

**THE DANISH  
INSTITUTE FOR  
HUMAN RIGHTS**

HUMAN RIGHTS ON  
THE AGENDA

REPORT 2013

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”There are as many opinions on human rights as human brains to think about it. And no one can claim to know the truth.”

Jonas Christoffersen, Executive Director



# THE INSTITUTE IN BRIEF

The Danish Institute for Human Rights promotes and protects human rights and equal treatment in Denmark and internationally. We wish to set standards and generate change.

We are Denmark's National Human Rights Institution. We are also tasked with being the equality body regarding race, ethnicity and gender. Furthermore, we play a special role regarding disabilities as we promote and monitor the implementation of UN conventions on rights for persons with disabilities.

In 2013 we have among other things:

- published the annual status report on the human rights situation in Denmark. The 2013 edition provides a status for 17 areas. Read more at [menneskeret.dk/status](http://menneskeret.dk/status)
- prepared 157 legal briefs to bills with human rights content.  
See all legal briefs at [menneskeret.dk/hørings svar](http://menneskeret.dk/hørings svar)
- published 20 reports, 5 research-based books, more than 30 scientific articles and chapters in books. In the media, we have written more than 40 features, analyses and blog entries and featured in more than 2,000 news articles. Read more at [menneskeret.dk](http://menneskeret.dk)
- advised 71 individuals who addressed us regarding equal treatment and discrimination.  
Read about the advice at [menneskeret.dk/rådgivning](http://menneskeret.dk/rådgivning)

We work internationally through partnerships with local organisations and authorities to ensure robust and sustainable results.

We work in five geographic regions:

- Southern Africa (Zambia and Zimbabwe)
- West Africa (Mali, Nigeria And Burkina Faso)
- Asia (China and Myanmar)
- The Middle East and North Africa (Yemen, Libya and Tunisia)
- Eurasia (Afghanistan, Kyrgyzstan, Tajikistan, Belarus and Albania)

Read more about our international work at [humanrights.dk](http://humanrights.dk)

## FOREWORD



Welcome to the Danish Institute for Human Rights' first annual report to the Danish Parliament.

In 2012, the Danish Parliament passed a new Act on the Danish Institute for Human Rights – Denmark's National Human Rights Institution. The Parliament decided that as Denmark's National Human Rights Institution, the institute must submit an annual report to the Parliament describing our work as well as developments in human rights in Denmark.

We take this responsibility seriously. We have a special duty to advise Parliament on human rights in Denmark. The Parliament must know how society is developing and how parliamentary grants are spent.

According to the Act, we must protect and promote human rights in Denmark and internationally. We achieve this partly by continuously monitoring human rights in Denmark and maintaining a dialogue with civil servants and politicians. In 2013, for example, we provided more than 150 legal briefs on draft legislation including on the new Public Administration Act and the new Intelligence Service Act which we believe could be improved.

Producing new knowledge on human rights and equality of treatment through research, investigation and analyses are other important tasks. We share this knowledge through training and courses and by communicating via the press, website, social media, events etc. Finally, we conduct international projects on the strengthening of human rights involving cooperation with public authorities and independent organisations in other countries.

Our vision, as stated in our strategy for 2013-16, is to be, in every respect, a flexible and well-run organisation that sets standards and generates change. We therefore continuously work to strengthen our efficiency, and focus on generating structural change rather than addressing individual human rights cases. I hope this report provides good insight into our initiatives and competencies.

And hopefully this will be an enjoyable read!

Jonas Christoffersen  
Executive Director



“ Human rights are a man-made troublemaker forcing us to remain focused on some of society’s most important and most complex dilemmas.”

Jonas Christoffersen, Executive Director

# INSPIRATION FOR IMPROVEMENT

Genocide, torture and censorship – global headlines document serious breaches of human rights every day. But what about Denmark in 2013? Does it even make sense to discuss human rights in one of the most peaceful countries in the world? Yes, it does.

**Overall**, we can establish that Denmark, with its tradition for focusing on human rights nationally as well as internationally, has a surprisingly unsystematic approach to the area. Work on human rights is accomplished by individual ministries and local authorities, but no collective overview and plan charting Denmark's course exist. We therefore propose that the Danish Parliament initiate a human rights action plan like the ones compiled in Australia and Sweden, for example.


Annually, the Danish Institute for Human Rights publishes an overview of human rights in Denmark. The 2013 overview summarises the status in 17 areas. The status report contains recommended improvements in each area and every year we follow up by e.g. asking relevant ministers to report any changes in their area.

**Vulnerable children's rights** is an area where Denmark can improve. The Convention on the Rights of the Child states that children must be protected against all forms of physical and mental violence, including neglect and sexual abuse. As stated on page six, some positive initiatives were launched in 2013. However, intervention is still required regarding the group of vulnerable children placed in care.

They must know their rights and complaint opportunities and adequate specialised care facilities must be available for children with special challenges. Many children grow up in a home where both parents are addicts or mentally ill. These children are, to a much higher extent than other children, the victims of abuse, higher mortality rates and they live with a much higher risk of developing mental illness, substance abuse, and committing suicide than other children. Some are not known by the local authorities and do not receive the help and support they are entitled to. Moreover, these children risk being overlooked in social cases where focus is often on ensuring good collaboration with adults.

**Protecting personal data** and communication should also be considered in a time when even German Chancellor Angela Merkel's mobile telephone has been tapped. The right to privacy is breached when the state monitors individuals. For example, the data retention obligation requires telecom and internet providers to store information on all telephone and internet communication of Danish citizens for one year for possible inquiries. The rules have been widely criticised and we propose an independent evaluation of the use and effect of the rules compared with the comprehensive breach of the right to privacy the scheme represents. The increasing use of social media and these services' comprehensive and impenetrable processing of personal data raise entirely new issues involving the right to privacy.



