

ANNUAL REPORT 2010

Even the best democracy may stumble

A NATIONAL HUMAN RIGHTS INSTITUTION
CONTRIBUTES TO STABILITY

FIGHTING FOR THE RIGHTS OF
AFGHAN WOMEN AND CHILDREN

HUMAN RIGHTS IN HIGH DEMAND
IN BUSINESS

PUPILS LEARN ABOUT CITIZENSHIP
AT AN EARLY AGE

NETWORK STRENGTHENS DEMOCRACIES
IN ARAB COUNTRIES

CHILDREN OF PRISONERS IN DENMARK
HAVE A RIGHT TO BETTER CONDITIONS

EQUAL TREATMENT UNDER PRESSURE
ALL OVER EUROPE

HATE CRIMES SHOULD HAVE
GREATER ATTENTION

UN: HUMAN RIGHTS USED TO
COMBAT POVERTY



THE DANISH INSTITUTE
FOR HUMAN RIGHTS

ANNUAL REPORT 2010

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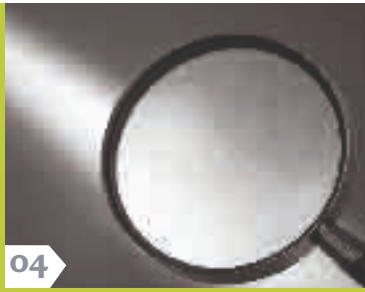
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**” We need longer perspectives,
which we obtain by creating
societies with focus on rights.**

Manfred Nowak, former UN Special Rapporteur on Torture and
one of the world's most esteemed human rights researchers

**” THE INSTITUTE HAS
DEVELOPED ONE OF THE
WORLD'S STRONGEST
NETWORKS OF HUMAN
RIGHTS EXPERTISE.**

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Licence to promote human rights

The Danish Institute for Human Rights is Denmark's national human rights institution (NHRI). This means that the Institute must comply with the UN Paris Principles. The responsibilities of the Institute include:

- advising the Danish parliament and the government in power;
- promoting and protecting human rights in Denmark;
- assisting in implementing human rights nationally and internationally;
- carrying out innovative and independent research in the human rights field;
- raising the awareness of human rights nationally and internationally by collecting, developing and communicating knowledge about human rights in Denmark and Europe and in an international context;
- promoting the teaching of human rights at all levels and providing library and documentation facilities; and
- basing its activities on the human rights recognised by the international community at any given time, including in particular the human rights laid down in the Universal Declaration, the conventions of the United Nations and the Council of Europe, and the civil rights contained in the Danish Constitution.

SPECIAL MANDATED AREAS

Since its establishment in 1987, the mandate of the Institute has been extended to cover several areas:

RACIAL AND ETHNIC ORIGIN

In 2003, the Institute became responsible for promoting equal treatment and ensuring effective protection against differential treatment based on racial or ethnic origin. The Institute carries out this mandate by advising victims of discrimination and differential treatment, preparing surveys, research and development analyses and reports on equal treatment and making recommendations on equal treatment irrespective of racial or ethnic origin. Additionally, the Institute runs various partnership projects, including the 'Drop Discrimination' project about discrimination in the Danish primary and lower secondary schools, comprising the preparation of teaching materials and the

training of teachers. The Institute is also in charge of impact measurements of equal treatment activities and performs diversity training of managers in private enterprises, municipalities and various sectors.

GENDER

As a novelty, the Institute has been appointed to be an equality body to promote equal treatment and protect against differential treatment due to gender with effect from 2011. It is the responsibility of the Institute to contribute towards the equal treatment of men and women in matters of employment and occupation and in the access to and supply of goods and services. The Institute assists victims of differential treatment, carries out independent studies, publishes reports and makes

recommendations concerning differential treatment of men and women. At the same time, we cooperate with other national and international bodies with activities within this area.

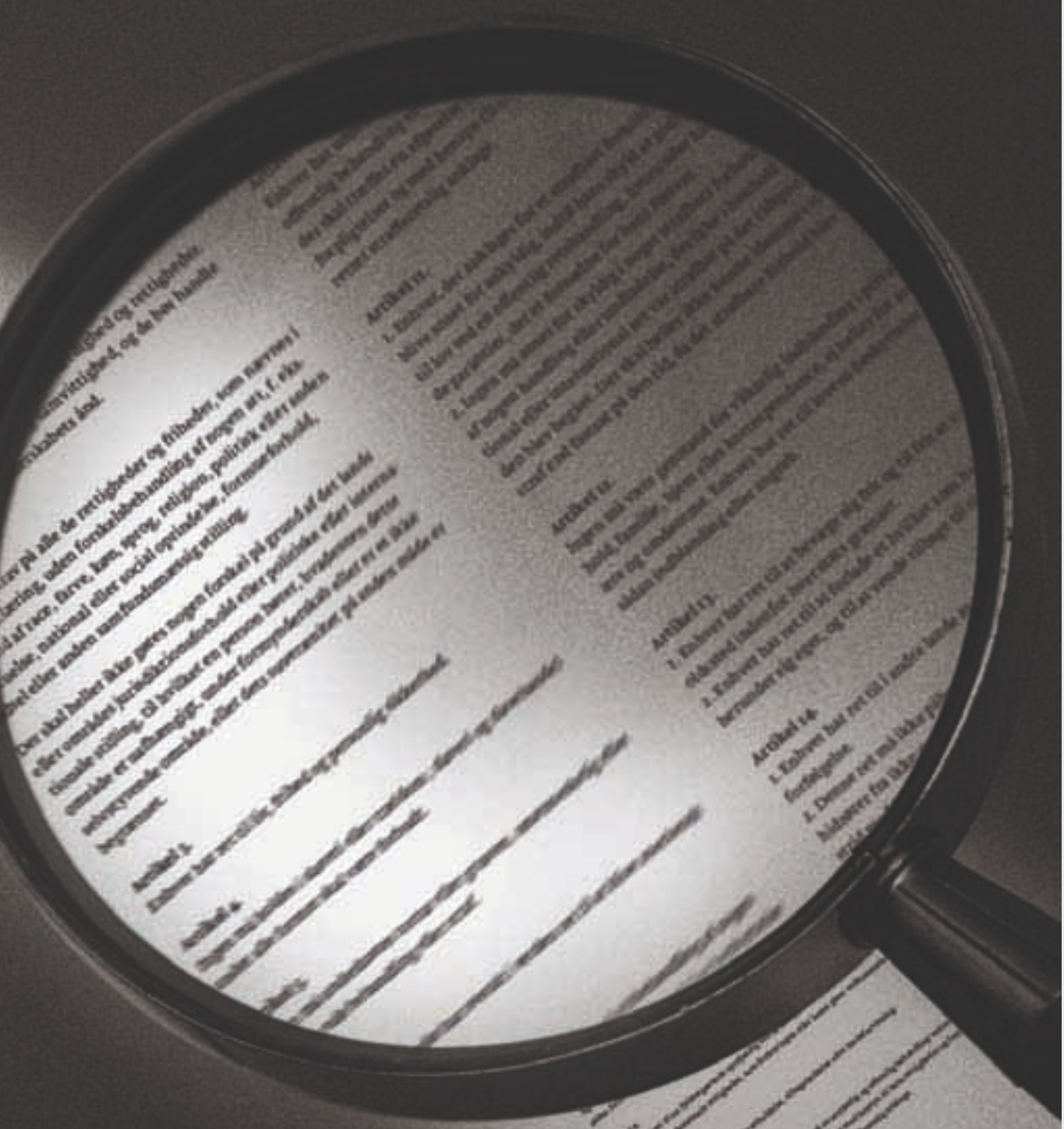
DISABILITY

The Institute has been appointed with effect from January 2011 to act as an independent mechanism for the purpose of promoting, protecting and monitoring the implementation of the UN Convention on Rights for Persons with Disabilities. The Institute was given this mandate because it already acts as a national human rights institution in Denmark. One of the tasks of the Institute is to report to the UN about Denmark's compliance with the Convention.

International network

The Institute has developed one of the world's strongest networks of human rights expertise. We have extensive experience in the practical implementation of human rights worldwide, and our work so far comprises a very wide array of projects. As one of the world's largest national human rights institutions, the Institute benefits from the sharing of knowledge among its staff of about 100 people with their various professional backgrounds and experience. The Institute is a member of a global network of about 80 national human rights institutions and has attained the highest level of accreditation under the United Nations.

” The Institute has developed one of the world’s strongest networks of human rights expertise.



A national human rights institution is a central pillar of a democracy



The European Union Agency for Fundamental Rights emphasises in a report that a national human rights institution (NHRI) is an important element of a democratic society. The report encourages more Member States of the European Union to set up an NHRI and recommends strengthening the existing NHRIs.

MOST EUROPEANS BENEFIT from living in a democracy. This does not necessarily mean that their human rights are secured. Even a democracy may have lots of blind spots, as indicated by the number of cases before the European Court of Human Rights: in 2009, more than 700

complaints against Member States of the EU were upheld.

Most people agree that democracy is the way forward. However, not even the most well-functioning democracy has an integral mechanism ensuring observance of civil rights. That is one of

the main points of the report published in 2010 by the European Union Agency for Fundamental Rights. And as a natural continuation of this point, the Agency established that we need more NHRIs in Europe, and that efforts should be made to strengthen the existing NHRIs:



“Yet, there is a need for an overarching body that can ensure that all issues are addressed by some entity, that gaps are covered, and that human and fundamental rights are given due attention in their entirety,” the report states. Hence, the report has the same conclusion as did Per Stig

Human rights in the European Union

So far, only 16 of the 27 Member States of the European Union have a national human rights institution recognised as an NHRI. To call itself an NHRI, an institution must comply with the UN Paris Principles. This means that it has to raise the awareness of human rights, monitor compliance with them and advise decision-makers when new legislation is to be adopted.

