

THE DANISH
INSTITUTE FOR
HUMAN RIGHTS

HUMAN RIGHTS
ON THE AGENDA

REPORT 2016-17



CONTENTS

- 3** FOREWORD

- DENMARK
- 4** JUDICIARY
- 6** RELIGION
- 8** REFUGEES
- 11** FOREIGNERS
- 14** UN EXAMINATION
- 16** THE DANISH DEFENCE
- 17** DISABILITY
- 18** SOCIAL AFFAIRS
- 20** GENDER
- 22** ETHNICITY
- 23** EDUCATION
- 24** MUNICIPALITIES
- 26** GREENLAND

- 28** INTERNATIONAL WORK
- 30** SUSTAINABLE ECONOMIC GROWTH
- 34** COOPERATION BETWEEN AUTHORITIES
- 38** INTERNATIONAL STANDARDS
- 42** NEW RESEARCH

Editors: Ulla Dyrborg (chief editor), Jonas Christoffersen, Louise Holck, Eva Grambye, Helene Marie Hassager and Signe Grejsen Nissen.

Closing date for contributions: 7 April 2017

Contributors: Allan Lerberg Jørgensen, Anette Faye Jacobsen, Ask Hesby Krogh, Birgitte Feiring, Cecilia Decara, Cecilie Nielsen, Christoffer Badse, Claire Methven O'Brien, Emil Kiørboe, Eva Ersbøll, Eva Maria Lassen, Francesco Castellani, Hanna Ziadeh, Hans-Otto Sano, Helle Schaumann, Kristina Helland Strandby, Line Vikkelsø Slot, Lise Garkier Hendriksen, Lucienne Jørgensen, Lumi Zuleta, Mandana Zarreparvar, Maria Ventegodt Liisberg, Nanna Margrethe Krusaa, Nikolaj Nielsen, Peter Vedel Kessing, Signe Hinz Andersen, Signe Stensgaard Sørensen, Sofie Gry Fridal Hansen, Stéphanie Lagoutte, Steven L.B. Jensen, Stinne Skriver Jørgensen, Una Verdel, etc.

Graphic design: Hedda Bank

Printed by: toptrykgrafisk

Photos: Front page and pages 4, 6, 9, 12-13, 16: Scanpix; pages 33, 36, 37, 39:

Helene Marie Hassager; pages 14-15: Colourbox; pages 18-19, 41: Danish Institute for Human Rights; page 3: Anne Mie Dreves; page 20: Ferdio; page 25: Polfoto; page

27: Tina Enghoff and youngsters from the Siunissaq oagut pigaarput project; page

34: Francesco Castellani; page 42: Oxford University Press

ISBN: 978-87-93241-88-6

Printed in Denmark, 2017 ©

Danish Institute for Human Rights

Wilders Plads 8K – 1403 Copenhagen K, Denmark

+45 3269 8888 – www.humanrights.dk

ABOUT THE INSTITUTE

The Danish Institute for Human Rights is Denmark's National Human Rights Institution. We promote and protect human rights and equality in Denmark and internationally. We want to create long-lasting change. We fight for people and their rights.

We also act as the national equality body for matters of racial and ethnic origin and for gender issues. In addition, we have a special role in the disability area, where we promote and monitor implementation of the UN Convention on the Rights of Persons with Disabilities.

Among other things, in 2016 we have:

- Prepared the annual review of the human rights situation in Denmark. In the 2016/17 edition, we review 22 areas. Read more at humanrights.dk.
- Prepared 177 legal briefs for proposed legislation with human rights content. See all legal briefs (in Danish) at menneskeret.dk/hoeringssvar.
- Published 26 reports, five books and more than 45 research articles, papers and book chapters. In the media, we have published 131 op-ed pieces, analyses and blog entries and

contributed to more than 3,200 news items and articles. Read more on humanrights.dk.

- Responded to at least 447 inquiries from the public and directly advised 37 people in cases related to unequal treatment and discrimination because of race, ethnicity and/or gender. Read more about counseling (in Danish) at menneskeret.dk/counseling.