A photograph of two young children performing handstands on a grassy field. The child on the left has long, dark, curly hair and is wearing a light-colored hoodie and pants. The child on the right has short, blonde hair and is wearing a dark and light striped long-sleeved shirt and pants. The background is a blurred green field. A blue text box is overlaid on the top left of the image.

Generally speaking, Denmark is doing well in human rights. But there is room for further improvement.

**Freedom of speech** is a fundamental democratic human right. Public employees' freedom of expression is vital for journalists' work. However, in practice, many people hold back as the rules in this area are not clear. We therefore suggest that initiatives to communicate rules on public employees' freedom of expression are launched.

However, freedom of expression is not unlimited. Hate speech has been criminalised in the Danish criminal code. These cases are subject to public prosecution, but the public has little access to police and public prosecution practice in this area.

Since 2002, Denmark has joined in **international military operations** and participated as a belligerent actor in armed conflicts in Afghanistan, Iraq, Libya, Mali, etc. Consequently, new international law

issues have evolved concerning Denmark's participation in war. It is not entirely clear when a state's human rights commitments apply outside that state's territory. Uncertainty also exists concerning how human rights interact with international humanitarian law.

In addition to these topics, our annual status report describes the rights of the elderly, human trafficking, circumcision, right to a fair trial, asylum seekers, equal treatment of persons with disabilities, etc. Generally speaking, Denmark is doing well in human rights. But there is room for further improvement. As Denmark's National Human Rights Institution, we believe that as a country with solid democratic traditions and an active foreign policy based on human rights, Denmark is obliged to ensure its citizens' human rights in every respect.

## PROGRESS MADE IN NUMEROUS AREAS

Various important human rights initiatives were launched in Denmark in 2013. The areas described briefly below reveal significant improvements in the form of new legislation, added financial resources or establishment of committees. Like other organisations, The Danish Institute for Human Rights has helped propose and recommend specific improvements. Some areas still require improvement and some give rise to prompt concern. We will return to this on page 10.

### STRONGER FOCUS ON CHILDREN'S RIGHTS

Children require special consideration, as stated in the UN's Convention on the Rights of the Child, which Denmark has signed and ratified. Nevertheless (see page 4), some children in Denmark live under conditions that raise concern. The institute is pleased that initiatives taken in various areas will improve conditions for children in Denmark.

- A broad political agreement on the social supervision reform called "Et Nyt Socialtilsyn" came into force on 1 January 2014 supporting vulnerable children and persons with disabilities by raising the quality of housing, care institutions, 24-hour institutions and foster care.
- Parliament adopted the "Overgrebspakke" in 2013 to strengthen protection of children and adolescents against sexual abuse and violence. The new measures ensure e.g. that

children and adolescents are always heard and protected if abuse is suspected, and authorities must act on reported abuse within 24 hours. As the institute recommended, five children's homes where abused children can receive help and treatment in one place will be established.

- The Ministry of Social Affairs, Children and Integration has set up "Magtanvendelsesudvalget" (Committee on the Use of Force) after the ombudsman reported uncertainties regarding the use of force at care facilities. By the end of 2014, the committee will clarify the rules for the use of force and suggest new ones. The Danish Institute for Human Rights participates in some ombudsman inspections and has a representative on the committee.
- In 2013, the Danish Prison and Probation Service institutions hired employees responsible for children. These specially trained employees ensure that children can more easily maintain contact with and visit parents in prison. The decision to introduce these staff members was prompted by a pilot project by the institute and the Danish Prison and Probation Service.



## GREENLAND GETS A HUMAN RIGHTS COUNCIL

On 1 January 2013, the Act on the Human Rights Council of Greenland came into force. The council is tasked with promoting and protecting human rights in Greenland. It comprises of 18 members from a number of different organisations, associations and public authorities and will e.g. monitor and report on human rights in Greenland as well as advise the Greenlandic parliament and government. The Council will also assist civil society's work on human rights and help communicate human rights.

The Government of Greenland has decided that the Danish Institute for Human Rights shall function as national human rights institution in

Greenland and give advice to the Human Rights Council of Greenland. The Act will be put into force in Greenland in 2014.

In 2013, with contributions from the Human Rights Council of Greenland, the Danish Institute for Human Rights compiled a status report on human rights in Greenland. The report covers: integrating human rights into Greenlandic law, children, disabilities, right to a fair trial, education and the mining industry and will be updated regularly with new sections added when required.

## STATUS REPORT ON HUMAN RIGHTS IN GREENLAND RECOMMENDS, AMONG OTHER THINGS, THAT

- the mediation and complaints mechanism for responsible business conduct also covers Greenland
- the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters comes into force in Greenland
- an obligation to actively provide information is introduced in public administration law in Greenland
- the Social Appeals Board and other boards and agencies are obligated to publish case processing times annually
- compensation is considered for children born out of wedlock after 1953 for documented financial loss on inheritance not paid out.

## GENDER EQUALITY

In 2013, the Danish Act on Gender Equality, the Companies Act and the Financial Statements Act were amended to increase the number of women in executive positions in private and state-owned companies. Specific segments of businesses must prepare targets and policies for gender equality and report on trends annually to promote gender equality.

While mapping equality in families, the institute noted that letters of information on maternity and paternity benefits are addressed to mothers only. When NemRefusion took over the responsibility of mailing these letters from local authorities at the turn of 2012/2013, the rules and practice changed and letters are now addressed to both parents.

## COMBATING VIOLENCE AGAINST WOMEN

Annually, an estimated 33,000 women and 13,000 men fall victim to physical violence from their partners. As the institute recommended, Denmark has decided to ratify the Council of Europe's convention on preventing and combating violence against women and domestic violence. This vital step helps protect women who are especially vulnerable to domestic violence.

