

BYLAW

6 OCTOBER 2023

The following is hereby laid down pursuant to section 4(3) of Act no. 553 of 18 June 2012 on the Danish Institute for Human Rights - Denmark's National Human Rights Institution, as amended by Act no. 656 of 12 June 2013, hereinafter referred to as "the Act":

DOC. NO. 16/00219-8

REF. MHEL

Part 1

Organisation and objectives etc.

Name, secondary name and registered office of the institution

1.-(1) The name of the institution is "the Danish Institute for Human Rights - Denmark's National Human Rights Institution, hereinafter referred to as "the Institution" (in Danish "Institut for Menneskerettigheder - Danmarks Nationale Menneskerettighedsinstitution" and in French "L'Institut des Droits de l'Homme - l'Institution Nationale des Droits de l'Homme du Danemark").

(2) The secondary name of the Institution is "the Danish Institute for Human Rights", abbreviated "the DIHR" (in Danish "Institut for Menneskerettigheder", abbreviated "IMR", and in French "L'Institut Danois des Droits de l'Homme", abbreviated "IDDH").

2. The Institution has its registered office in Copenhagen.

Legal status etc.

3. The Institution has been established with the objective of ensuring compliance with the UN Paris Principles for independent, national human rights institutions and must always satisfy the requirements of the Paris Principles.

4.-(1) The Institution is an independent self-governing institution within the public administration. The Institution is covered by the legislation applicable to the public administration, including the Public Administration Act, the Access to Public Administration Files Act, the Ombudsman Act, the Act on State Accountancy etc., the Act on Public Building Works etc. and the Gender Equality Act.

(2) The Institution must observe the principles of sound administration, responsibility, and openness in order to appear as a reliable, national and effective human rights institution.

Objectives and responsibilities

5.-(1) The Institution must promote and protect human rights in times of peace and during armed conflict, particularly by:

- 1) carrying out monitoring of and reporting on the human rights situation in Denmark,
- 2) conducting analyses of and research on the human rights area,
- 3) advising the Danish Parliament, government and other public authorities and private stakeholders on human rights,
- 4) promoting coordination of and assistance to the human rights work carried out by civil society organisations,
- 5) providing and promoting human rights training,
- 6) providing information on human rights,
- 7) ensuring library facilities regarding human rights, and
- 8) contributing to compliance with human rights in Denmark and abroad.

(2) The Institution must promote equal treatment of all persons without discrimination on the grounds of gender, race, or ethnic origin, including by:

- 1) without prejudice to the rights of victims, associations, organisations or other legal entities, providing independent assistance to victims of discrimination in pursuing their complaints about discrimination,
- 2) conducting independent surveys concerning discrimination, and
- 3) publishing independent reports and making recommendations on any issue relating to such discrimination.

(3) The Institution submits annually a report to the Danish Parliament on the Institution's activities and the developments in the human rights situation in Denmark. The report is published by the Institution.

(4) The Institution must base its activities on the fundamental freedoms contained in the Danish Constitution and the human rights recognised at any time by the international community, including particularly the human rights mentioned in the Universal Declaration of Human Rights, the UN conventions, the European Council conventions, and in the EU Charter of Fundamental Rights, and on obligations relating to the OSCE human dimension.

(5) The Institution may conduct independent research. The scientific staff of the Institution is free to conduct research within the Institution's research strategic framework when they are not assigned with other duties.

(6) The Institution establishes detailed guidelines containing an explanation of what is considered research work with associated freedom of research for the scientific staff, and an explanation of other duties.

Part 2

Management of the Institution

The Board

6.-(1) The Institution is directed by a board that decides on all significant matters regarding the professional responsibilities, the finances, and the management of the Institution.

(2) When exercising its functions, the Board must protect the interests of the Institution in accordance with the objective of the Act and plan the Institution's activities in the long and short terms, e.g. by adopting multi-year strategies.

7. The Board must regularly monitor the implementation of the Institution's activities. In this regard, the Board must take into account developments in the area of human rights so that the Institution is can initiate new activities to ensure that its work is dynamic and of current interest. The Board is responsible for prioritisation within the current financial frameworks.

