed for instance a case concerning hate crime. Therefore the Danish National Police has taken steps to visit mosques and asylum centres among others to clarify and inform how to contact the local police. The Danish National Police acknowledges the importance of creating a stable and trustworthy relationship between police officers and victims of hate crimes.

266. The Danish National Police makes an effort to meet vulnerable groups of people in the Danish society and to inform about the Danish police and the measures and legislation Danish police works under.

267. Twice a year the Danish National Police performs education and training for police officers where the subject exclusively concerns hate crimes. Furthermore, the Danish National Police monitors hate crimes on a national level and data of this work generates Danish National Police's annual report on hate crimes. Here new tendencies, developments, etc. are specified. This gives a thorough knowledge and is a way for the Danish National Police to follow up on any critical issue and development regarding hate crimes.

Ombudsman

268. Denmark attaches great importance to combatting discrimination. This is also reflected in Danish law. Thus, according to administrative law, all citizens are equal before the law and public authorities may not discriminate citizens on any ground.

269. The Ombudsman in Denmark is an independent authority elected by the Parliament with the authority to investigate any administrative action within the Public administration and within the local government administration. The Ombudsman can conduct an investigation either on the basis of a complaint from an individual affected by a certain administrative action or on his own initiative.

270. As a general rule, the Ombudsman only considers cases in which all national remedies have been exhausted.

271. The Ombudsman is not empowered to hand down binding decisions regarding the subject matter of a case, and he cannot sentence an authority or apply any kind of sanction. The types of remedies at his disposal are that he can express criticism, make recommendations and otherwise state his view of the case. If the Ombudsman concludes that an administrative authority has made an error, he may criticize the authority and possibly recommend that the authority reconsiders the case and makes a new decision. In practice, the Ombudsman has great influence on the administration conducted by the public authorities.

272. The functioning of the Ombudsman is further described in the Core Document paras. 152–158.

Article 7

Education and Teaching

273. The Danish society is based on the foundation that we are all equal, and discrimination is prohibited by law. The Executive Order of the Ethnic Equal Treatment Act has the purpose to prevent discrimination and to promote equal treatment of all, irrespective of racial or ethnic origin in day-care, in schools, in educational institutions and in the labour market.

274. In the Danish public school (primary and lower secondary level), the binding Common Goals for social studies and religion require that the students are to be taught about the identity of the group, the significance of culture and different religions, as well as their relationships to society.

275. The Ministry of Education offers course materials and guides on how to educate students on issues of discrimination and stigmatization of particular groups in society on the online learning platform EMU. Furthermore the platform offers course materials and tools to address topics and themes such as the cross-cutting international dimension of education, including tolerance, citizenship, human rights and other elements related to reducing racism and stereotyping and to promoting empathy and conflict resolution.

276. In 2017 the Ministry of Education and the Danish National Commission for UNESCO published a Danish version of the UNESCO pedagogical guide about teaching about global citizenship (2015), *Global Citizenship Education: Topics and Learning Objectives*. The guide proposes relevant themes and learning objectives that can be translated into practice.

277. The latest International Civic and Citizenship Education Study (ICCS) from 2016 carried out by The International Association for the Evaluation of Educational Achievement (IEA), shows that Danish 8th grade pupils have the best understanding of politics, democracy and social relations for example in understanding democratic principles and identifying problems and propose solutions to conflicts. Danish pupils are the pupils who experience the most open classroom with regard to freedom of speech and discussion, and the Danish pupils are among the pupils who have the greatest confidence in other people. At the same time pupils with immigrant background in Denmark are performing better than the average pupils in the ICCS study.

278. In 2017 the Ministry of Education launched an initiative aimed at preventing radicalization and negative social control among children and young people in day care, schools, after-school recreation centres and care, as well as upper secondary education. The effort includes training of teachers and pedagogical staff, development of materials as well as support in development courses. The purpose of the project is to strengthen resilience of children and young people to extreme attitudes and movements as well as against negative social control. In addition, efforts are directed at creating a solid knowledge base and to support the dissemination of knowledge about how early preventive action against radicalization and negative social control can be organized within the Danish education system.

279. To promote democratic values and fight prejudice the Minister of Education in 2017 appointed an expert group, whose task was to provide recommendations for educational institutions on how democratic values in education and citizenship can play a greater role in general and vocational upper secondary education. In March 2018 the expert group presented their recommendations. The expert group has among other things recommended the education institutions to incorporate rules on democratic behaviour and citizenship in the rules of conduct and study, and be clearer about their values. The expert group also recommends the schools to work more actively to get the students to participate in democratic processes at the school and to create respect and tolerance for the individual by means of diverse and inclusive communities.