## USE OF FORCE IN PSYCHIATRY

The use of force in psychiatry affects core human rights such as the right to personal freedom and respect of physical and mental integrity. In 2013, our report recommended abolishing prolonged forced immobilisation and limiting compulsory treatment. The government's Psychiatric Committee Report was presented in 2013, and it is a government target that the use of force must be reduced by 50 per cent by 2020. The government will also study psychiatric hospital wards that do not use forced immobilisation.

## FORCE IN PSYCHIATRY

The Institute for Human Rights and the European Committee for the Prevention of Torture have criticised prolonged immobilisation of mentally ill patients.

In 2012, 715 immobilisations lasted more than 48 hours. In 2011, the figure was 675.

In 2012, 542 immobilisations lasted more than three days. In 2011, the figure was 460.

## DISABILITY

Since Denmark signed the UN Convention on the Rights of Persons with Disabilities in 2009, the institute has recommended adopting an action plan for implementing the convention in Denmark and adopting the optional protocol on access for individual complaints to the UN Committee on the Rights of Persons with Disabilities. In October 2013, the Ministry of Social Affairs, Children and Integration published an action plan and in December 2013 the Ministry submitted a motion hearing on adopting the additional protocol. The action plan includes various positive initiatives such as improved information on building regulations and initiatives to ensure that self-service options on public-sector websites meet user-friendly and accessibility standards. Significant improvements are therefore in sight.

## GUARDIANSHIP AND VOTING RIGHTS

Individuals under guardianship lose the right to vote. In a previous report on guardianship, we indicated that this conflicts with the UN's Convention on the Rights of Persons with Disabilities. At the end of 2013, the Danish Ministry of Justice stated to the Ministry of Economic Affairs and the Interior that the Danish Constitution would not be contradicted if individuals under guardianship voted in municipal, regional and European Parliamentary elections. Improvements are therefore expected.

## ACCESS TO INTERPRETERS

Various examples show that refugees and those reunified with their families were not offered qualified interpreting assistance in connection with e.g. health checks upon arrival. An executive order issued in December 2013 states that the required qualified interpreting assistance must be available during interviews and examinations. Interpreting must not be conducted by close family members.

## EDUCATION

The Danish Institute for Human Rights works to strengthen training on human rights and children's rights in the Danish primary and lower secondary schools and teachers colleges. A new teacher training curriculum became law in 2013. Nothing unequivocal can be said about how or if human rights training has been strengthened in the new curriculum. However, Christian studies, secular enlightenment and citizenship now include education on children's rights.



## OTHER AREAS ARE IN DECLINE OR REMAIN UNCHANGED

The human rights situation in Denmark has not been unequivocally positive, however. In particular, the Public Administration Act limits the right to information and the act on new supervision of the Danish Intelligence Service (PET) and the Danish Defence Intelligence Service do not strengthen independent control in significant areas.

### **PUBLIC ADMINISTRATION LEGISLATION IMPOSES BLACKOUT**

In 2013, a new Public Administration Act was adopted that expands access to documents in several areas. However, the Institute for Human Rights, the Association of Danish Media, the

Danish Union of Journalists and many others have criticised core elements of the Act.

The Minister's rule of law (section 24) was debated intensely before the Act was adopted but the section was clarified following a political agreement with Venstre, The Liberal Party of Denmark, and the Conservatives. We pointed out that the Act allows important legislative documents to be kept secret from some members of Parliament (section 27(2)). Not only the public but also parts of Parliament are left outside the information loop, which adversely affects the political decision-making process.

Democratic control of the intelligence service remains inadequate and outdated.

The public has a clear interest in gaining insight into the basis for decisions on important societal matters, but the Act allows for information on internal professional assessments in documents prepared for use when advising ministers or the chairmanship of Local Government Denmark and Danish Regions, to be exempt from the right of access to documents (section 29(1)).

### **NEW ACT ON PET OVERSIGHT MECHANISMS STALLS**

A new act on the intelligence service was passed in 2013. The Act's initiatives are good but some points are inadequate if effective, democratic control of the intelligence service is the ambition. PET will be subject to independent oversight, which is positive, but the oversight is limited to personal data processing and not its use of sources, informants, agents, telephone tapping, sniffer programmes, internet monitoring or cooperation with other countries.

### **THE DANISH INSTITUTE FOR HUMAN RIGHTS RECOMMENDS THAT OVERSEERS:**

- are appointed by Parliament not the Minister for Justice
- must report to Parliament and not only the Minister for Justice
- should give orders and issue prohibitions as well as receive reports on errors and irregularities
- should have a broader mandate and as a minimum be able to investigate any case subsequent to specific commissioning by the Parliamentary Supervision Committee, Folketingets kontroludvalg.

Hence, the Danish Parliament cannot independently control e.g. the intelligence service's digital monitoring and processing of metadata because the Parliament must trust the information presented by the Danish Minister for Justice as provided by PET. The institute believes that democratic oversight of the intelligence service remains inadequate and outdated.



## CURRENT ISSUES WHERE IMPROVEMENTS ARE IMMINENT

Some important discussions have taken place that could lead to significant improvements of human rights in Denmark. This includes, among other things, comprehensive legislation against discrimination, incorporation of more human rights conventions in Danish law and protection of online rights.

### COMPREHENSIVE LAW AGAINST DISCRIMINATION

According to the 2011 Government Platform, "the government will guarantee equal opportunities and equal rights for all Danish citizens". This is a positive statement. Discrimination is unacceptable, regardless

of reason. Today, Danish equality legislation comprises of a number of different acts providing different degrees of protection, depending on the reason for the discrimination. For example, discrimination based on disability, gender identity, sexual orientation or religion is currently not protected to the same degree as discrimination based on gender and ethnicity. Therefore, the UN Human Rights Council and the Committee for Equal Treatment established under the Danish Institute for Human Rights' Council have recommended that Denmark revises its equal treatment laws to ensure a simple act that covers all grounds for discrimination.