Møller, Bertel Haarder and various other Danish politicians in 1987. Back then it led to the formation of what is today the Danish Institute for Human Rights.

Independent body needed

The Agency estimates that the efforts in the human rights field in the EU Member States are too fragmented and accidental. And that is what the Agency wants to counter by strengthening the NHRIs.

The United Nations recently made a survey among 23,500 persons from minority groups. More than a third of those who had experienced discrimination did not know where to report it. And that is typically one of the central responsibilities of an NHRI: making sure that citizens know of their complaints possibilities when somebody tramples on their rights.

An independent body is also needed to provide assessments when it comes to legislation. In Denmark, for example, the parties of the Danish parliament agree that Denmark must comply with human rights, but bills that may somehow collide with human rights are nevertheless presented from time to time. Interpretations are often numerous, and special expertise and insight are needed to make a proper

assessment as to whether a new statute may be contrary to human rights. According to the Agency, a national human rights institution is the only guarantee of the existence of such expertise.

Hub to link various actors

In the perfect democracy, politicians and the population are in constant, open discussion on how to interpret human rights and how they interact with the public administration, the judicial system and the labour market. As two tennis players need a proper surface to be able to play a good match, the parties need a solid basis of knowledge to conduct a good debate with qualified arguments. When it comes to human rights, it is the task of an NHRI to see to that basis. To serve as a ‘hub to link various actors’, as the Agency calls it in its report. This is done through the thorough research, analytical work and teaching carried out by the national human rights institutions.

Even the best democracy may have its blind spots. That is why a society also needs some control mechanisms. In Denmark, we have them in the form of the Parliamentary Ombudsman and the National Audit Office of Denmark (*Rigsrevisionen*). And then, of course, the Danish Institute for Human Rights. ●

” Yet, there is a need for an overarching body that can ensure that all issues are addressed by some entity, that gaps are covered, and that human and fundamental rights are given due attention in their entirety.

DANISH INSTITUTE FOR HUMAN RIGHTS

A global player

EUROPE A CLOSE NETWORK

The Institute serves as a model to many European countries and assists with its great know-how in supporting the development in countries endeavouring to set up a national human rights institution (NHRI). Additionally, the Institute is part of many networks and cooperates with existing NHRIs and NGOs. As an example, the Institute is an active member of Equinet, which aims to strengthen equality bodies in the whole of Europe. The Institute also heads a comprehensive homophobia project in which local NGOs and teachers in nine European countries cooperate to develop learning tools.

WESTERN AFRICA A LONG-TERM INITIATIVE

The work of the Institute in Western Africa goes back more than ten years. A four-year strategy followed since 2007 has focused intensely on subjects like family law and human rights education in Burkina Faso, Mali and Niger. At the same time, constant efforts are made to build the capacity of institutions and human rights players in the region. The second phase of this initiative will be launched in 2012.

MALAWI MEDIATORS FACILITATE CONFLICT RESOLUTION

In the Village Mediation Project, a large village project, the Institute and its partner organisations have enjoyed great success in letting local mediators resolve disputes while bypassing the traditional leaders.



Countries in which the Institute collaborates with partnership organisations on projects



Countries in which the Institute is involved in network activities

FACTS ABOUT THE INTERNATIONAL ACTIVITIES OF THE DANISH INSTITUTE FOR HUMAN RIGHTS

- About 75 per cent of our activities are international in scope
- The Institute mainly works in developing countries
- The projects of the Institute are always made sustainable through partnerships
- In addition to the partner countries mentioned here, the Institute is involved in networks with NHRIs all over the world through the International Coordinating Committee of NHRIs (ICC).

CHINA

CRIMINAL LAW REFORM

The Institute has been involved in promoting a comprehensive criminal law reform in China and can therefore take part of the credit for the anticipated substantial decline in the use of the death penalty. The Institute also contributes to greater awareness about human rights in China. This is achieved through strong cooperation with universities and NGOs. Additionally, we teach lawyers, public prosecutors and judges about human rights.

CAMBODIA
COURTS THAT WORK

What does a properly constituted court of law look like, and how does it function? The Cambodian government is paving the way for a comprehensive law reform and needs to examine how the courts should act. The Institute plays an important part in this work and has contributed experience from many other places in the world.

AFGHANISTAN

MORE RIGHTS TO WOMEN AND CHILDREN

The lack of rights of women and children is a great problem in Afghanistan. The Institute helps push things in the right direction by advising a strong civil society network and making it even stronger. Thanks to this network, targeted efforts are being made to stop violence against women in the Herat area, where many women commit suicide. The network also helps raise awareness of human rights through radio, TV and local debate.

Network strengthens both Arab and European countries

The Arab-European Human Rights Dialogue interconnects people by strengthening national human rights institutions in 14 countries. The cooperation has resulted in concrete human rights improvements in several countries.

MANY PEOPLE WOULD FIND that a world of difference exists between Arab and European countries. But when it comes to human rights, the countries do in fact often face some of the same challenges. That is why the Danish Institute for Human Rights (DIHR) and 13 other national human rights institutions in Europe and the Arab world have set up the Arab-European Human Rights Dialogue.

Migration, counterterrorism and women's rights are some of the subjects heading the agenda for the cooperation between European and Arab countries. The cooperation has really moved things forward in the past two years. As an example, guest workers in Jordan now have better conditions. This was achieved after the National Centre for Human Rights in Jordan had been inspired to tackle this particular area in the wake of one of the dialogue meetings. In Jordan, women's rights have also attracted greater focus after the establishment of a unit under the National Centre for Human Rights in Jordan. One of the tasks of the unit is to

raise awareness of women's rights and how women's rights are related to human rights.

Morocco, too, is benefiting from participation in the dialogue network. Here, the Moroccan Advisory Council on Human Rights is currently working purposefully to amend the Penal Code and has gained lots of support and knowledge from the network in that respect.

Only a beginning

Mu'ayyad Mehyar, DIHR Programme Manager of the Arab-European Human Rights Dialogue, is pleased that the dialogue network seems to be so effective in the real world.

"We now see that it really makes a difference. It is not just a matter of talking, but of utilising each other's specific experiences and competencies. It is incredibly important to strengthen the national human rights institutions in both the Arab world and in Europe, and the best way to do so is through cooperation," he says.





► Countries participating in the Arab-European Human Rights Dialogue:

- Morocco
- Jordan
- Algeria
- Tunisia
- Mauritania
- Qatar
- Palestine
- Denmark
- Sweden
- Germany
- France
- Ireland
- Greece
- Norway

The initial dialogue began already in 2006, and the cooperation has now developed so much that visible results are emerging. According to Mr Mehyar, we are still only seeing the tip of the iceberg. Bilateral partnership projects will start trickling forth, now that the network has grown so strong and the communications channels between the countries are so well in place. The national human rights institutions in the individual countries will begin finding specific areas in which they can exploit each other's expertise. Mr Mehyar also envisages good prospects for the Institute to become a partner to this kind of cooperation.

“As an example, there might be obvious opportunities in Tunisia, where lots of new things are happening right now. There will be a great need for a good dialogue with the new government and for supporting civil society in every way imaginable. And these are some of the areas in which the Institute really has great expertise and can contribute to change,” he says. ●

Equal treatment under pressure all over Europe

Due to the financial crisis and the political discourse, equality bodies have been put under great pressure in many places in Europe. Chaired by a Dane from the Danish Institute for Human Rights, the Equinet network aims at strengthening equal treatment.

Photo: Stig Sæviq



Mandana Zarrehparvar is an equal treatment expert and Chief Consultant with the Danish Institute for Human Rights. She took up her position as Chair of Equinet at the end of 2009.

IN HER NORMAL WORK, Mandana Zarrehparvar is an equal treatment expert and Chief Consultant with the Institute. But she is also the Chair of Equinet, a network promoting the work of national equality bodies in the whole of Europe.

And according to the Chair herself, this is more needed than ever:

“We see that equal treatment is experiencing difficult conditions round about. This is due to several factors, including the economic crisis and the political discourse in many countries. That is why there is a great need these years to counterbalance this development,” she says.

▶ ABOUT EQUINET

Equinet is a network for equality bodies in the whole of Europe. 33 organisations from 28 different countries are members of the network, which was formed in 2007.

Read more at www.equineteurope.org

Different preconditions

Equinet provides that counterbalance. The network was formed in 2007 to strengthen the existing equality bodies in Europe. This is done by drawing on the experiences of other equality bodies and by building the competencies and skills of the equality body staff. The network also provides advice on how equal treatment is best incorporated into law and practice.

Not all equality bodies are part of a national human rights institution as in Denmark. In many places, they are independent entities or part of other organisations. So even though equality bodies are facing similar challenges, they often have quite different preconditions for overcoming them.

Focus on Roma and transgender persons

Equinet is still a young network, and the recent years have mainly been spent on getting into step. But already now, specific focus areas are on the agenda. In 2011, the network will concentrate particularly on Roma and transgender persons:

“The situation of the Roma is a great challenge in a lot of European countries. They are one of the groups that we need to pay continuous attention to when it comes to equal treatment. And transgender persons suffer from a completely inadequate focus on their circumstances in many countries. When an equality body also has a gender mandate, it has a duty to promote the rights of transgender persons too. That is why we have chosen to concentrate our efforts on these two areas in the coming year,” says Ms Zarrehparvar. ●

UGANDA

Witch-hunt of homosexuals meets resistance

The rights of homosexuals are under massive pressure in Uganda, but if you want to change things, you have to step softly. Supported by human rights organisations in other countries, including Denmark, the Uganda Human Rights Commission (UHRC) gave out an important message in 2010 when it distanced itself in no uncertain terms from a new bill intended to limit the rights of homosexuals.

IT CREATED an international stir when a Ugandan MP proposed a bill in 2009 which was to provide for the death penalty for homosexuals. However, it is a known fact that human rights advocates have to approach that kind of subject with the greatest care. Homophobia is a widespread problem in most places in Africa as well as in many other places in the world, and typically it is a subject which it is difficult to approach without sparking off a verbal war of entrenched opinions.