8.-(1) The Board comprises 14 members, who are designated in their personal capacity as follows:

- 1) six members are designated by the Council for Human Rights.
- 2) one member is designated by the Rector of the University of Copenhagen.
- 3) one member is designated by the Rector of Aarhus University.
- 4) one member is designated by the Rector of University of Southern Denmark.
- 5) one member is designated by the Rector of Aalborg University.
- 6) two members are designated by the Conference of Rectors under Universities Denmark.
- 7) one member is designated by the Human Rights Council of Greenland.
- 8) one member is elected by employees from the Institution.

(2) The members of the Board are designated for a four-year period and can be re-designated for one additional period. Subsequently, they can only be re-elected or re-designated after at least four years.

(3) Among the members of the Board designated by the Council of Human Rights, at least one member must have an association with an organisation engaged in areas of importance to ethnic minorities, at least one member must have association with an organisation in equal treatment of women and men, and at least one member must be designated following recommendation from the Disabled People's Organisations Denmark.

(4) Efforts must be made to ensure that at least two of the members designated by the rectors of the University of Copenhagen, Aarhus University, the University of Southern Denmark, and Aalborg University are attached to the legal profession.

(5) The election of an employee from the Institution takes place pursuant to the relevant provisions in the Act on Public and Private Limited Companies (the Companies Act). Employee representatives enjoy the same protection against dismissal and other deterioration of working conditions as union representatives within the same or a similar area. The members may elect one proxy.

9.-(1) The members of the Board are designated in their personal capacity and must be independent and have a high degree of personal and professional integrity. Moreover, members of the Board must be interested in making a difference in the human rights area and have a fundamental insight into financial and managerial aspects.

(2) Any member of the Board who is elected to the Danish Parliament or to Inatsisartut (the Greenland Parliament) should, upon election, resign from the Board. The same applies if a member of the Board no longer meets the conditions for designation to the Board because they have lost the necessary independence and personal and professional integrity, including as a consequence of

- having received final sentencing for any criminal offence that may impair the respect or trust required to serve on the Board,
- having demonstrated untrustworthy, unwarrantable, or improper conduct that is incompatible with their work as a member of the Board, or
- long-term mental or physical impairment that prevents them from performing their Board duties.

(3) A member of the Board or another person present must notify the Board of circumstances which may give rise to doubt as to whether a member of the Board meets the requirements for independence and

integrity. The relevant member must be given the opportunity to submit information to the Board and respond to any questions from the Board but may otherwise not participate in discussions on whether the relevant member meets the requirements.

(4) The Board may comment on matters regarding members' independence and integrity and may in this connection encourage a member to retire from the Board, however the Board may not exclude a member. If, despite a request by the Board, a member will not retire, the Board may request the designating authority to revoke the designation and designate a new member.

(5) Matters regarding independence or integrity must be recorded in the minutes. The Board's comments must appear in the minutes.

10.-(1) The designation of Board members must be in the form of an official decision which must also determine the period of designation.

(2) The day-to-day management of the Institution (the Director) calls for decisions on designation from the parties entitled to designate Board members.

(3) The parties entitled to designate must ensure that the designation follows the Paris Principles' requirements for openness and transparency with a view to maximising the number and diversity of candidates. Vacant Board memberships must be published, stating the clear objective criteria for the selection in light of the composition and the competence profile of the Board. Moreover, the parties entitled to designate must endeavour to ensure that the designation takes place following consultation of relevant stakeholders. The parties entitled to designate establish themselves detailed guidelines on the designation of Board members in accordance with the requirements of section 3 of the Act.

(4) The Director subsequently sends letters of appointment to the newly designated or re-designated Board members, with a copy to the designating parties.

(5) If a member of the Board retires before the end of the period of designation, the parties entitled to designate Board members designates a new member for a new four-year period.

11.-(1) The Management Board shall elect a Chairperson from among its members. The Chairperson is elected for a one-year period with the possibility of re-election.

(2) The Chairperson convenes the Board for a meeting at least four times annually. The Board must convene if so requested by three members of the Board or by the Director. When the Chairperson retires, the Director convenes a Board meeting.