III. Reporting on Greenland

Part I

280. Reference is made to the twentieth periodic report, Annex 1, “Reporting on Greenland” and the Core Document.

Part II

Article 1

281. Reference is made to Annex I, part II, paras. 2–3 in the twentieth periodic report.

282. By 1 July 2018 the total population in Greenland amounted to 56,025; 89,8 pct. born in Greenland and 10,2 pct. born outside Greenland.

283. Specifically regarding recommendation 21 in the concluding observations, it is to be noted that Greenland continuously seeks to promote and protect the rights of Indigenous Peoples. In this regard reference is made to Inatsisartut Act No. 7 of 19 May 2010 on Language Policy, which acknowledges Greenlandic as the official language, but consisting of three main dialects spoken in East and West Greenland and in Thule, hereby acknowledging some of the differences between the Indigenous Peoples in Greenland. Reference can also be made to paras. 243–248 in the Core Document.

Article 2

284. Discrimination on the basis of race, etc., is punishable according to section 100 of the Greenland Criminal Code (Act No. 306 of 30 April 2008) which entered into force on 1 January 2010.

285. During the period 2013–2017 one case concerning violation of section 100 of the Greenland Criminal Code has been recorded. The case resulted in a warning.

286. At the autumn 2018 session of the Greenland Parliament the Government of Greenland presented a new Parliament Bill concerning the establishment of Greenland’s Human Rights Council to replace the existing act. The new act does not change the purpose or the cooperation with the Danish Institute for Human Rights. The new act though secures the Arm’s length principle by making the Council even more independent by giving the Council its own secretariat and independent budget competence, including the opportunity to seek private funding. To promote the knowledge and capacity building concerning human rights the Council will arrange annual interest meetings.

287. Specifically regarding recommendation 19 a in the concluding observations on adopting relevant legislation on racial discrimination, reference is made to paras. 342–346 in the Core Document forming part of the reports of States parties – Denmark, regarding the general framework for the protection and promotion of human rights in Greenland. In regards to the concluding observation on establishing a competent body to deal with

complaints of discrimination based on race, colour, ethnic or national origin, it should be noted that such a body has not yet been established in Greenland. There is however access to try cases on discrimination in the judicial system and through the Ombudsman. In this regard reference can also be made to paras. 342–346 in the Core Document.

Article 3

288. The Danish Act No. 289 of 9 June 1971 on Prohibition against Discrimination on the Basis of Race applies to Greenland according to Royal Order No. 27 of 4 February 1972.

289. The principles in the guidelines issued by the Director of Public Prosecution in Instruction No. 2/2011 as described in the present report under article 4, are followed by the Chief Constable of Greenland.

290. Reference is also made to paras. 342–346 in the Core Document regarding the general framework for the protection of human rights in Greenland and to para. 291 below concerning the Greenlandic justice system.

Article 4

291. It should be noted that the Greenlandic justice system continues to lie within the competence of Denmark.

292. Reference is made to para. 290 above.

Article 5

293. Reference is made to Annex I, part II, paras. 9–10 in the twentieth periodic report.

294. Reference is made to Annex I, part II, paras. 11–12 in the twentieth periodic. Since the Act on improving the legally fatherless' legal status entered into force (June 2014), an information campaign has been carried out on the legally fatherless citizens' rights and their options for receiving legal aid and psychological treatment. Based on the Danish Parliament's Greenland Committee's invitation to the Government on further initiatives, The Ministry for Children and Social Affairs, in collaboration with the Ministry of Social Affairs and Justice in Greenland, have drafted the report: "The human impact of being legally fatherless".

295. Based on the recommendations from the report, The Ministry for Children and Social Affairs has been in dialogue with the Ministry of Social Affairs and Justice in Greenland and discussed the implementation of further initiatives aimed at the legally fatherless. The initiatives consists of several different projects, including a renewed information campaign about the legally fatherless citizens' rights and their options for receiving legal aid and psychological treatment.

296. Reference is also made to paras. 342–346 in the Core Document regarding the general framework for the protection of human rights in Greenland.

297. Reference is made to para. 291 above.

Article 6

298. Reference is made to para. 290 above.

Article 7

299. The Greenland Parliament Act No. 15 of 3 December 2012 on primary and lower secondary education is based on a policy of integration between Greenlandic-speaking and

Danish-speaking pupils. The principle of non-discrimination on the basis of race, etc., is a part of the curriculum.

300. Reference is also made to Annex I, part II, para. 14 in the twentieth periodic report.

IV. Reporting on the Faroe Islands

Part I

301. Reference is made to the twentieth periodic report, Annex II, “Reporting on the Faroe Islands” and to the Core Document.

Part II

Article 1

302. The total population of the Faroes primo January 2018 was 50,498 of which 1,269 were non-Nordic citizens representing 95 countries and accounting for 2,5 pct. of the total population. The Philippines, Thailand, Romania, Poland, and Serbia and Montenegro are the top five largest groups represented in the Faroe Islands.