Therefore, the UHRC found it very hard to determine how to react to the far-reaching bill. When representatives of the UHRC visited Denmark and the Danish Institute for Human Rights in early 2010, this was one of the subjects that took up a lot of time.

A clear message

In the autumn of 2010, the UHRC demonstrated that it is indeed ready to fulfil its mandate in this area and do its utmost to protect the rights of homosexuals. In its annual report, the Commission distanced itself from the bill in no uncertain terms

and indicated that the consequences of such a law might be a regular witch-hunt of people on the basis of their sexuality. As an example, the bill stipulates that merely touching another person will be sufficient grounds for prosecution.

The Ugandan Parliament has not yet adopted the bill, nor has it shot it down. A pause for thought has been dictated, and the message from the UHRC clearly demonstrates to the politicians who are to decide on the bill that it is not a negotiable road for Uganda to set aside international conventions in order to persecute a minority.

Great courage is required to fight the implacable public feeling against homosexuals in Uganda and elsewhere in Africa. It is crucial that national human rights institutions (NHRIs) demonstrate such courage and that they are also supported by the NHRIs of other countries. Steven Jensen of the Danish Institute for Human Rights considers the message from the UHRC a step in the right direction:

“It is very important that African NHRIs are conscious of their responsibility, and that they do not disregard their human rights obligations in this field. It is therefore very positive to see that the Ugandans have really taken their responsibility seriously in an excellent way,” he says. ●



Several paths to justice

Should all legal proceedings be decided in a state system according to European principles of law? The Danish Institute for Human Rights is highly successful in influencing informal justice systems and supporting local mediators, particularly in African countries.

IN AN AFRICAN VILLAGE, a conflict about a piece of land has arisen between two men. The formal justice system is expensive, far away and overburdened, and it will take a long time to find out who is right. In the meantime, the disagreement between the two families may escalate and develop into new controversies. In that situation, an informal justice system may be an advantage to all parties.

Many people probably believe that a human rights organisation wants cases decided at all costs in the formal justice system. Where one might expect a fair trial, and where international conventions should be a natural item on the agenda. But that is not necessarily so. In recent years, DIHR has gained



more and more experience in the so-called informal justice systems – local justice systems typically based on customary law and ancient traditions.

“Human rights organisations have not previously been so progressive in this field because we are typically very focused on state obligations,” says Fergus Kerrigan, Project Manager of DIHR.

We can make a difference

But the role of human rights organisations is changing. When the UN decided a year and a half ago that a comprehensive report on informal justice systems was to be drafted, the job was put out to tender. And DIHR was awarded the job. For the past year and a half, Mr Kerrigan and his colleagues have therefore been busily engaged in mapping informal justice systems and analysing the

► **What is informal justice?**

The concept of informal justice typically covers non-state justice systems not enshrined in a constitution. The systems are typically based on customary law rather than formal legal principles as we have here in Denmark.

Most people associate the concept with developing countries, but actually there are lots of examples of the use of such systems in our part of the world. The mosques in London handle thousands of family cases every year, for example. The Danish Institute for Human Rights carries out most of its informal justice activities in former colonial countries, mainly in Africa, where Western justice systems were imposed without being adequately rooted in the population, culture and traditions of the relevant country.

experiences gathered from all over the world.

“Our greatest force is that we are so strongly rooted in both knowledge and reality. And because we have written the report for the UN, we now have a lot of knowledge about good or best practice in many countries,” says Mr Kerrigan.

In several developing countries, almost nine out of ten cases are decided outside the formal system. The perspectives of expanding the state systems are lengthy, and if we are to raise awareness of human rights, we simply have to tread new paths, according to Mr Kerrigan:

“When we are dealing with women’s rights in Africa, for example, reality shows that we will not make much of a difference at all if we only focus on formal justice systems. For women typically have no access to the ordinary courts. In most cases, disputes involving women are practically always decided in the informal systems in the small local communities.”

Systems have to merge

Mr Kerrigan emphasises that this kind of human rights work requires patience and persistence:

“Of course, we have to make a difference here and now, but we also have to consider the long perspective. The existing, informal systems may have existed for 500 years, so when we

”Our greatest force is that we are so strongly rooted in both knowledge and reality. And because we have written the report for the UN, we now have a lot of knowledge about good or best practice in many countries.

Fergus Kerrigan, Project Manager of DIHR

create change, it has to be sustainable. That is why the steps taken may look small right here and now. When, for example, we have a dialogue with a village chief about giving women more rights – by allowing them to inherit land, perhaps – he probably does not change anything right away. But at some time it will have an effect.”

That is the way forward, according to Mr Kerrigan. Slowly developing and upgrading the informal systems and incorporating human rights. In his view, the final goal is not necessarily moving the disputes over into the formal systems:

“I believe that it should be seen more as a long and gradual merging. That the two systems can slowly approach one another. In the formal system, it may be acceptable that some disputes are best dealt with locally and according to

other principles. And in the informal systems, those involved can learn something about good and fair practice. They might become better at writing down and documenting cases and accepting that disputes cases should be referred to the state system. Those are the things that we can help teach them.”

Mr Kerrigan is convinced that the future will bring increased focus on ways to raise the awareness of human rights in the informal justice systems:

“The state does not necessarily have a monopoly on justice. We have to respect the existence of another reality out there. If we only go for an end goal of removing the old system, we will find it difficult to create positive change. And that is, after all, what we are there for.” ●

CONFLICTS IN MALAWI RESOLVED THROUGH VILLAGE PROJECT

For the past two years, the **Village Mediation Project** has proved to be a highly effective conflict resolving mechanism in villages in Malawi. The goal has been to create a setting in which minor conflicts can be resolved without using the formal justice system or the traditional leaders. This is done by bringing a mediator into play and creating an intimate setting in which conflicts can be solved without involving everybody in the village.

The Danish Institute for Human Rights has developed the project together with international partners in Kenya and Malawi. And the statistics indicate an unequivocal success. In the period from March 2009 to February 2010, 915 disputes were heard, and a full 663 of them were resolved amicably. Had it not been for the *Village Mediation Project*, many of these disputes would most likely have developed into far more serious feuds.



Children of prisoners are let down

Three years of research into the situation of children of prisoners resulted in a clear conclusion in 2010: Urgent action is needed. Several of the initiatives recommended have already been launched, and this makes the project a good example of the difference made by the research of the Danish Institute for Human Rights, right here and now.

IF YOU ARE A CHILD in Denmark and your dad is in prison, don't count on seeing much of him. A remand prisoner is normally allowed one hour of visiting time a week, and children's right to visit their parents is not directly laid down in either the Danish Administration of Justice Act or the Danish Sentence Enforcement Act.

The limited contact is just one example of the unfulfilled needs of Danish children of prisoners. They are hit hard by the parents' sentence. Also too hard, according to the Danish book '*Når straffen rammer uskyldige*' (When imprisonment impacts on the innocent) published by the Institute in 2010. Peter Scharff Smith, Senior Researcher, is behind the book. Together with Janne Jakobsen, Project Manager, he spent three years mapping all the problems related to being a child of a prisoner.

How to improve the situation

The Institute has collected 27 proposals for improvement of the situation of children of prisoners. Here are a few examples:

- Children of prisoners should be entitled to visit their parent for more than one hour a week.
- It is recommended to prepare some material for children who are going to visit their parent in the prison.
- Children of prisoners should have increased possibilities of using telephones, mobile phones and the Internet for contact with their imprisoned parent.
- It is recommended that children have an opportunity to see how their parent lives in the prison.
- Better counselling and support schemes for prison-affected families should be available.

"Our research shows that national action is really needed in this area. Luckily, the Danish Prison and Probation Service (*Kriminalforsorgen*) has increased its focus on this problem in recent years, resulting in good initiatives at several institutions. But a long road still lies ahead, and the child-friendly initiatives still depend greatly on the willingness and resources of the individual prisons," says Mr Scharff Smith.

27 proposals for improvement

Quite a lot of children are involved. According to statistics, 3 per cent of Danish children have experienced having a parent sentenced to prison. There is a constant number of about 4,000 children with a parent in prison in Denmark, and more than half of them are estimated to have had close contact with the parent at the time of imprisonment.

Through the research project, the Institute has examined all the problems related to being a child of a prisoner. All phases from the actual arrest through pre-trial detention, conviction and imprisonment to release have been carefully researched, and the research has resulted in 27 specific proposals for reforms and initiatives:

"It is crucial that children's rights are written into the relevant statutes. We simply owe it to the children. We live in a modern society in which rights, not least those of children, should be on the agenda. We have had prisons for 400 years, and it is remarkable that not more has been done previously for the children," says Mr Scharff Smith.

And apparently the politicians are sympathetic to the proposals. When the book was published, several politicians expressed their willingness to take a closer look at the situation of children of prisoners, and the Institute subsequently met the Minister of Justice and the Minister for Social Affairs, both of whom responded positively to DIHR's suggestions for reform.



77 Our efforts in recent years to improve the situation of children of inmates have benefited immensely from the projects of the Danish Institute for Human Rights, its involvement in the Children’s Forum of the Prison and Probation Service and its constructive communication of knowledge and experiences concerning children of inmates.

Hannah Hagerup, Danish Prison and Probation Service

Swedish example

A legislative revision is a long, tough haul. Meanwhile, lots of the 27 initiatives can be launched immediately. And the Institute does not intend to leave this issue alone for others to tackle:

“We have already rolled up our sleeves. Following a Swedish example, we are already cooperating with the Prison and Probation Service to introduce child responsables in the prisons. The important point here is to have a person who is responsible for addressing the children’s perspective. For example by making visiting facilities more child-friendly and giving parents courses in how to handle the situation in the best way,” says Mr Scharff Smith.