(3) The Board makes decisions by simple voting majority, except in connection with amendments to the Bylaw, where adoption requires a two-thirds majority. The Board forms a quorum when more than one-half of the members are represented. In the event of parity of votes, the Chairperson has the casting vote.

(4) The Board determines the remuneration of members on the basis of the Danish Ministry of Finance's circular on remuneration of members of governing bodies within the Danish state.

12.-(1) The Board determines its own Rules of Procedure, which, among other things, are to ensure the greatest possible transparency with regard to the work of the Board.

(2) Transparency may be restricted by the legislation applicable within the public administration, and by the nature of the case or the circumstances if necessary.

Special committees and advisory forums

13.-(1) The Board may set up special committees and advisory forums as necessary, when these are expected to be able to support the Board in ensuring quality of its work or to create a broad professional and public outreach.

(2) When setting up a special committee or an advisory forum, the Board establishes the overall guidelines for the work of the committee or the forum, including targets and time frame for completion of its work.

(3) The Board designates members for special committees and advisory forums. Special committees and advisory forums may comprise the number of members that the Board deems appropriate. The Board may designate members from within as well as from outside the Board itself.

Council for Human Rights

14. The Board sets up the Council for Human Rights, which discusses the overall guidelines for the Institution's activities and follows its activities with a view to promoting the objective of the Act. The Council may submit proposals to the Board of the Institution regarding new activities and assess the progress of past activities.

15.-(1) The Council for Human Rights is composed to reflect prevailing views in civil society organisations working with human rights. Particularly concerned public authorities may also be admitted as members of the Council.

(2) Civil society organisations may include voluntary organisations, professional organisations, political parties, universities, research, and teaching institutions as well as organisations that have activities in areas of importance to ethnic minorities.

(3) Private individuals may not be admitted as members of the Council for Human Rights. Members of the Council for Human Rights represent the respective organisations and authorities.

16.-(1) The Council for Human Rights has been set up following a public consultation process that is repeated periodically and at least every four years.

(2) As part of the public consultation process, the Board encourages existing members of the Council to actively renew their membership, and the Board encourages other interested civil society organisations and particularly concerned authorities to apply for admission as members of the Council. This is to ensure that the Council continues to represent civil society organisations and authorities that are active in promoting human rights.

17. The Board establishes the detailed provisions regulating membership of the Council for Human Rights in accordance with the UN Paris Principles for national human rights institutions. Among other things, the provisions must include regulations regarding membership, period of designation and designation of new members if a member retires during a membership period. Moreover, the provisions must include regulations regarding how often and in what way a public consultation process is to be held, see section 15 (1).

(2) Provisions for membership of the Council are made accessible to the public, for example via the Institution's website.

18. Members of the Institution's Board may not simultaneously represent a member of the Council for Human Rights.

19. Members of the Council representing civil society organisations have the right to vote. Representatives of public authorities and

representatives of the Board participating in the meetings of the council do not have the right to vote.

20. Expenses for meetings of the Council for Human Rights, including expenses for sending written material, are paid through the Institution's operating budget.

21. The Council for Human Rights establishes the Rules of Procedure for its work.

The Director

22.-(1) Following public advertisement in accordance with the Circular on Vacancy Notices for Positions and Paid Duties in the Public Sector issued by the Ministry of Finance, the Board appoints a director to be in charge of the day-to-day management of the Institution.

(2) Appointment is normally for a fixed period.

23.-(1) The Director is in charge of the day-to-day management, including the Institution's professional, financial and administrative management and performs staff management and accounting duties.

(2) The day-to-day management does not include operations that are of unusual nature or of great significance, see section 6, including decisions regarding:

- 1) conclusion or termination of office leases,
- 2) purchases of more than DKK 2 million, and
- 3) conclusion of agreements regarding activities of more than DKK 10 million

(3) The Director presents the annual budget for adoption by the Board. The Director is responsible for compliance with the budget approved by the Board and for ensuring that the Institution's activities otherwise are in accordance with decisions and guidelines by the Board.

24.-(1) The Board establishes guidelines for the Director's activities.

(2) The Director must perform his tasks within the framework established by the Board.

(3) The Director may, within the framework and guidelines specified, delegate tasks to other employees at the Institution in accordance with general administrative procedural law.