We work internationally through partnerships with ministries, authorities and national human rights institutions, and we provide advisory services for the business community to ensure robust and sustainable results.

We work with human rights in many parts of the world. Our largest projects are in Africa, particularly West Africa (Burkina Faso, Mali and Niger), in North Africa and the Middle East (Tunisia, Egypt and Morocco), Asia (China, Nepal, Myanmar) and Eurasia (Kyrgyzstan, Belarus, Georgia).

We have eight local offices located in Niger, Burkina Faso, Mali, Tunisia, Nepal, China, Myanmar and Kyrgyzstan.

Read more about our international work at humanrights.dk

FOREWORD



Once again, human rights were high on the Danish political agenda in 2016, with tough political statements and extensive debate. Denmark was to withdraw from conventions, push international agreements to the limit, run process risks, etc.

The institute voiced our most severe criticism for many years in relation to the Danish Government's tightening of rules concerning immigrants and asylum-seekers. We have criticised that asylum-seekers can only apply for family reunification after three years, that young couples were prevented from living together at asylum centres, and that new and stricter rules aim at making life intolerable for people on "tolerated stay".

In spite of the heated debate and many negative – and sometimes even wrong – statements about human rights, it is positive that politicians and the population are taking an active stance on human rights. One of the tasks of the Danish Institute for Human Rights is to contribute to maintaining focus on human rights. Our role is to ensure the legitimacy of human rights and promote support for them.

This may involve adjustments to human rights law and associated institutions. The foundation for our work is that respect for democratic institutions, the need for rule of law principles and the importance of human rights apply to everyone.

The institute is independent, critical and constructive. We have drawn up a new four-year strategy emphasising that we fight for people and their rights, that we collaborate and engage in dialogue with the outside world, and that we take responsibility and create long-lasting change. We are well on the way.

Every day, we strive to ensure and improve human rights in Denmark as well as the rest of the world. You can read more about our work on the following pages.

We hope you will enjoy reading this report. You can also follow us on our websites, in newsletters, and on Facebook, Twitter and LinkedIn.

Jonas Christoffersen Dorthe Elise Svinth
Executive Director Chairperson of the Board

JUDICIARY

FOCUS ON DETENTION AND USE OF FORCE

Detention is one of the most severe interventions. Detention may be either before or after conviction. Incarceration may be more or less restrictive, ranging from open prisons to high-security prisons and even more restrictive custody. One of the most far-reaching measures available to the Danish state is the use of solitary confinement in Danish prisons.

CHILDREN EXPOSED TO SOLITARY CONFINEMENT

Solitary confinement may cause serious psychological injury, and even short periods of solitary confinement can lead to anxiety, self-

harm and suicidal tendencies. Nevertheless, Danish law allows solitary confinement of children as young as 15 years old for up to four weeks in prisons or pre-trial detention facilities. For years, a number of international human rights bodies have urged Denmark to introduce a total ban on solitary confinement of young people under the age of 18. Unfortunately, such a ban has yet to be implemented.

REMAND CUSTODY – PRE-TRIAL PUNISHMENT?

Even though a person is innocent until proven guilty, last year more than 4,000 people were detained in Denmark before they had been convicted. In Denmark, it can take months, even years, for the police, the prosecutor and the courts to complete a criminal case. During this

The police removed demonstrators, Tibetan flags and symbols during three Chinese state visits in Copenhagen from 2012-2014.





SETBACKS

- An increasing number of prison officers experience violence or threats of violence from inmates.
- A considerable number of inmates experience exposure to violence and threats of violence, primarily from fellow prisoners, but also from prison personnel. Furthermore, female prisoners are at risk of sexual harassment.

period, some pre-trial detainees are faced with restrictive living conditions and limited contact with their relatives. The paradox remains that pre-trial custody in Denmark is more restrictive than serving a sentence.

The institute has repeatedly criticised the extensive use of remand custody in Denmark, and despite a slight decline in 2016, the number of pre-trial detainees still amounted to almost one-third of all inmates in the institutions under the Danish Prison and Probation Service.