Several of the other proposals also have good prospects of rapid implementation. The Prison and Probation Service has appointed a working group. And January 2011 saw the publication of an educational book for use in prisons, at the Danish Police College (Politiskolen) and institutions involved in this group of children. The process continues, and this makes the project about the children of prisoners a good example to show that the research of the Institute does not stop when the last sentence has been written. It is not just a matter of sitting at a desk and getting lost in hypothetical considerations, but about making a difference:

“Research has to make a difference in real life. That has been our approach from the moment we started,” says Mr Scharff Smith. ●

RESEARCH PROJECT BECAME A BOOK

The book **‘Når straffen rammer uskyldige’** (When imprisonment impacts on the innocent) was written by Peter Scharff Smith, Senior Researcher, and Janne Jakobsen, Project Manager, both of the Danish Institute for Human Rights. The book is a research-based study building on interviews with children of prisoners and representatives of the police, the Prison and Probation Service and the social authorities. The objective was to research the problem in order to make specific proposals for changes and new initiatives.

The research work received financial support from the Egmont Foundation, Ole Kirk’s Foundation and the European Union, Directorate-General for Justice, Fundamental Rights and Union Citizenship. The book was published by Gyldendal.



10 CORRECT

answers about the educational activities of
the Danish Institute for Human Rights

1.

THE INSTITUTE ADDS HUMAN RIGHTS TO THE SCHOOL CURRICULUM

Education in human rights and citizenship does not come by itself. The Danish primary and lower secondary school legislation only states in very vague terms how the subjects should be incorporated into the curriculum of the schools. By contrast, the UN clearly recommends members to promote the understanding of human rights through education. The Institute helps ensure that every Danish pupil has an opportunity to become thoroughly introduced to the world of human rights during his or her schooling.

2.

THE INSTITUTE MAKES IT EASILY ACCESSIBLE

We often visit Danish schools and are therefore in close touch with the busy everyday lives of the teachers. We know that introducing subjects like human rights, equal treatment and citizenship to the classroom may be a big mouthful. We therefore take great care to customise the material and make it easy to use for the teachers. We develop not only materials, but complete packages easy to use, and always adapted exactly to the educational level of the age group and tested on the target group.

3.

THE INSTITUTE IS AT EYE LEVEL WITH CHILDREN AND YOUNG PEOPLE

Those days are long gone when you just had to make the sentences a little shorter and funnier to make the medicine go down with the pupils. Today, children and young people want teachers who challenge them and speak to them on several levels, and they want to take an active part themselves. The Institute often visits Danish schools and educational institutions to be in constant touch with the pupils' needs. The approach of the Institute to education is not just about boring conventions, but about the urgent concerns of the pupils. Only when human rights are really put into play, for example, through dilemma exercises, role plays and discussions, do the pupils find out for real where they stand themselves and how they can contribute to better conditions for everybody.

4.

THE INSTITUTE MAKES IT FUN

The pupils could, of course, be told to write an essay. But would it not be much more fun to produce a newspaper set up like a tabloid and distributed around town when printed? The Institute constantly introduces new ideas and new formats making classes more fun. One example is the 'Democracy Because' campaign, which makes pupils tackle subjects like democracy and citizenship from completely new angles. For example by making posters, photo series and videos.

5.

THE INSTITUTE PLACES HUMAN RIGHTS ON THE AGENDA

School principals, politicians and other relevant players must know everything about the importance of human rights. The Institute works constantly to enhance focus on human rights in the entire educational system. One way is to try to influence the legislation and the executive orders on which the educational activities are based. We also enable school principals to exchange experiences through networks, and we influence the teachers of the future through activities at the teachers' colleges.

6.

THE INSTITUTE COVERS ALL ASPECTS

Human rights take no breaks. If we really have to make pupils and teachers relate to the subject, we also have to address events in the school yard and in the teachers' common room when class is over. The holistic principle of the Institute also implies that we want pupils to relate to subjects like co-determination and equal treatment when the lesson is over. The tool boxes developed by the Institute for the intermediate school levels suggest methods for making human rights part of the pupils' everyday lives.

7. THE INSTITUTE PREPARES THE GROUND FOR NEW INSPIRATION

No school or educational institution is an island. There is an urgent need to exchange good and bad experiences of how to bring citizenship and human rights into play in lessons. The Institute strengthens the network between teachers and collects and documents experiences from round the country. Its many years of experience and comprehensive network enable the Institute to offer best practice at all times when it comes to human rights education.

8. THE INSTITUTE HAS WIDE AND NARROW AIMS AT THE SAME TIME

Often, when it comes to human rights, the general outlines are discussed. Values and principles for ways of organising our society and treating each other as human beings. But just as important as the broad strokes are the targeted courses that will make children and young people more knowledgeable in specific areas. That is why the Institute also has targeted, thematic courses, for example about anti-discrimination.

9. DIHR ACTIVITIES HAVE NO 'BEST BEFORE' DATE

All the educational activities of the Institute are conceived as a school service intended to function both today and in five, ten and 50 years. Our projects are not supported by single grants, but by a permanent mandate to promote awareness of human rights. As a national human rights institution, it is our duty to ensure that human rights education is given constantly in the best way imaginable at schools, educational institutions and all other relevant places in society.

10. THE INSTITUTE DOES NOT STOP AT THE BORDER

The Institute has a special mandate to ensure human rights education in Denmark, but that does not mean that our activities stop there. We are involved in many international networks intended to ensure human rights education all over the world. A good example is a homophobia project in which the Institute cooperates with local NGOs and teachers in nine European countries to develop learning tools.

” This material is based on a great deal of development work, and as a teacher you feel it when you have it in your hands. The material is very easy to work with, for one reason because careful consideration has been given to the planning of the course, lesson by lesson.

Christian Kolstrup, teacher at Hammergeardskolen at Herlev, who has tested a new learning tool for the Institute



RENOWNED AUTHOR RECEIVED SUPPORT FROM THE INSTITUTE

Gert Holmegaard Nielsen, journalist, received much praise in 2010 from the reviewers for his book 'Balancegang' (Balancing act).

The book is based on interviews with 12 Chinese who offer their personal suggestions as to how human rights can be promoted in China. We meet grass root activists, lawyers and professors, all subject to official sanctions, who present their individual proposals for a more humane China. Common to the 12 Chinese is that their answers are honest and plain and often surprisingly acute.

The interviewees tell about the subtle balancing act between securing and promoting human rights while at the same time avoiding the distrust of the authorities and the accompanying risk of reprisals.

The book came into existence with support from the Danish Institute for Human Rights, which had assisted the journalist in finding the interviewees.



Prominent visiting researcher with the Institute

MANFRED NOWAK, one of the world's leading human rights researchers, has been attached to the Danish Institute for Human Rights as a visiting researcher.

The Austrian professor is the day-to-day Scientific Director of the Ludwig Boltzmann Institute of Human Rights in Vienna. He has also held numerous national and international posts, among them as the UN Special Rapporteur on Torture until the autumn of 2010.

Professor Nowak is considered one of the most important academics and experts of the international human rights world.

As a visiting professor he will be cooperating with the Institute on various research projects and other activities, including the UN 2015 Goals.

"The Institute is one of the oldest and most prestigious human rights centres of the world. I feel very honoured at acting as a visiting professor, and I really look forward to close collaboration between our two institutes," states Professor Nowak.

Helps companies with human rights

THE DANISH INSTITUTE FOR HUMAN RIGHTS presented a real world sensation at the beginning of 2010 when a new free website was launched for the purpose of helping companies do business in developing countries without falling foul of human rights.

The website is a portal where companies can retrieve free analyses and descriptions of the human rights situation in many countries all over the world.

"In recent years we have seen that companies, authorities and civil society increasingly recognise that an understanding of the human rights risks in the local communities in which they operate is the first and primary step towards ensuring compliance with human rights, good practice and positive impact," says Margaret Jungk, who heads the Human Rights and Business Department and the Human Rights & Business Project of the Institute.

Read more at www.humanrightsbusiness.org

Human rights in Asia under close scrutiny

In her book 'ASIEN OG MENNESKERETTIGHEDER – EN VEJVISER' (Asia and human rights – a guide), published by the Danish Institute for Human Rights in 2010, the author, lecturer, journalist and Asia expert Mette Holm takes the reader on a guided tour of the history of 14 Asian countries and their road to democracy and human rights.

The book is not a technical review comparing the obligations of each country under the individual human rights conventions and the compliance or non-compliance of the countries with those conventions. It is intended more as a supplement to the curious traveller who is not content with ordinary travel literature. Like the other publications of the Institute, the book can be ordered at www.humanrights.dk.



PUPILS DESIGNED GRIM POSTER

A GROUP OF PUPILS from a private independent school, 'Friskolen Østerlars', on the island of Bornholm were victorious in a poster competition organised by the Danish Institute for Human Rights and the European Commission. "We have learned a lot about how to make a poster. But we have also really learned a lot about children's rights. It has been touching to read about the hard lives of some children," state Iris Nielsen and Frederik Overgaard of the school 'Friskolen Østerlars'.

The competition was launched in November 2009 on the occasion of the 50th anniversary of the United Nations Convention on the Rights of the Child.

” We have learned a lot about how to make a poster. But we have also really learned a lot about children's rights. It has been touching to read about the hard lives of some children.

Iris Nielsen and Frederik Overgaard of the school 'Friskolen Østerlars'



Award to DIHR for its work in Burkina Faso

Chevalier de l'Ordre National. That is the name of the medal of honour awarded to human rights advocates by the Ministry of the Promotion of Human Rights of Burkina Faso. In the autumn of 2010, this award was presented to the Danish Institute for Human Rights for its sustained human rights activities in Burkina Faso.

André Démbéle, Permanent Secretary to the Minister for the Promotion of Human Rights of Burkina Faso, cited as the motivation:

“It is a characteristic of this cooperation that the Institute does not do the work for the Ministry, but coaches us to do it ourselves instead. Although it takes longer before we have visible, tangible results when using this method, this is the way to do it if we want to make sure that knowledge is rooted in the institution and that capacity building among staff takes place.”