Human rights apply online as well as offline.

## INCORPORATION

In 2014, the Incorporation Committee, on which the Danish Institute for Human Rights is represented, will finish its work. The Committee will present the Government with its recommendation on whether Denmark should incorporate more human rights conventions into Danish law, whether Denmark should accede to the individual complaint mechanisms to several UN committees, and whether Denmark should ratify the general prohibition of discrimination under the European Convention on Human Rights (Additional Protocol no. 12).

We generally expect the authorities, when implementing political decisions, to be more aware of the rights of citizens if more conventions are incorporated into the legislation. This will strengthen the rights of, among others, individuals with disabilities, children and elderly, and ensure that more human rights issues are settled with authorities rather than by the courts.

## SURVEILLANCE

The whistleblower Edward Snowden's revelations of NSA's surveillance have demonstrated how vulnerable our rights on the internet are. The exact scale of the surveillance is still uncertain, but according to the revelations, the surveillance has targeted both European citizens and European institutions – also in Scandinavia.

In July 2012, the UN Human Rights Council decided that human rights apply "online as well as offline". In practice, however, it is very difficult to enforce these rights. One of the barriers is that the main part of the internet infrastructure and the dominant services are under American control.

In regard to the illegal surveillance of Danish citizens, we have pointed out several times that the recently established PET supervisory authority does not have the necessary right of control to be able to investigate such cases. We therefore recommend that the Danish Parliament look into the possibilities of extending the oversight responsibilities.

## REVELATIONS OF SURVEILLANCE FROM SNOWDEN DOCUMENTS

- NSA collects data on millions of telephone conversations
- PRISM: Google, Facebook, Microsoft and Apple cooperate with NSA
- The EU politicians' secret communication is being monitored
- Denmark is part of a "focused cooperation" with the NSA
- Sweden is allowed to pass on raw data concerning Danish citizens to the NSA, bypassing Danish law.

“Perhaps the elected politicians would be more responsible when implementing human rights if they were aware of the fact that they can make the international courts back off if they engage in human rights dilemmas and take a position on the difficult issues.”

Jonas Christoffersen, Executive Director

### THE FUTURE OF THE EUROPEAN COURT OF HUMAN RIGHTS

The European Court of Human Rights lives a life between friends and foes. Many people praise the Court for the work it has done since the 1950s, while others criticise it to pieces.

In 2012, the governments of the 47 member states of the Council of Europe adopted a declaration, which amongst other initiatives intends to amend the European Convention on Human Rights by a so-called additional protocol – the 15th of its kind. The protocol will reduce the deadline for complaints from six to four months and will, among other things, make it easier to reject trivial complaints. Denmark signed the protocol in June 2013, but it will enter into force only when all 47 countries accede.

The 47 governments also advocate a longer-term reflection on the future of the Court. Almost 15 years ago, the president of the Court set out to implement a fundamental reform of the Court but it is not until now the governments are launching the reforms. The governments want a Court that hears significantly fewer cases than today and leaves more manoeuvring space for the individual countries.

However, the governments do not only focus on the Court. They also underline the need for increased political responsibility in individual countries, which should, among other things, establish national human rights institutions, implement the necessary legal reforms and ensure improved knowledge about the citizens' rights.

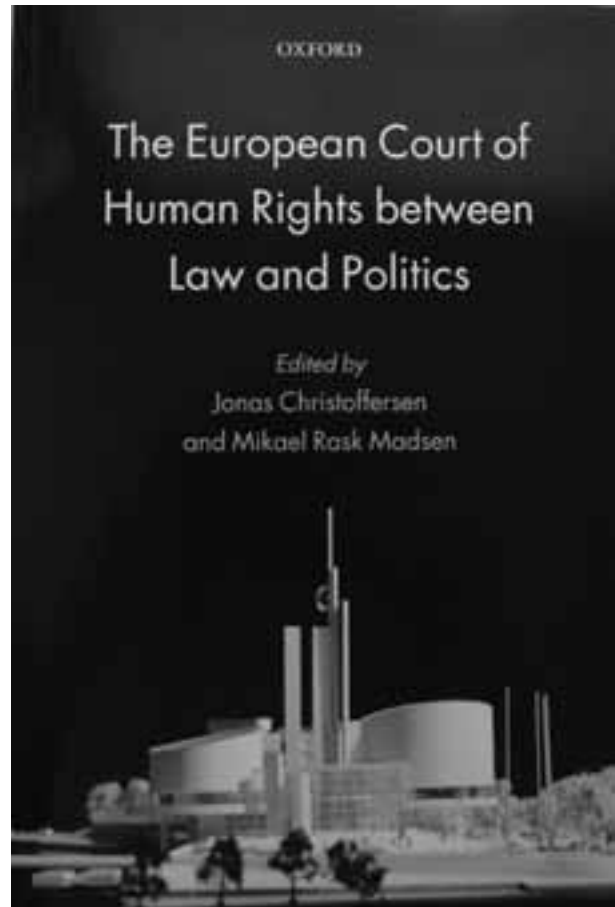
It is difficult to predict what the result will be. A number of governments – with Russia and the UK taking the lead – are extremely focused on limiting the authority of the Court, while others have less radical intentions, and yet others remain more passive in respect of the role of the Court. At the moment, the most critical governments are supported in the taking of cautious steps towards major reforms, and it may result in a thorough reform of the Court in the longer term. In 2015, the situation will be evaluated, and in 2019, the need for more fundamental reforms will be considered.

The Danish Institute for Human Rights is following the development and is engaged in the debate both in Denmark and internationally. In the coming years, we will focus on the future of human rights and contribute to an open and unbiased debate on, among other things, the future of the Court.