Article 2

303. As for the recommendation regarding the mandate of the Danish Institute for Human Rights, the Faroese Government considers that conferring the mandate to the Danish Human Rights Institute to monitor human rights in the Faroes would not be in line with the political aim of taking full responsibility for areas that affect the daily lives of Faroese citizens. The Minister of Foreign Affairs and Trade therefore appointed a task force to examine and make recommendations on NHRI models that could fit the Faroese society. The task force handed in its report and recommendations in May 2017, however, hitherto the Government has not taken a position vis-à-vis these recommendations.

304. The implementation of the action plan aimed at preventing and combating domestic violence as reported of in the 2013 report was carried out according to the plan and concluded in 2017. The action plan also included initiatives aimed at foreign women living in the Faroe Islands. The overall plan is currently being evaluated and considerations are being made as to what the next follow-up step should be.

305. The number of foreign women seeking assistance from the Crisis Centre in Tórshavn remains relatively high. As part of the abovementioned action plan against domestic violence a booklet especially aimed at foreigners and containing information in several languages on their basic rights and obligations/duties in Faroese society was produced. Particular focus was made on providing information on where foreigners can seek assistance, if they have been victims of violence. The booklet was well received by the foreign communities and has been reprinted twice since.

306. In the summer of 2018 a new campaign against hate speech was launched in the Faroe Islands. The campaign is carried out in cooperation between the Faroese police, Amnesty International Faroe Islands, the Public Health Board and the Ministry of Social Affairs. The campaign, which also focuses on racist hate speech, is not limited time-wise and will therefore continue for an indefinite period of time.

Article 4

307. No cases of violation of section 266 b of the Faroese Criminal Code, which is similar to that in the Danish Criminal Code and violation of the Action the Prohibition of Discrimination based on Race, were reported in the period 2013–17. However, in

connection with an investigation of an act of violence in 2013 the police were made aware that a possible violation of section 266 b on racial discrimination had occurred, i.e. that it was racially motivated. Subsequently, the prosecution requested that the police charged the putative perpetrator accordingly. The case was submitted to the Attorney General with the recommendation to charge the accused for violating section 266 b. The Attorney General decided in 2014 against any such indictment.

308. In 2018 one violation of section 266 b has been reported to the Faroese police in connection with a racial stereotype remark made by a guest presenter at one of the local radio stations. The case will be submitted to the Attorney General to decide whether or not to prosecute.

Article 5

309. The Ministry of Transport, Infrastructure and Labour will commence the work of drafting a bill prohibiting discrimination and enforcing equality of treatment on the labour market. Discrimination on the basis of race will be included and reference to the Convention will be made in the bill.

Article 7

310. Since the last report the study of social science has become an independent subject from grade 7 and onwards in the lower secondary school. Teaching material has been produced for the purpose and the curriculum covers the subjects of human rights, tolerance and social- and international organisations.

311. The Public Service contract between the National Broadcasting Company (Kringvarp Føroya) and the Ministry of Education, Research and Culture which was first signed in 2011 for a two year period, has been updated for the period from 2017–2020. The Public Service contract states in Article 4 that programmes produced by the company shall in no circumstances entertain or cause indignity, violence or hatred because of race, sex, religion or nationality.

312. From late 2015, the Faroese Immigration Office expanded its role in integration emphasizing on language, labour market, social services, and provision of materials and information to newcomers in the Faroe Islands. In recent years, the office has released consolidated information handbook on public agencies, rights and duties, and culture to help newcomers navigate within their new community and a guideline recommendation on intercultural receiving of newcomers distributed around the country in collaboration with the municipalities. On October 5, 2018, both Faroese Red Cross and the Faroese Immigration Office hosted the first intercultural family retreat to promote learning on new tools for families with foreign background and networking among intercultural families.

313. In recent years some of the larger municipalities have worded their own municipal integration policy, appointed an integration committee and/or integration coordinator in order to improve the welcome and integration of immigrants to their respective municipalities.

314. As part of their integration policy the municipality of the capitol Tórshavn held the Diversity Week for the third year running from October 1st to October 5th 2018. The purpose of the Diversity Week is to shed light on the multicultural society the municipality of Tórshavn has become and to strengthen the intercultural attitude. The aim is also to take a closer look at what the municipality can do to strengthen the intercultural understanding between people.

315. Amongst the arrangements on the program was a workshop looking at the upbringing of children and how we support our children understanding the diverse world we live in. Furthermore, a conference on educational theory and practice for teaching Faroese as a second language to adult learners was held. The main focus of the conference was how to guarantee an excellent education in Faroese as a second language to immigrants. A youth initiative focusing on what it is like growing up and building own identity when

one's cultural background differs from the cultural foundation of the society one lives in was also on the program for the Diversity Week.