MORE WIDESPREAD ACCESS TO PEPPER SPRAY

The institute has been monitoring the use of pepper spray by prison personnel and the police for several years. Since 2015, the Danish Prison and Probation Service as well as the Danish National Police have been looking to reduce the use of pepper spray. This is positive. However, in 2016, the Danish Ministry of Justice introduced a bill which will allow prison personnel to carry pepper spray as part of their standard equipment. In our assessment, this may encourage the use of pepper spray to escalate.



PROGRESS

- The use of solitary confinement for people in remand custody continues to decline and amounted to 0.7% of all individuals in remand custody in 2015.
- The number of inmates choosing voluntary solitary confinement, i.e. exclusion from interaction with other inmates, fell to the lowest in the last ten years.
- The use of pepper spray by police and prison officers has declined in recent years.
- Since 1 February 2016, the police have been required to wear visible, unique ID numbers on their uniforms.
- The number of children and young people with criminal records has fallen considerably. Since 2006, "suspicions" against 10-14-year-olds declined by 70%, and charges against 15-17-year-olds declined by 46%.

RESPONSIBILITY TO BE PLACED IN THE TIBET CASE

The police seizure of Tibetan flags during three Chinese state visits from 2012 to 2014 is in direct contravention of the freedom of expression and the freedom of association. As a result, a commission has been established to determine who was responsible for the conduct of the police. Since the autumn of 2016, the Tibet commission has interviewed a number of ministers, civil servants and police officers. The commission will conclude its interrogations in the spring of 2017, and publish a report later this year.

RELIGION

FREEDOM OF EXPRESSION AND FREEDOM OF RELIGION UNDER PRESSURE

Freedom of religion is a classical human right. It includes the right to practise any religion and to change to any other religion. At the same time, freedom of religion is closely related to other central human rights, such as freedom of expression, freedom of assembly and association and the right to privacy. Several of these rights were under pressure in 2016.