AFGHANISTAN

Women and children protected against violence

Domestic violence is a huge problem in Afghanistan, but a DIHR project in the Herat Province shows that vulnerable women and children can be better protected. The way to do that is through civil society actors. Very surprisingly, local mullahs are some of the most essential partners.

IMAGINE YOU ARE A WOMAN trapped in a violent marriage in Afghanistan. If you report the abuse at the local police station, there is a good chance that your husband will simply bribe the officers and drag you back home where you will face further violence.

This is reality in many places in Afghanistan, and it has tragic consequences. Many wives simply give up



and take their own lives, leaving traumatised children and family behind. But in the western part of Afghanistan, in the Herat Province, a major campaign run by a DIHR-supported network of civil society organisations is offering hope to thousands of suffering families.

One of the surprising aspects of the campaign – in a country which has become a byword for fundamentalist beliefs – is that local mullahs, or Muslim religious leaders, have provided crucial support to the campaign.

“We included the mullahs in the debate about domestic violence right from the beginning,” explains Malek Sitez, Senior Programme Adviser at the Danish Institute for Human Rights. “When we opened our office in the western part of Afghanistan two years

ago, we invited them to discuss human rights problems. We got more useful responses from them than from many Afghan academics, and they provided us with lots of concrete examples and possible solutions. In contrast to the Taliban they represent a very moderate form of Islam that can easily encompass human rights. In Herat they even discuss human rights during Friday prayers in the large mosques.”

Support from many sources

But the most unique aspect of this campaign is the number of state and civil society organisations involved and the level of media coverage received. The Civil Society and Human Rights Network (CSHRN), DIHR’s main partner in the country, has received strong support from local civil society groups and from the police, the Ministry of Justice and other state institutions, while the message that women can seek help has been broadcast on Afghan radio and TV.

The campaign consists of media debates, meetings of civil society actors, mostly CSHRN members,

➤ CIVIL SOCIETY DECIDES THE AGENDA

The Danish Institute for Human Rights is involved in strengthening civil society actors in numerous places in the world. Civil society refers to the activities of organisations with shared interests, purposes and values that are distinct from those of the state, family and market, though in practice the boundaries between state, civil society, family and market are often blurred. Civil societies include organisations such as voluntary groups, charities, women’s organisations, NGOs, community and self-help groups, faith-based organisations, professional and business associations, trade unions, social movements, coalitions and advocacy groups. A healthy civil society is considered to be a prerequisite for an open and functioning democracy, and it protects ordinary citizens from abuse by both the government and powerful interest groups in the state.

” In Herat they even discuss human rights during Friday prayers in the large mosques.

Malek Sitez, Senior Programme Adviser of DIHR

with victims and families, debates with state actors and an ongoing dialogue with religious leaders in order to get their support. Pamphlets and billboards ensure that the message that women do not have to put up with domestic violence reaches as many people as possible.

Women are not alone

And the campaign is certainly having an effect. Vulnerable women and children visit the civil society organisations and state institutions in Herat to ask for legal aid. “We have even had to find shelters for victims in some cases,” adds Mr Sitez. “So you can see the campaign is having a direct impact on people’s lives in this region.”

The project is the result of a long period of preparation during which members of the CSHRN interviewed local NGOs and state officials and carried out an extensive baseline study. This process is continuing, and Mr Sitez, the campaign coordinator, is currently working on developing it even further and perhaps extending it to other regions in Afghanistan.

“During my last mission to Herat with my colleague from Kabul we discussed a new analysis of the problem and found out that it is crucially important to set up a monitoring body for domestic violence in the Herat Province,” he adds. “This idea is also being encouraged by Dr Daoud Saba, the newly appointed Governor of the Herat Province, who is a committed supporter of human rights.” ●



Human rights in high demand

A new international network headed by the Danish Institute for Human Rights contributes to increasing focus on the link between business and human rights. The aim is capacity building of human rights institutions and enterprises all over the world, while influencing high-level political actors.

THE PROCESS STARTED by the Institute in 2009 with the establishment of the Working Group under the International Coordinating Committee of NHRIs (ICC) is beginning to show considerable results. The Institute has resolved to strengthen focus on human rights and business in partnership with several other countries.

The first success was that the very issue of human rights and business was made the central issue at the 2010 conference of the ICC in Edinburgh. The outcome of the Conference was the Edinburgh Declaration in which all ICC members committed themselves to making an effort to place human rights and business on the agenda.

Claire Methven O'Brien, adviser to DIHR on Human Rights & Business, was one of the initiators of the Working Group, and she is highly satisfied that there are visible results already:

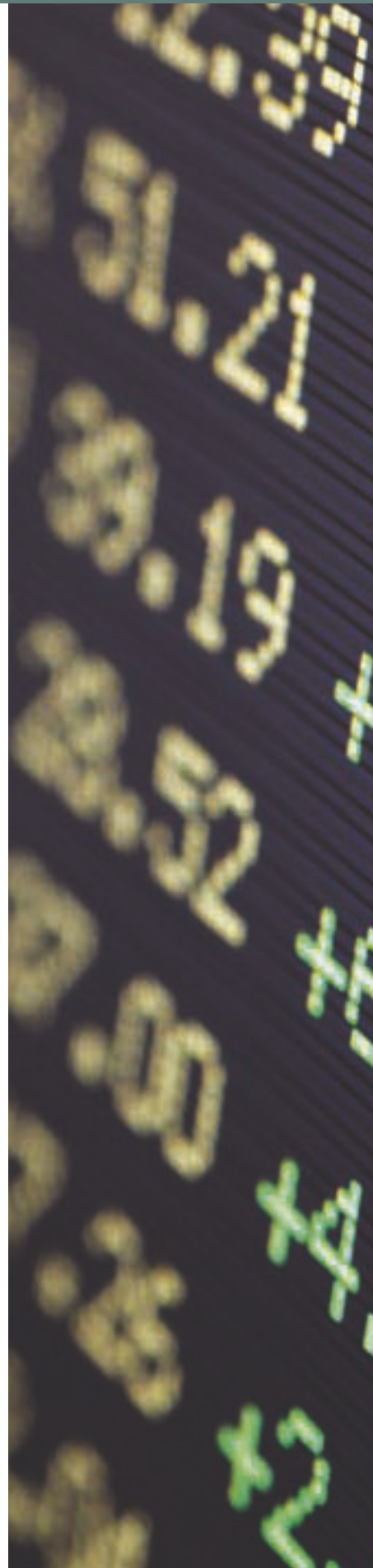
"It is a long process, and in many ways we are still in the introductory phase. Still, we can already now see some very tangible results. We see very great interest in this subject in many countries because most countries have realised that human rights and business is not a luxury problem affecting rich countries only," she says.

Capacity building across the world

At present, the newly established network has representatives from ten countries. One of the most important tasks is to build the capacity of national human rights institutions all over the world. The first steps to address this challenge have already been taken. The Institute is developing a series of courses and seminars intended to increase the awareness of how human rights organisations can support the promotion and enforcement of the rights related to commercial activities.

"It is essential to obtain greater awareness of how the mandate in this field is fulfilled around the world. What we hear very often is that the task is elusive and difficult to address. What we – and several of the other NHRIs involved in the network – can do is to provide a wide range of offers based on our expertise," says Ms O'Brien.

In addition to the strengthening of capacity through courses and seminars, the network is also intended to give inspiration to bilateral partnerships at all feasible levels in different countries. The hope is to create mutual inspiration by rendering visible the working methods of the NHRIs in the individual countries.



” National human rights institutions that comply with the Paris Principles have an important role to play in helping States identify whether relevant laws are aligned with their human rights obligations and are being effectively enforced, and in providing guidance on human rights also to business enterprises and other non-State actors.

John Ruggie, Special Representative of the United Nations Secretary-General on Human Rights & Business in his final report

Impact on the UN and OECD countries

It is at least as important to bring the subject to the very top of the international agenda. For several years there has been too little focus on the competencies of the NHRIs, but luckily that situation is now changing.

To mention an example: the ICC Working Group has played an active role vis-à-vis the OECD: “An initiative has been started to formulate new guidelines for this

field. We have also been involved in that by providing input to the OECD countries. We can also help them to implement these guidelines,” says Ms O’Brien.

The ambition is that the network is to continue influencing organisations and political and commercial actors to make human rights become even more visible on the business agenda all over the world. And hopefully do so with even greater impact once it has grown stronger. ●

UN EMPHASISES THE ROLE OF NHRIS

John Ruggie, the Special Representative of the United Nations Secretary-General on Business & Human Rights, published his final report on the issue of human rights and transnational corporations and other business enterprises in March 2011. It reflects a pronounced shift in the view of the UN on the role of NHRIs.

The UN approach to human rights and business is based on three guiding principles:

- Protect
- Respect
- Remedy

So far, the UN has only related the NHRIs to the last principle on the list. That has changed in the updated guiding principles presented by Mr Ruggie in the recent report. This report emphasises the NHRIs as an essential element of all three guiding principles.

Claire Methven O’Brien considers it a very important step forward and emphasises that it was only realised by virtue of the improved network.

“This progress is a result of the collective action of NHRIs through the ICC network. Because we stand united and are doing targeted work, we have already created an entirely different understanding of our role and function when it comes to human rights and business. This proves that we are indeed able to make a change,” she says.

Sustainable changes with human rights- based approach

All projects in which the Danish Institute for Human Rights is involved must be long-term sustainable. Therefore we consistently apply the human rights-based approach (HRBA). By doing so, we ensure that human rights become operational and are taken into account at all steps of a process.

NO MATTER WHETHER IT CONCERNS diversity work in Denmark, equal treatment in Europe or development projects in the third world, the Institute always takes the same approach: HRBA is a method to ensure that human rights are more than merely hot air, complicated legalese or high-flown principles of fusty conventions.