25. The Director participates in Board meetings without the right to vote.

Part 3

Finances and financial statements etc.

Power to bind

26.-(1) The Institution is bound by the Director together with either the Chairperson or two members of the Board, or by three members of the Board jointly without the Director.

(2) The Director stipulates regulations regarding who may dispose of the assets of the Institution on behalf of the Director, and regarding endorsement and approval of vouchers.

Finances etc.

27. The state provides an appropriate annual subsidy for the operation and activities of the Institution. The subsidy is to ensure that the Institution can have its own employees and premises, and thereby be independent of the government and not subject to any financial control that may affect its independence.

28.-(1) In accordance with its objectives, the Institution may receive revenue from foundations, gifts, etc. and may engage in commercial activities, subsidised research activities and other subsidised activities, including consultancy and advisory services, to the extent that such activities are compatible with the performance of the other tasks by the Institution.

(2) In accordance with its objectives, the Institution may enter into multi-year agreements with public authorities on the performance of specific tasks.

29. The Institution is covered by the provisions laid down by, or agreed with, the Minister for Finance regarding pay and employment conditions, including regarding pension for the Institution's employees.

30. The Institution is self-insuring, see Circular on Self-insurance in the State issued by the Ministry of Finance, but may take out extended travel insurance in connection with travel to high-risk areas.

31. The Institution is liable for its obligations only with regard to its buildings, installations, furniture and equipment, and capital resources, see section 37(2).

Financial statements

32.-(1) The financial year of the Institution is the fiscal year. The Institution uses the state accounting rules according to the Executive Order on State Accounting issued by the Ministry of Finance

(2) At the conclusion of the financial year, the annual report of the Institution is prepared by the day-to-day management and is presented for approval to the Board.

(3) The annual report is signed by the entire Board and by the Director.

Audit

33.-(1) The annual report of the Institution is audited in accordance with accepted public auditing standards by the Auditor General, see sections 2 and 3 of the Audit of Government Accounts etc. Act. However, the annual report is audited by an internal auditor, who is an approved auditor, if an agreement about this has been established between the Auditor General and the Minister for Foreign Affairs, see section 9 of the Audit of Government Accounts etc. Act.

(2) The Board carries out ongoing supervision of the Director's follow-up on reports etc. by Rigsrevisionen - the Danish national audit office and by the internal auditor.

Supervision

34.-(1) The Institution is subject to supervision by the Ministry of Foreign Affairs, see the relevant instructions from the Ministry.

(2) Financial supervision of the Institution's financial management is based on regulations applicable to self-governing institutions within the Danish public administration. On the basis of this, supervision must observe the independence of the Institution.

(3) The Board carries out ongoing supervision of follow-up by the Director of supervisions by the Ministry of Foreign Affairs.

Part 4

Terms and conditions of the Bylaw and discontinuation

Terms and conditions of the Bylaw

35. The Institution has made the current Bylaw accessible to the public on its website.

36.-(1) Proposals for amendments to the Bylaw are submitted to all members of the Board by no less than 14 days prior to the Board meeting at which the proposals are to be addressed.

(2) Following preliminary processing by the Board, proposals for amendments to the Bylaw are submitted for consultation with Rigsrevisionen - the Danish national audit office according to sections 7 and 10 of the Act on Audit of State Accounts, before they are presented to the Board for final approval or rejection.

(3) Amendments to the Bylaw are presented to the Minister for Foreign Affairs for approval when they have been finally adopted by the Board. As part of the obligation of Minister for Foreign Affairs to carry out supervision, the Minister is thus given the opportunity to ensure good subsidy management and ensure that the Board has taken into account comments and amendments to the Bylaw from Rigsrevisionen - the Danish national audit office.

Discontinuation

37.-(1) The Institution may only be discontinued by law.

(2) If the Institution is discontinued as a self-governing institution, its buildings, installations, furniture and equipment, capital and liabilities pass to the state.

Part 5

Entry into force

38. This Bylaw enters into force on 6 October 2023.

Adopted by the Board on 6 October 2023



Andreas Kamm, Chairperson

Following consultation of the Auditor General, this Bylaw was approved by the Minister for Foreign Affairs on 28 September 2023.