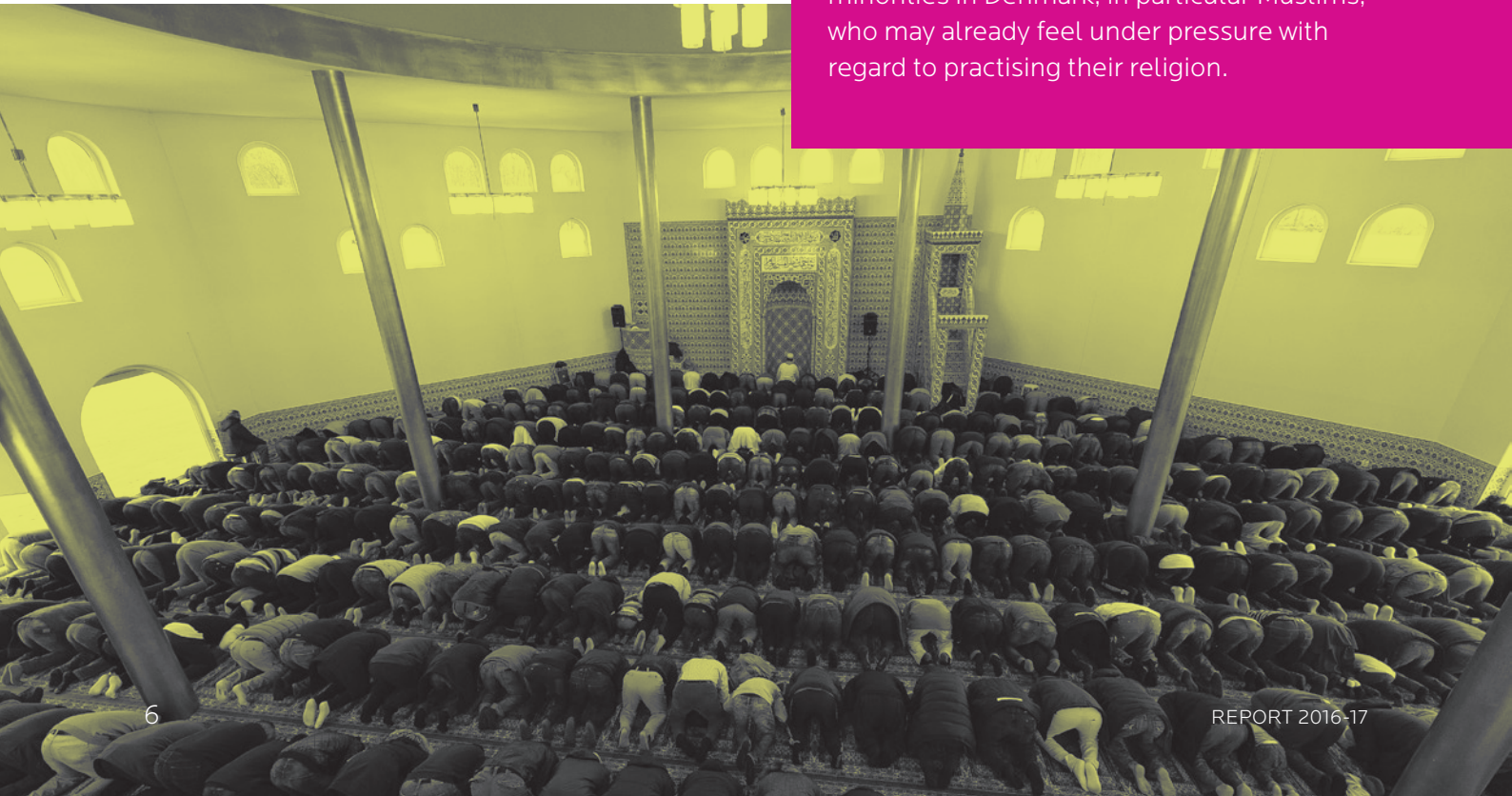
FIVE LEGISLATIVE CHANGES

In March, a programme on the national Danish television channel TV 2 put focus on mosques in and around Aarhus, where imams were preaching views contrary to Danish law. The programme triggered intense political

debate, and a majority of the political parties in the Danish Parliament passed five new acts targeting “religious preachers who seek to undermine Danish laws and values”.

Among other things, the institute criticised the criminalisation of certain religious statements. We are concerned that the act includes statements presented by religious preachers, but not by other leaders with the same or similar authority. In our assessment, this involves a risk of disproportionate discrimination. Furthermore, the act contains ambiguities, which make it difficult for individuals to assess whether their actions can

Five new acts primarily affect religious minorities in Denmark, in particular Muslims, who may already feel under pressure with regard to practising their religion.





SETBACKS

- The Criminal Code has been amended so that statements expressing views contrary to Danish law are criminalised regardless of whether they are expressed publicly or privately.
- Incidences of anti-Semitism have increased over the last couple of years.



PROGRESS

- On 1 January 2016, the institute was authorised to submit cases of fundamental importance concerning discrimination – including on grounds of religion – to the Board of Equal Treatment.

be considered unlawful. Moreover, we criticised the legislation for its potential to throw suspicion on all religious communities and their preachers.

ENCOURAGING RELIGIOUS INCLUSION

In spring, Heiner Bielefeldt, the UN Special Rapporteur on freedom of religion or belief, visited Denmark. He encouraged the Danish Government to take the lead in developing an inclusive culture in which people feel part of society on equal terms, regardless of their different religions and beliefs. In particular, he emphasised the need to create a broader understanding of Danish identity to avoid Danish Muslims feeling excluded because of their religion. Bielefeldt also called for a more dialogue-oriented debate about matters affecting various religious minorities in Denmark, for instance circumcision of young boys. The Special Rapporteur presented a report on his visit to Denmark to the United Nations Human Rights Council in March 2017.



Public calls for prohibiting circumcision, apart from the question of whether a ban will ever become reality, do have their effects on the Jewish Community of Denmark already now.

Heiner Bielefeldt, UN Special Rapporteur on freedom of religion or belief.

A YEAR MARKED BY STRICTER ASYLUM REGULATIONS

In November 2015, the Danish Government presented 34 initiatives to tighten regulations in the immigration area. One in particular triggered a sharp reaction from the institute.