“Human rights are not just a distant goal that we have to reach sometime in the future. They are living principles influencing almost everything we are doing right now. That is the reason why they have to be activated right away in everything we do,” explains Maria Løkke Rasmussen, who has been with the Institute for several years as a project manager and has experienced herself how the human rights-based approach has been implemented in the work of the Institute all the way round. She calls it an eye opener and a great breakthrough.

What is the HRBA?

A human rights-based approach (HRBA) is a conceptual framework for development processes building on international human rights standards and principles.

What is achieved by the HRBA?

Under the HRBA, *rights holders* and *duty bearers* are identified. The approach also provides both parties with strength and capacity building to better equip them to meet obligations and claim rights.

Rights become tangible

One of the fundamental principles of the HRBA is that the process is just as important as the outcome of each individual development activity. Changes are more than the end goal; changes are something created here and now.

What happens is that it is first clarified who is the *rights holder* (the party whose rights are at stake in the relevant situation) and who is the *duty bearer* (the party obliged to observe the rights of others in the given situation). Principles like involvement, non-discrimination and equal treatment are then reviewed in a systematic manner to clarify how human rights can be woven into all the elements of the process lying ahead.

In a development project in Africa, to mention an example, human rights are called into play not just at the moment when the project is carried out; this happens already at the very moment when the programme is planned. The methodical approach ensures that the principles become tangible and operational for all parties throughout the process.

An entirely new way of thinking

The HRBA expertise of the Institute is in high demand. Organisations and others in both Denmark and the rest of the world benefit from the comprehensive experience that the Institute has with the HRBA. Civil society organisations in Ukraine, the Committee of Ethnic Minorities in Vietnam and several local Danida partners in civil society and government institutions in various African and Asian countries are just some of the players who have been equipped to deal with human rights-based development.

The Zambian Law Development Commission recently attended a HRBA course in Copenhagen. Diana Sichalwe, one of the participants, noted on that occasion that she had profited greatly from the course:

“The HRBA is an entirely new way of thinking and planning,” she said after the course. She emphasised that she was convinced that her participation in the course would result in better development projects in future. Particularly because she had learned something about involvement.

” The HRBA is an entirely new way of thinking and planning.

Diana Sichalwe, Zambian Law Development Commission, participant at the HRBA course of DIHR in Copenhagen

“You have to involve all stakeholders, particularly those at grass root level. If you only speak to people at higher levels, there is a much greater risk that the project will fail.”

Co-operation with Danida

The Institute has made targeted efforts in recent years to spread the awareness of the HRBA concept within the partner organisations of DIHR and Danida. The experience gathered is translated on a continuous basis into useful knowledge that is shared with others at the many HRBA courses organised by DIHR.

Some of the courses are hosted jointly with the Danida Fellowship Centre. They are targeted at partners of Danida from both civil society and government institutions in developing countries all over the world. Several countries, including Bangladesh, Benin, Bhutan, Cambodia, Ghana, Kenya, Mozambique, Nepal, Sierra Leone, Tanzania, Uganda and Zambia, have benefited from the experience and expertise of the Institute.

The HRBA is a thoroughly tested concept that is being constantly developed. The Institute aims all the time to develop and refine the methods, both in theory and in practice, to make them operational for those who are to use them in practice. The Institute strives constantly to increase the awareness of the HRBA and build the capacity of the players who are to use the concept. ●



► DIHR CONDUCTED A SEMINAR FOR THE WORLD BANK

The expertise of the Institute concerning the HRBA is recognised all over the world. Accordingly, it was not a coincidence that the World Bank, one of the very big global development players, which donates 13 billion dollars to the poorest countries in the world each year, asked the Institute to organise a seminar in 2010. This seminar was attended by 30 of the leading development experts of the World Bank. The Institute gave the participants advice and specific tools to better incorporate the HRBA into their work of promoting the combating of poverty using a rights-based approach.

“It is a great recognition that we are invited to strengthen and improve the efforts of the World Bank. This proves that we are able to provide knowledge and tools at a very high level because we do very targeted work with the HRBA and have gained so much experience from doing so,” says Mie Roesdahl, Department Director of the Danish Institute for Human Rights.



Enhanced rights can curb poverty

2010 became the year in which the United Nations really put human rights on the agenda for the debate on how to combat poverty. The aim of the Danish Institute for Human Rights is to make the efforts binding, targeted and operational.

IN THE AUTUMN OF 2010, the UN held an anti-poverty summit in New York. The agenda of the General Assembly included the so-called 2015 Goals. The countries discussed what strategy to pursue to reach the global Millennium Development Goals aimed at ending poverty and eliminating illiteracy.

This has been frequently discussed. But human rights have never been so high on the agenda as in New York. Charlotte Flindt Pedersen, Deputy Director of DIHR, attended the summit and returned with a good feeling. A feeling

that human rights had really been recognised as one of the most important keys to solve the poverty problems of the world:

“When the poorest people in the world often find it difficult to realise a way out of poverty, it is often related to their too big human rights problems. Previously people avoided speaking directly about fundamental human rights and the direct responsibility of states in relation to the combating of poverty. Particularly countries suffering from a democratic deficit

have preferred not to include democracy and human rights in their development work,” she says.

But this situation is changing. The resolution adopted by the General Assembly emphasises the right of everyone to full and productive employment and decent work and the right to social security and protection.

Seminar should lead to action

For a long time, the Institute has made targeted efforts to move human rights further up on the agenda of the United



” We need longer perspectives, which we obtain by creating societies with focus on rights.

Manfred Nowak, former UN Special Rapporteur on Torture and one of the world's most esteemed human rights researchers

“The first step is to set up a framework for co-operation. Our first seminar was mainly intended for brainstorming. The aim is to have a more binding co-operation during 2012,” says Mads Holst Jensen of DIHR, one of the planning team members.

He continued that the long-term goal points in two directions: To implement the human rights-based approach to development work that will make people in developing countries notice it right now, and to influence the development strategies decided at various political levels.

Focus on rights

Participants at the seminar were human rights actors and experts from all over the world. One of them was

Manfred Nowak, the former UN Special Rapporteur on Torture. He emphasised during his visit to Copenhagen that it is crucial to include human rights in the 2015 Goals to a greater extent:

“We need an entirely new approach. Development is not a goal in itself; it is merely a small step on the way. We need longer perspectives, which we obtain by creating societies with focus on rights. If we neglect that, there will always be too many obstacles when we try to assist countries with their problems,” he said.

Mr Nowak has subsequently been attached to the Danish Institute for Human Rights as a visiting researcher. One of his primary fields of work is exactly the link between the 2015 Goals and human rights. ●

Nations and therefore this development is welcomed. But words alone will not do – action is required! Therefore the Institute had organised an international seminar already two months after the summit in New York under the heading of ‘Getting the Millennium Goals Right’. The goal was to create a better framework for promoting and raising the awareness of human rights in developing countries, paying particular attention to health and development, and the right to food and water.

► 2015 MILLENNIUM DEVELOPMENT GOALS

1. Halve global poverty and hunger
2. Ensure that children everywhere will be able to complete a full course of primary schooling
3. Promote gender equality between men and women
4. Reduce child mortality by two thirds
5. Reduce the maternal mortality ratio by three quarters
6. Combat HIV/AIDS, malaria and other diseases
7. Ensure environmental sustainability
8. Increase co-operation on aid, trade and debt relief

CHINA

Small steps towards large changes

When human rights are under pressure, the solution is not always to stand at the sideline shouting. The involvement of the Danish Institute for Human Rights in China is a good example that patience and persistence are just as important. The result of many years of work is that fewer are sentenced to death and more people have a fair trial.

A COMPREHENSIVE LAW REFORM implying that all death penalties must now be upheld by the Supreme Court. This is just one of the changes that the Institute has contributed to creating in the world's most populous country.

In the period from 2001 to 2005, the Institute and its Chinese partners contributed to a process resulting in a law reform as a consequence of which less death penalties have been executed in China, even according to the most conservative estimates. But the work does not stop here. In the assessment of the Institute and its partners, time is now sufficiently mature for additional reforms in this area. A new triennial programme is to bring about a

reduction in the number of offences that can be punished with the death penalty under the Chinese Criminal Code, which will reduce the application of the death penalty even further.

Most recently, the Institute and our partners have promoted a revision of the Chinese Administration of Criminal Justice Act, which is considered by observers to be one of the largest barriers to China's ratification of the International Covenant on Civil and Political Rights. The Act has not been revised yet, but some of the specific recommendations prepared by the Institute and our partners have indeed had a direct impact on new secondary legislation

enacted in 2010, which is intended, among other things, to bar the use of evidence obtained under torture. The work is continued under the new programme, which includes efforts to restrict the comprehensive investigative powers of the police in order to further limit the use of torture.

Rights of migrant workers to be secured

The many migrant workers in China constitute a particular focus area: "China has around 200 million internal migrant workers," states Bjarne Andreasen, Project Manager of DIHR. "We have succeeded in setting up six legal aid stations in midwestern China. We have also started several information and educational activities targeted at migrant workers that will be extended under the new programme to reach even more migrant workers."

The DIHR Project Manager mentions children of migrant workers who are not registered as citizens and therefore not eligible for medical aid and education. For the past three years, the Institute and its Chinese partners have provided legal aid to 2,600 migrant workers and reached an additional 1,400 migrant workers through various educational activities. The Institute and its Chinese partners build on the previous work in the new programme under which 400 migrant workers will be trained as social and legal aid workers at a model course intended to contribute to enhancing the rights of migrant workers in migrant worker communities across China. ●

➤ FOUR FOCUS AREAS IN CHINA

The new triennial programme of DIHR for China has four focus areas:

- Strengthening of the rights of suspects and detainees
- Strengthening of the rights of migrant workers
- Support to public interest lawyers
- Strengthening of the capacity of environmental civil society organisations



The circle closed at Guangzhou

LONE LINDHOLT, who is responsible for the academic collaboration of the Institute outside of Europe and for university programmes in Asia and Africa, has worked with human rights in China for many years. Recently she had a peculiar experience which emphasises how persistent efforts may have an impact after many years, both to society and the lives of individuals.