### THE BACKLOG OF CASES OF THE EUROPEAN COURT OF HUMAN RIGHTS

At the end of 2013, the court had around 100,000 pending cases. Two thirds of the cases concern five countries: Russia accounts for 17%, Italy 14%, Ukraine 13%, Serbia 11% and Turkey 11%. In 1999, the court had 12,600 pending cases, and in 2011 the backlog peaked at 151,600 cases.

Source: [www.echr.coe.int](http://www.echr.coe.int)



In 2013, our director, Jonas Christoffersen, published the book **The European Court of Human Rights between Law and Politics**, which includes an analysis of the current situation and potential development of the European Court of Human Rights. The book was co-edited by Mikael Rask Madsen, Professor, University of Copenhagen.



“Internationally, it is not our role to be a watchdog and monitor the human rights efforts of the countries. We help poor or politically malfunctioning countries develop their own ability to comply with human rights to improve the lives of the populations.”

Charlotte Flindt Pedersen, Deputy Director



## INTERNATIONAL FOCUS – GLOBAL RESULTS

The international efforts of the Danish Institute for Human Rights are focused in select countries in Africa, the Middle East, Asia and Europe. Working through partnerships with local organisations and authorities is central to the institute in its efforts to achieve robust and sustainable results.

In 2013, an international group of experts conducted a review of the international work of the Danish Institute for Human Rights. This resulted in a solid platform for assessing our work with a view to intensifying our strategic focus.

**In Southern Africa**, we have worked with local courts to strengthen them as bridge builders between the traditional and the official court system. The review concludes that the work of the institute has played a major part in securing increased legal protection for women, for example in property rights cases.

**In West Africa**, the Danish Institute for Human Rights has placed human rights on the agenda of the police in Burkina Faso, Niger and Mali. Studies show that the police in Niger, who once thought of human rights as an obstacle to their work, now see themselves as protectors



## INTERNATIONAL WORK

Charlotte Flindt Pedersen, Deputy Director,  
International Area

Generally, the law now provides far better protection of the rights of accused and detained persons than prior to the revision. Torture has been banned, and judges shall reject evidence obtained by illegal means.

**In Afghanistan**, the institute's partner, the Afghan Nationwide Network of Human Rights and Civil Society Organisations has played an important role in drawing up of a new act on children's rights. Additionally, a partnership has now been formed between local authorities, police, muftis and civil society in the fight against domestic violence, particularly against women in the province of Herat.

**In the Middle East and North Africa**, the institute works in Yemen, among other countries. We are working with the Ministry of Human Rights, which is to establish an independent human rights institution and head the national process of dialogue on reconciliation and Yemen's future constitution. This is human rights work in a very difficult context for our partners. The country is teetering on the edge of civil war, and human rights are part of the battlefield.

On the following pages, we will focus on efforts within the international human rights system, gender and sexuality, human rights and business as well as the possibility of integrating development and human rights.

of human rights. The African Commission on Human Rights has joined us in our efforts to place police and human rights on the agenda in all African countries.

**The institute's China programme** was also recently evaluated by an external party, and we have entered into a new agreement with the Danish Ministry of Foreign Affairs from 2014 to 2016. For the past six years, the institute has supported its Chinese partners in putting forward recommendations for a revision of Chinese criminal procedure law in conformity with international legal protection. The new act entered into force in 2013.

## NATIONAL HUMAN RIGHTS INSTITUTIONS

In 2009, Denmark adopted a human rights strategy focusing on strengthening national human rights institutions. Today, there are more than 100 national human rights institutions worldwide, and they play an increasing role in protecting and promoting human rights in the respective countries.

The Danish Institute for Human Rights works with institutions in developing them and their competences. At the moment, we are working with 11 human rights institutions.

Together with the management of the **Libyan** Council for Human Rights and Civil Liberties we have set up a strategy for the work of the Libyan human rights institution for the next three years. We are also educating the Libyans in how to monitor and report human rights violations in prisons.

We have supported the **Zimbabwean** human rights institution with logistics in connection with the establishment of the institution, as they do not yet have a secretariat. We have also held workshops on the role of the institution and its duties in connection with the election in August 2013.

In **Mali**, we have assisted the National Commission on Human Rights in preparing an annual report on the human rights situation in the country, thereby documenting violations in, among other places, outdated and overcrowded prisons. Together with the

National Commission, we have established a documentation centre, in which all legislative texts and international documents on human rights in Mali are now archived.

### COOPERATION AND SUPPORT

The International Coordinating Committee (ICC) serves as an umbrella organisation for all human rights institutions in the world. ICC supports the national human rights institutions in understanding and gaining access to the UN system. The Danish Institute for Human Rights is assisting ICC in this task.

At the UN General Assembly in November 2013, a resolution was adopted acknowledging the vital role of human rights institutions in the UN system – particularly in the Human Rights Council. The resolution incorporated a request for the Secretary-General to formulate a vision for the role of national human rights institutions in relation to the rest of the UN system in his next report for the general assembly. Also, several of the latest conventions and directives from international institutions such as the UN, the EU and the OECD impose important tasks on the national human rights institutions, for example in relation to monitoring and reporting. This applies to, among others, the UN Convention on the Rights of Persons with Disabilities, the UN Convention against Torture, the EU equal treatment directives and the UN and OECD guidelines on human rights responsibilities of companies.





In 2013, the UN High Commissioner for human rights, Navi Pillay, visited Denmark. The Danish Institute for Human Rights hosted a meeting at which NGOs in Denmark had the opportunity to inform the High Commissioner of the developments in the human rights area in Denmark.

It is important for the Danish Institute for Human Rights to be part of a global network of peer institutions that each play a central role in connection with the international conventions in different countries.

### THE WORK OF THE NATIONAL HUMAN RIGHTS INSTITUTIONS

National human rights institutions must be independent and must promote and protect human rights by, for example:

- hearing complaints by citizens whose rights have been violated
- advising parliaments and governments on human rights issues
- monitoring and reporting on the human rights situation in the country
- educating police, judges, teachers and others in human rights
- providing general education and serving as a bridge between government and society.