Ten years ago, the Institute commenced a series of courses in China, and Ms Lindholt was involved in starting up open university courses on human rights in the Hunan Province in southern China.

At that time, human rights education was only offered to a limited extent in large cities. Therefore it was groundbreaking that students and local players, such as lawyers and police officers, could attend courses on constitutional law and basic human rights principles.

Those courses were offered for several years, and the participants discussed the freedom to choose their place of residence, homosexuality, freedom of expression and freedom of association. Few students spoke English, and the language barrier was overcome with the assistance of a student who acted as an interpreter. Stella, as she was called, was the daughter of one of the professors at the faculty. She became so interested in the subject that a couple of years later she applied for the regional master's programme in human rights at Hong Kong University, a programme funded by the EU, but also supported by DIHR.

Ms Lindholt narrates:

"I lost touch with Stella, but in September 2010 I participated in the Nordic funded Human Rights Education Annual Meeting, this year hosted by the Guangzhou University Human Rights Research Centre and DIHR."

More than 60 university teachers of human rights had gathered to discuss methodology and the latest human rights developments and, not least, to receive inspiration to carry out their work in often remote universities throughout China.

"And suddenly Stella was there in front of me," tells Ms Lindholt. "She had completed her master's degree in Hong Kong and was now a teacher in human rights at the graduate and post-graduate levels of Hunan University. Furthermore, she had been selected as one of the keynote speakers at the conference, representing the 'new generation'." ●

What is a hate crime?

Hate crimes can be all kinds of offences from damage to property, threats, harassment, physical assaults and rape to sexual abuse and murder. They are characterised by having a particular motive, such as prejudice or hostility against the victim due to the victim's affiliation with a particular group, which can be a group of persons with a particular sexual orientation, faith or ethnic background. Hate crimes differ from other kinds of crime because by doing the illegal act the offender also sends a message to a whole group of people and their supporters that they are not welcome and should not feel too safe.



When hate turns to violence

Violent assaults due to causes like sexuality or ethnic origin are common in Denmark. But very few of the assaults are recorded as hate crimes. The Danish Institute for Human Rights is making targeted efforts to change that situation. One way is to train the police better and inform minorities of their rights.

DENMARK SEES MANY INCIDENTS of assault or other offences against people because they have a particular ethnic background, religion or sexual orientation. Unfortunately the offences are recorded far too seldom as hate crimes. Lisbeth Garly Andersen, Project Manager of the Danish Institute for Human Rights, says:

“Hate crimes constitute one of most serious kinds of discrimination. Unfortunately, this is a very common problem in Denmark, and we have noted that many cases are not recorded as hate crimes. Both because the police does not ask sufficiently thorough questions about the motive and because the victims are not conscious of reporting their case as a hate crime.”

Her statement is supported by a research and development analysis completed by the Institute in early 2011.

In this analysis, the Institute looked at some of the reasons why offences reported are not recorded as hate crimes although it is likely that they ought to have been so. One of the reasons is that police officers are not aware that they have to pay particular attention to a potential racist or religious motive when interviewing those involved, another that it is difficult to prove. Therefore many of those cases are recorded as ordinary crime, e.g., violence. Moreover, it is a common problem that several incidents are never reported and therefore never brought to the knowledge of the police.

Severer punishment for hate crimes

Is that in fact a problem? Is an assault not just an assault no matter who is the victim? Definitely not. Ms Andersen explains:

“The police has a duty to investigate the existence of a potential motive of hate. If it is a hate crime, it makes it a more serious and aggravating circumstance. It is therefore essential to ask the right questions already at the interview to have a real picture of whether it is in fact a hate crime.”

In addition there is also a need for more documentation about the field. The Danish Security and Intelligence Service (PET) listed 173 cases in its most recent report, but the problem is much more substantial than the figure suggests. This is supported by another analysis carried out by the Danish Ministry of Justice in 2008 recording 8,000 incidents of violence in which the victim believed that the motive of the offence could be hate.

Only when citizens and police officers become better at reporting and recording hate crimes will the mapping of the problem better reflect its actual scope. To find other ways of doing this, we could have a look at our Swedish neighbours. The Swedish police has added a simple computer function that has resulted in the recording of more hate crimes. When a police officer writes a report, the computer system responds to certain key words by opening another window with some follow-up questions that will help the officer clarify whether it is a hate crime.

” We run courses for the police and design tools that the officers can use in their work.

Lisbeth Carly Andersen, Project Manager of DIHR

This could pave some of the way forward. However, the most essential step is probably to teach police officers about hate crimes and what to do with the problem. Several police officers are quoted in the DIHR analysis for saying that they have received very little education in hate crimes and several also mentioned that they were not aware that racist or religiously motivated violence is punished more severely.

Police shows great interest

In 2010, the Danish Institute for Human Rights collaborated with the Copenhagen Police and the local authorities of Copenhagen and Frederiksberg to run a comprehensive campaign intended to attract greater focus to the problem of hate crimes. Several unpleasant posters (one of them is reproduced on the opposite side) were displayed around Copenhagen to trigger a debate.

The police has generally shown great interest in promoting the awareness of hate crimes and shown great will to improve its ability to handle those cases. According to Ms Andersen, the Institute wants to continue its influence through that channel:

“We run courses for the police and design tools that the officers can use in their work. We are fully aware that police officers often experience great time pressure when recording cases reported and that there are real problems in this field. Therefore it is very essential for us that we make it easy for them to use.” ●

➤ HATE CRIMES – ACTIONS TAKEN BY DIHR:

- Hate crime education for police officers to improve their handling of hate crimes.
- Leaflets informing the police of different kinds of hate crimes and what the police can do.
- The development of leaflets explaining hate crimes and informing of the importance of reporting hate crimes. These leaflets are intended mainly for distribution to NGOs.
- A database at www.stophatecrimes.eu for recording hate crimes. This database operated by the Institute has records of hate crimes in Denmark and seven other EU Member States.

Diversity creates winner companies

Danish enterprises taking the lead when it comes to diversity will be rewarded in cash. As a matter of fact, respect for diversity is not just about humanity and decent behaviour; it is also about good business.

AN INTERNAL OMBUDSMAN to deal with complaints of differential treatment; and special on-the-job training for non-ethnic Danes with leadership potential who will become 'trainees' of an experienced manager and receive tuition preparing them for a managerial position. These are merely a few of the initiatives launched in recent years by ISS, a cleaning services organisation, to contribute to workplace diversity.

ISS has taken a serious approach to the challenges of workplace diversity for which reason it was no major surprise that the company won the coveted MIA Award in 2010. The award has been presented each year since 2004 by the Danish Institute for Human Rights to Danish enterprises with the courage to take the lead in ensuring equal opportunities and furthering and applying diversity.

Good examples give inspiration

We need more than ever to put diversity on the agenda of Danish enterprises. This was emphasised once again when at the end of 2010 the Union of Commercial and Clerical Employees in Denmark (HK) made a comprehensive survey among its members which revealed that every second non-ethnic Dane felt discriminated against at his or her workplace.

But it not just about ethnicity; it is also about other factors such as gender and age. One of the reasons why ISS received the award in 2010 is that the company takes action in several ways. To mention an example, they have also made a special effort to influence the gender composition at managerial level, the result being that today there is an almost equal distribution of men and women among its 1,100 managers. The company has also set up a Diversity Centre, which now forms an integral part of the corporate HR Department.

"All these initiatives are fully in line with the principles applied by the Institute to promote equality and diversity in the workplace. The presentation of the award is intended to bring out the good stories. To make Danish enterprises become mutually inspired by each other's way of approaching things," says Susanne Nour, Department Director and initiator of the award.

About the MIA Award

The MIA Award initiated by DIHR is awarded by a judging panel composed of representatives of Local Government Denmark (Kommunernes Landsforening), the Danish Chamber of Commerce (Dansk Erhverv), the Confederation of Danish Industry (DI), the State Employer's Authority (Personalestyrelsen), the Danish Confederation of Trade Unions (LO), the Equal Treatment Committee (Ligebehandlingsudvalget) and the Ministry of Employment (Beskæftigelsesministeriet). The MIA Award has previously been awarded to companies as famous as Novo Nordisk, IBM Danmark A/S, McDonald's Danmark and Nykredit. But public workplaces and small and medium-sized enterprises are also given the chance each year to win the award.

The MIA Award is supported by the European Union and the Ministry of Employment. It builds on European and Danish legislation on equal opportunities for everyone in the labour market – irrespective of gender, age, ethnic origin, religion, disability or sexual orientation.

Read more at www.miapris.dk

In addition to being a means of recognising enterprises which have faced challenges and barriers to equal opportunities and diversity, addressed the problems and achieved interesting results, the award is also a catalogue offering inspiration to other enterprises with the courage to head in the same direction.

Beneficial to the bottom line

It is obvious that we have to protect diversity to treat each other fairly. That we have to take some very fundamental human considerations into account. But it is not just a question of making Danish workplaces a nice place to be in. It is just as much about making Danish enterprises competitive. Most enterprises become really surprised at how much they gain from working with diversity. Suddenly it is easier for such



enterprises to attract external talents, they become more innovative, illness-related absence will decline, they will keep their good employees, and maybe new markets will open up as a result of the diversity work.

The MIA Award is based on the philosophy that humans are the most important element of enterprises – and that human differences are the source of creativity and innovation. If we discriminate against humans differing from the majority, we lose access to that source. To make diversity a success and enable the enterprise to utilise the potential resources offered by a diverse staff, it is essential to ensure equal opportunities for everyone.