## LGBTI RIGHTS IN AFRICA EXAMINED

On behalf of the Ministry of Foreign Affairs of Denmark, the Danish Institute for Human Rights conducted a comprehensive study of the human rights situation for lesbian, gay, bisexual, transgender and intersex persons (LGBTI) in Africa during 2013.

The study confirms that the lack of knowledge of lesbian, gay, bisexual, transgender and intersex persons among the African health professionals is an impediment to objective discussions and thereby contributes to maintaining myths and complicating the fight for these persons' rights. Traditional family structures and values make it difficult for them to live freely. Although there are some

moderate voices within the religious world (which deserve international support), hate-speech against sexual minorities is common and supported by religious communities. The same is true in the political world, and here international pressure and political requirements often fall short.

Politicians and religious leaders like to portray lesbian, gay, bisexual, transgender and intersex persons as a western fabrication and as something un-African. This also implies that certain African politicians and opinion makers appear to be supporting the LGBTI cause until international rewards are obtained and then they drop their support which is unpopular



Only the African lesbian, gay, bisexual, transgender and intersex persons themselves are able to decide when it is time for a more public confrontation.

in their country. When Western countries make bombastic requirements and make the rights of sexual minorities a high-profile key issue it could result in otherwise moderate African opinion makers withdrawing from the cooperation.

## CHANGE PRIMARILY HAS TO COME FROM WITHIN

External requirements for tolerance have generally not been a success in Africa and have not improved the situation of lesbian, gay, bisexual, transgender and intersex persons – on the contrary: Violence against sexual minorities is often tolerated and is even exempt from punishment, just as ancient colonial laws that have not been used for years are revived to punish these people.

These challenges present the international society with some tough dilemmas. The report therefore recommends that we give moderate African politicians room to manoeuvre and that we do not pressure them to take a stand in public "for or against" the rights of sexual minorities. It is important to acknowledge every step in the right direction, such as the decriminalisation of homosexuality or the separation of church and government.

It is also crucial that the desire for change comes from the Africans themselves and not because of pressure from Western countries or foreign NGOs. Only the African lesbian, gay, bisexual, transgender and intersex persons themselves are able to decide when it is time for a more public confrontation. Liberal agendas should not always be promoted – it has in several cases made the situation even more complicated for the lesbian, gay, bisexual, transgender and intersex persons in African countries.



## HUMAN RIGHTS THROUGH BUSINESS

When the EU and the USA resumed trading activities with Myanmar in 2012, following more than 20 years of sanctions, one of the conditions was that future trading and investment activities in the country must respect human rights. The Danish Institute for Human Rights has, together with, among others, the British and Danish ministries of foreign affairs, established a national centre in Yangon to promote sustainable financial development that respects human rights in the country.

This is just one example of how human rights and business are tied together as never before. For the past 15 years, the Danish Institute for Human Rights has worked on strengthening human rights through the

business community's own efforts and through collaboration with states and civil society actors.

### ADDRESSING THE ISSUES WITH THE MAJOR PLAYERS

Our experience shows that good results are achieved when we cooperate with the major players instead of pointing our fingers at them. Therefore, the institute has formed partnerships with companies like A.P. Møller-Mærsk and Novo Nordisk as well as with international groups to advise them on how they can use human rights actively in their work.

Together with Nestlé, we published a report in December 2013 analysing the human rights work in the group: What has been achieved, what did they learn, and what should be done in



## HUMAN RIGHTS AND BUSINESS ARE LINKED

- At a global level, 2.3 million people die every year as a consequence of work-related accidents or work-related illnesses
- It is estimated that Africa could increase its agricultural output by 20% if the continent's women had the same access to agricultural resources as men.

the future? Both we and Nestlé have received many reactions from other companies around the world that look forward to learning from our experience. The major companies now know that also they have a responsibility, and the institute helps them respect human rights.

### HELPING TO PROMOTE INTERNATIONAL RESPONSIBILITY

The Danish Institute for Human Rights also works with governmental and international players. In June 2011, the UN Working Group on Business and Human Rights was established. Consisting of five international experts, one of which is from the Danish Institute for Human Rights, the purpose of the working group is to promote the UN Guiding Principles on Business and Human Rights to prevent and address business related human rights abuses.



## SYNERGIES BETWEEN DEVELOPMENT WORK AND HUMAN RIGHTS

In 2013, The Danish Institute for Human Rights concluded a study on behalf of the Danish Ministry of Foreign Affairs on synergies and linkages in Denmark's development aid. It examined how Denmark could strengthen its human rights efforts in international organisations such as the UN and the EU.

The study is the first step towards more streamlined and effective action on the part of Denmark, and it can serve as an inspiration for the work of the Ministry of Foreign Affairs to keep Denmark on the forefront of the international human rights scene. The study examines how multilateral organisations

– the UN, the EU and others – can serve to guide and strengthen the implementation of human rights in the countries cooperating with Denmark.

The report shows that Danish development projects, despite being linked with the Danish human rights strategy, seldom rely on international human rights standards and mechanisms. The projects are characterised by pragmatism and adaptation to local contexts. Both are good principles, but Denmark is missing out on potential synergy effects that could be achieved if local projects were more closely linked to international strategies.



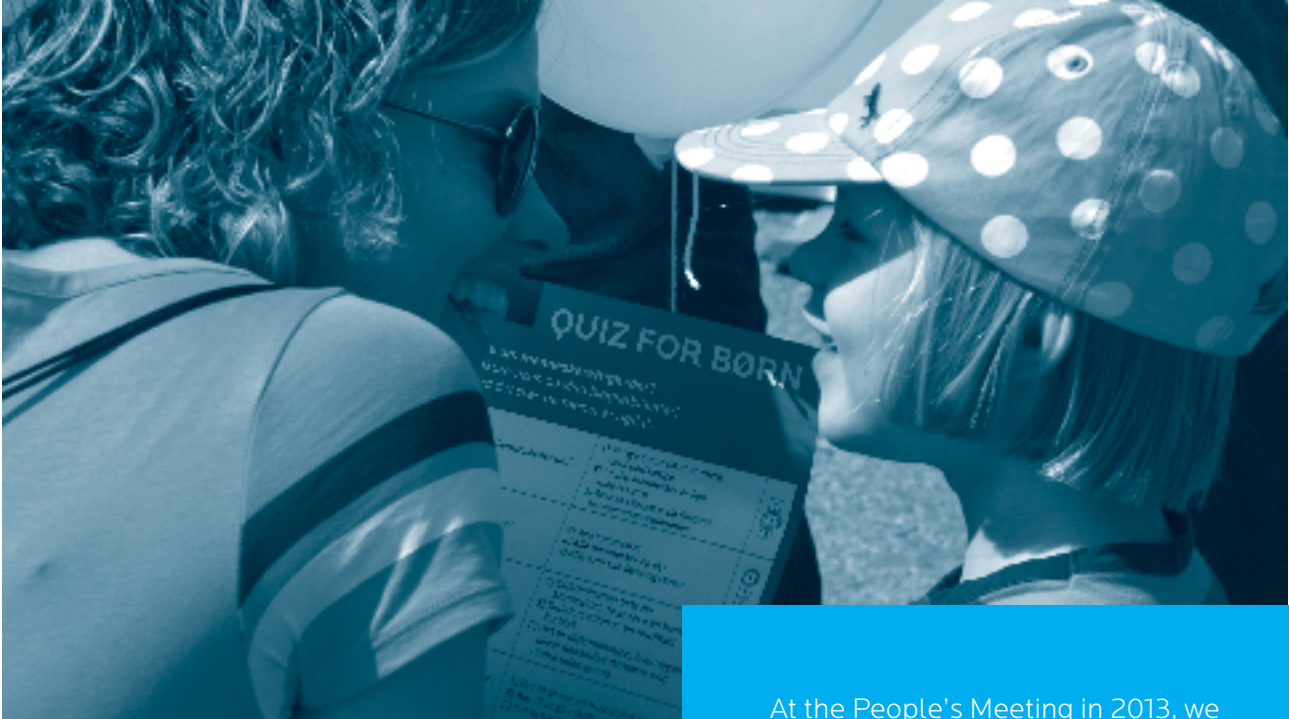
It is beneficial to work with the same topic in several countries. For example, The Danish Institute for Human Rights works with local lawyers in several African countries.

### **DIPLOMACY AND HUMAN RIGHTS**

The study also analyses voting patterns in the UN. It turns out that countries aided by Denmark often vote against Denmark. However, this is not because Danish aid makes countries become critics of Denmark, but rather that Denmark does not let aid go to political friends, but to the countries that meet Denmark's criteria for receiving aid – typically poor countries in remote continents.

### **POTENTIAL SYNERGIES**

- Organisations with a narrow focus, for example HIV/AIDS or efforts against torture, are typically more successful in using and integrating the international system and human rights standards in the work than organisations with a broader focus.
- The national human rights institutions are obvious candidates for receiving aid in partner countries. It could contribute to linking international and national human rights goals. However, the potential is far from realised.
- It has turned out to be successful to work with topics across countries (such as done by, for example, DIGNITY in relation to torture and by IWGIA in relation to indigenous people).
- The stronger an international network the NGOs have, the more they will be able to rely on knowledge and experience from international organisations such as the UN and the EU. It is vital for international donors to establish fora in which local communities can coordinate and cooperate.



At the People's Meeting in 2013, we invited participants to engage in debates on, among other things, development politics and the Middle East. We had developed a quiz about children's rights and human rights work.

In Nigeria, Burkina Faso and Mali, we are working with the police to educate police officers in human rights. The African Commission on Human Rights has now joined us in the efforts to place police and human rights on the agenda in all African countries.





# FINANCIAL SUMMARY

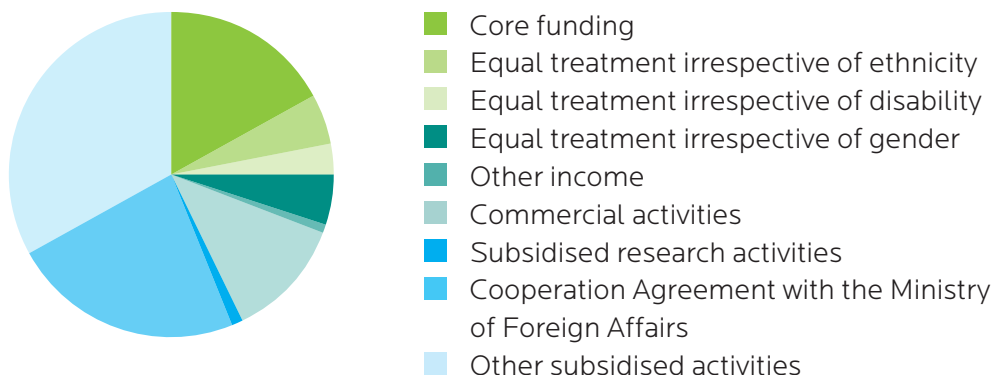
## INCOME TOTAL 2013

1,000 DKK	2013		
DONOR	BUDGET	INCOME	% OF INCOME
Core funding	22,100	22,000	17%
Equal treatment irrespective of ethnicity	6,000	6,000	5%
Equal treatment irrespective of disability	4,400	4,400	3%
Equal treatment irrespective of gender	6,000	6,000	5%
Other income	-	962	1%
Commercial activities	18,255	14,810	12%
Subsidised research activities	-	1,101	1%
Cooperation Agreement with the Ministry of Foreign Affairs	29,208	29,125	23%
Other subsidised activities	40,057	41,591	33%
	<b>126,020</b>	<b>125,989</b>	<b>100%</b>

The variation between the budget and accounts of commercial activities is largely due to not all projects being known when the budget is prepared for the coming year. The accounts reveal the actual categorisation and annual activity level while the budget categorisation is our best estimate of how the externally funded projects are expected to break down.