ISS is also very conscious that it is beneficial in several ways to work with diversity:

“We believe that diversity management will pay back and be reflected in the bottom line,” says Maria Bøge, Team Leader of ISS. She highly appreciates having received the award, but emphasises that this does not mean that the work is done:

“We feel a certain obligation by winning the award because it is a *frontrunner* prize. We are rewarded for taking the lead. This obliges us to continue the good work.” ●

” We believe that diversity management will pay back and be reflected in the bottom line.

Maria Bøge, Team Leader of ISS

THE THREE RS

The approach of DIHR to the work with diversity at Danish workplaces is based on the following principles:

RIGHTS PRINCIPLE

Denmark and the European Union have legislation prohibiting people against discrimination in working life. Equal treatment of everyone irrespective of gender, age, disability, ethnic origin, religion or sexual orientation is guaranteed by legislation. To have diversity and benefit from it at a workplace, it is essential to be aware of and actively seek to enforce the individual employee's right to equal treatment during all employment phases.

RESOURCES PRINCIPLE

Diversity is about seeing and using differences as a resource and an asset to the enterprise. The Danish workforce is becoming ever more diverse, as the world is becoming ever more globalised. Diversity management is the ability to hire and manage a diverse staff possessing a wide range of different competencies, perspectives and personalities. Differences that can be put into play to the benefit of the enterprise.

RESULTS PRINCIPLE

It is crucial that politics and initiatives are translated into concrete results that can be felt and documented. Diversity management is a long-term strategic process of result-oriented work. This means that it is essential to define the end goal and the way to it while developing the workplace culture and the organisational framework to make them support diversity and equal opportunities for everyone.

Really now!

When new bills are introduced, the Danish Institute for Human Rights is responsible for assessing whether anything is at odds with human rights. In 2010, the Institute made as many as 81 consultation responses.

THREE EXAMPLES ARE GIVEN BELOW.

IMMIGRATION PACKAGE

2010 **BECAME THE YEAR** in which the Immigration Package was realised. The Danish Institute for Human Rights made several points of criticism in a comprehensive analysis of the three major legislative initiatives which are together referred to as the Immigration Package. The assessment revealed that this legislative package risked harming integration and undermining the due process protection of many foreigners and that a consequence would be the introduction of the most restrictive right to residence for humanitarian reasons in Danish history.

The consultation response said, among other things: “The essential element of the legislative package is the new retroactive rules on permanent residence. The rules will in fact, if

adopted, apply with effect from 26 March 2010 when the bill was introduced. This will obviously be hard on the foreigners who have already made a special effort to meet existing requirements. They will suddenly face a new point system that they have had no chance on earth to predict. Denmark used to have transition schemes, but the new requirements apply to everyone without exception and without any predictability. This is not fair.”

However, the Institute also found some good points in the Immigration Package. One positive example is that all foreigners will be offered training or education no matter whether they have come to Denmark as EU workers, highly educated immigrants, persons reunified with a family member or refugees.

UNACCOMPANIED REFUGEE MINORS

A BILL INTRODUCED by the government in the autumn of 2010 suggested that Denmark should in future make use of or support the so-called reception centres in the countries from which unaccompanied refugee minors originate – and are returned to. In its consultation response, the Institute asked the government to clarify how Denmark will ensure that it observes its international obligations towards those children.

“The Institute finds that the suggested establishment of Danish reception centres for unaccompanied refugee minors in other countries gives rise to several fundamental issues in terms of Danish and international law which have not been sufficiently addressed in the bill,” DIHR wrote in its response, which also included the following sentence:



DIHR AND CONSULTATION RESPONSES

The Danish Institute for Human Rights prepares consultation responses to public authorities relating to both questions of interpretation and other fundamental legal issues concerning the observation of human rights conventions and analyses of equal treatment.

In 2010, DIHR was consulted about 81 bills and other proposals. At the Institute, 12 employees were involved in considering these consultation requests from Parliament and the ministries.

Criticism of shorter consultation periods

The Danish Institute for Human Rights criticised the short consultations periods several times in 2010. When consulted about the Immigration Package last spring, the Institute only had 15 days to make a thorough and professional assessment of the most comprehensive revision of the Aliens Act since 2002. The Institute and several other organisations consulted objected against the short consultation period.

– The Institute will not spend the considerable resources necessary to prepare a consultation response if there is no time left during the remainder of the legislative phase to consider the bills and consultation responses, stated Jonas Christoffersen, LL.D. and Executive Director of DIHR.

The criticism of the insufficient consultation period became front-page news and Minister for Integration Birthe Rønn Hornbech wrote to the Institute that she and her Ministry would study a consultation response from DIHR 'in detail' even if it would only be ready in May.

– It is obvious that we will put every ounce of energy into bearing our part of the responsibility when the Minister assures us that our consultation response will be thoroughly studied. The Aliens Agreement between the government and the Danish People's Party will have considerable human rights consequences. This we would like to elaborate on, said Mr Christoffersen in reply to the letter from the Minister.

“In the opinion of the Institute, unaccompanied refugee minors returned to a reception centre controlled and run by Denmark, but situated in another country, must be considered as still being subject to Danish jurisdiction in terms of both the European Convention on Human Rights (...) and several other international human rights conventions ratified by Denmark.”

ARTIFICIAL INSEMINATION

IN 2010, the Danish Ministry of the Interior and Health asked the Danish Institute for Human Rights to comment on a bill amending the Act on Artificial Insemination. An amendment that would include self-financing of such treatment.

The Institute based its analysis on the UN Convention on the Rights of the Child, which states that the best

interests of the child must always be a primary consideration. As the bill also included a revision of existing rules on parental suitability, the Institute had to refer to the right to respect for private life enshrined in the European Convention on Human Rights. The Institute found it positive that any doctor responsible for performing an artificial insemination who is in doubt about a person's parental suitability must in future also involve another relevant doctor in the assessment. This strengthens the basis for assessing parental suitability.

On the other hand, the Institute used its sceptical pen in assessing the self-financing of treatment for childlessness. The bill introduces self-financing of artificial insemination, sterilisation reversal and sterilisation in the public health sector and the payment of a larger proportion of

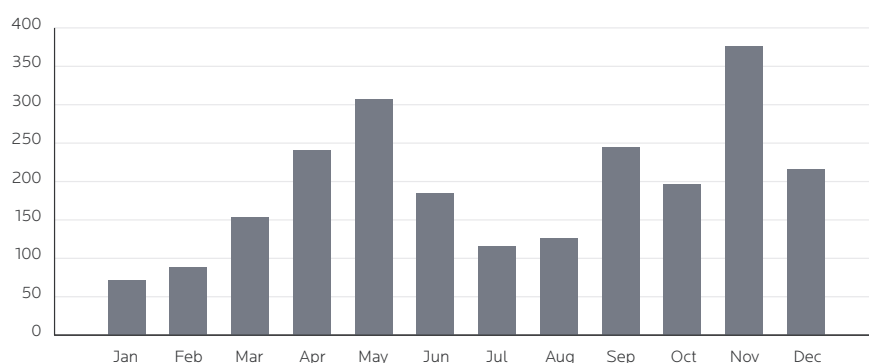
expenses for medical drugs used to treat childlessness.

The Institute emphasised that human rights are based on the fundamental principle of non-discrimination. This concept has developed in case law and through decisions from the Council of Europe and the European Court of Human Rights and from the European Union and the European Court of Justice to include an equal treatment obligation on the part of the member states as well as an obligation to ensure equal opportunities for everyone.

On this background the Institute mentioned that there is a risk that the proposed revision relating to the self-financing of treatment of childlessness may affect people unevenly as the less well-off may be left worse off when it comes to the possibility of receiving treatment. ●

Media coverage of DIHR in 2010

Media mentions



Total media mentions: 2,319

Source: INFOMEDIA

ALL ABOUT HUMAN RIGHTS AT WWW.HUMANRIGHTS.DK

Now answers are only a few

We have taken the temperature of our target groups. Now people will get what they want. Our new website has several entrances, all of them exactly tailored to our users' needs.

Find what you are looking for right away

Our studies have revealed that most users of our website know exactly what they come for. By using the direct links of the Quick Guide, it only takes a few seconds to find what you are looking for.

This is where we move things ahead

All right, admitted: We are boasting. But we have every reason to do so. We have indeed lots of success stories to tell about the work of the Institute both nationally and internationally. Some of them have been published on the new website to show everyone why we are here.



Take a look around on the new website at www.humanrights.dk

DIHR across the world

The work of the Institute makes a big difference to humans all over the world. The website gives an overview of where in the world we work and what projects we are involved in.

Who knows what about what?

The DIHR staff includes some of the most recognised and renowned experts in Denmark. But who exactly should you talk to? The menu of 'Find the Expert' makes it easy to identify the expert with the greatest knowledge about a specific human rights subject.

clicks away

CLEAR COMMUNICATION WITH SEVERAL TARGET GROUPS

The Danish Institute for Human Rights has contact with people at all levels of the Danish society.

A very large proportion of users are professionals: politicians, NGO employees and human rights educators.

However, we are also here to help ordinary citizens. If a person feels infringed upon, or is just curious to know more about a corner of the human rights field, the Institute is the right place to go.

It makes heavy demands on the communication task of the Institute. Our new website is a good example of how we operate at several levels. We are trying all the time to make the distance from problem to solution as short as possible.

All users can find the relevant information on our website with a few clicks. No matter whether it is about learning more about a specific subject, finding the right expert, retrieving documents and tools or enrolling in a school campaign or other activity.

We have spent a long time analysing the needs of our target groups. One of the analysis methods used was stakeholder interviews with a wide range of people from spokespersons of political parties to the man on the street. Therefore all kinds of communication – not just on the Internet, but also printed matter and direct communication – are targeted exactly at those for whom it is relevant. ●



THE DANISH INSTITUTE
FOR HUMAN RIGHTS

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