## INCOME TOTAL 2013

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The income in 2013 comprises DKK 38.4 million from the Danish Finance and Appropriation Act (core funding and funding for equal treatment irrespective of ethnicity, disability and gender), DKK 29.1 million from the Cooperation Agreement with the Ministry of Foreign Affairs, DKK 41.6 million from other subsidised activities, DKK 14.8 million from commercial activities, DKK 1.1 million from other subsidised research activities, and DKK 0.9 million from other income. DKK 16.4 million of the appropriated funds is for equal treatment initiatives involving gender, ethnicity and disabilities. The income in 2013 was DKK 6.5 million higher than in 2012 due mainly to increases of DKK 1.1 million from other subsidised research activities, DKK 2.2 million from other subsidised activities and 2.3 million from commercial activities.

## **DENMARK'S HUMAN RIGHTS OBLIGATIONS**

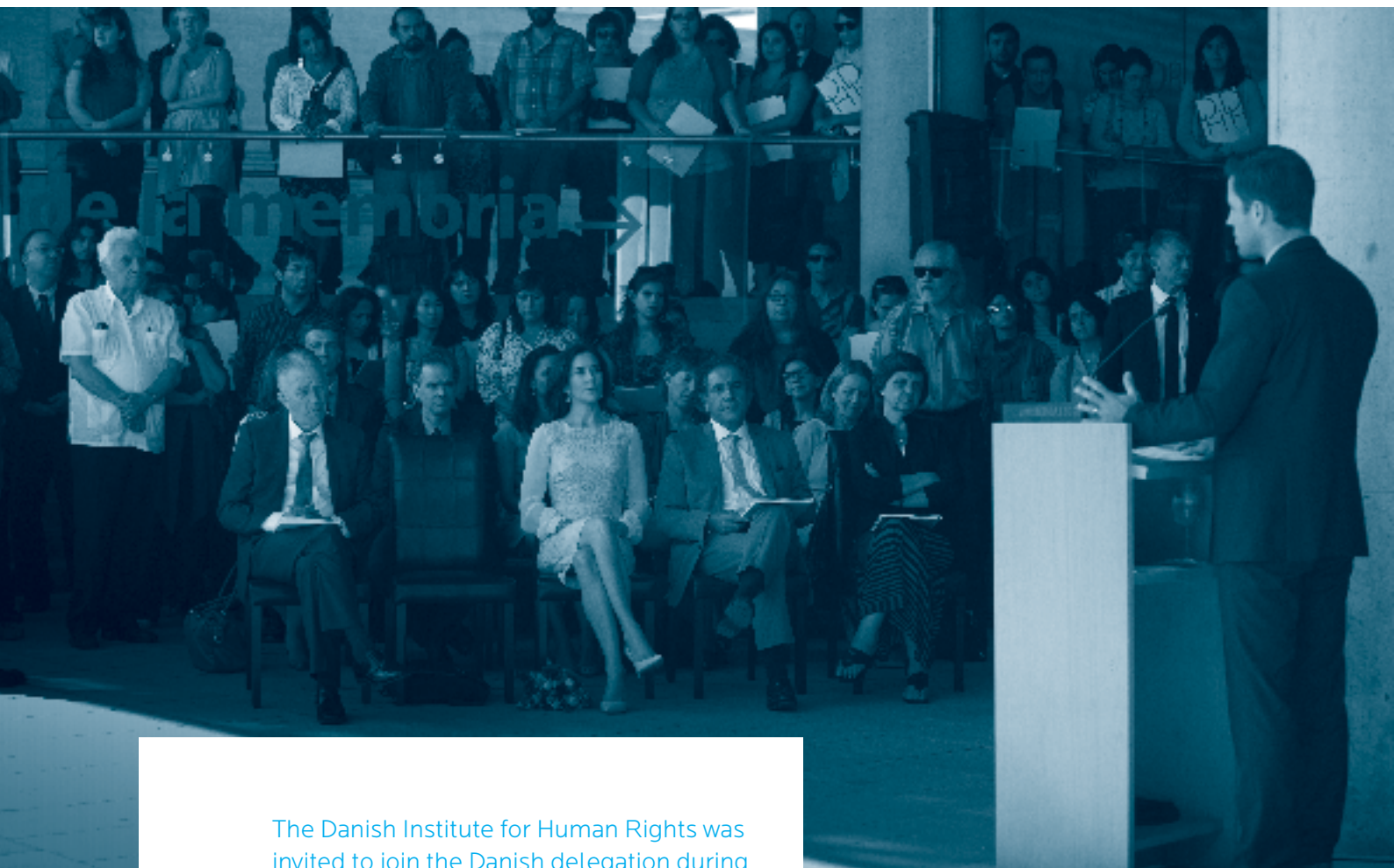
Denmark has accepted both national and international human rights obligations. Nationally, the Danish Constitution safeguards core human rights. Internationally, Denmark has signed agreements (conventions/treaties) on human rights protection. These agreements fall under various institutions, particularly the UN, the Council of Europe and the EU.

## **DIFFERENT FORMS OF RIGHTS**

There are two forms of rights:

Civil and political rights such as freedom of speech, freedom of assembly and the right to a fair trial.

Economic, social and cultural rights such as the right to health and the right to an adequate standard of living.



The Danish Institute for Human Rights was invited to join the Danish delegation during the official visit in Chile to present the new "Human Rights Education Toolbox".