THREE-YEAR WAITING TIME FOR FAMILY REUNIFICATION

Early in 2016, the regulations for family reunification were changed so that refugees with temporary protection status now generally have to wait three years before their families can travel to Denmark and they can be reunited. This new stricter rule became known as the three-year rule. The institute believes that the three-year waiting time is in violation of the right to family life, because rulings from the European Court of Human Rights have pointed out that the processing of family reunification cases must be flexible, prompt and effective, and the cases must be managed with particular care. These principles are not in line with a predetermined waiting period of three years. The three-year period of separation from one or both parents is especially hard on children.

YOUNG COUPLES SEPARATED BY FORCE

In February, the Danish Government decided that young married couples should be separated at asylum centres if one or both of the spouses was between 15-17 years – even if they wanted to stay together. The Government's argument was that it wanted to prevent forced marriages. There were 34 couples, of whom 23 were administratively separated. The institute



We are talking about children who have to wait three years before they can pass into safety and be reunited with their mother or father. Three years is an unreasonably long time in a child's life.

Jonas Christoffersen, Executive Director.

criticised the forced separation practice because it conflicts with the right to family life. A specific and individual assessment should have been made in each case. For many couples, the separation was extremely invasive and created considerable anxiety. The Red Cross reported several cases of young people reacting strongly to the separation, displaying self-harming behaviour or attempting suicide.



The three-year rule conflicts with the European Convention on Human Rights and the UN Convention on the Rights of the Child.

In spring 2016, the Ombudsman intervened after receiving a complaint from a Syrian couple, and in August the Government accepted the criticism and altered its practice.

In February 2017, the Ombudsman published a preliminary report describing the course of events and raising “severe criticism”. Furthermore, the Ombudsman believes that the original February 2016 instruction was unlawful, as it involved significant risk of incorrect separation of young couples.

SUSPECTED ASSAULTS ON MINORS

Unaccompanied minor asylum-seekers are accommodated at dedicated centres for children, which is believed to be in the children’s best interest. However, in the autumn, it came to light that some centres had not offered sufficient protection for the

children in their care. On 26 October, following suspicions of sexual and violent assaults, the Danish Immigration Service decided to close the children’s centre Tullebølle, which was run by the Municipality of Langeland.

In the wake of the Tullebølle case, the Ombudsman and the Danish Institute for Human Rights, together with DIGNITY, made an inspection visit to the Hundstrup children’s centre in South Funen. A number of problems were also found here. The Hundstrup children’s centre is about to be shut down, and the Municipality of Langeland will no longer be operating centres.

In December 2016, the Minister of Immigration and Integration announced that a new concept for supervision and inspection of the centres will be introduced.




SETBACKS

- The three-year rule has severe consequences for those affected by it. The rule is in conflict with the right to family life, and the institute has therefore become part of legal proceedings, supporting a foreigner whose application for family reunification has been rejected due to the new rules.
- In February 2016, the Danish Government ordered that asylum-seekers aged 15-17 years should not be allowed to live with their spouse or cohabitee at an asylum centre, and that couples should be separated. However, this practice has subsequently been changed.
- Accusations of sexual and violent assaults on unaccompanied minors have revealed inadequate supervision of asylum centres for children.
- In spring, the Danish Parliament abolished the rules concerning obligatory health checks for all newly arrived refugees and people moving to Denmark to be married or to be reunited with their family. This means that municipal case officers are now responsible for assessing whether refugees need health checks.
- In March, the Danish Parliament introduced an upper limit on amounts paid to people on integration benefits, cash benefits and benefits for unskilled people under the age of 30. Furthermore, benefits will be reduced if a person has not worked for at least 225 hours during the past year. The regulations are believed to have particularly severe impact on people who were not born in Denmark.



PROGRESS

- Specific assessments are now made of young couples seeking asylum in order to determine whether the couple can live together.
- Following the closure of the children's centre Tullebølle due to suspicions of sexual and violent assaults, the Minister for Immigration and Integration has announced a change in the regulations on supervision and inspection of children's asylum centres.
- In June, the Danish Parliament decided to introduce a basic vocational education and training programme focused on integration (IGU), which will upgrade the qualifications of refugees and people moving to Denmark to help them secure a foothold in the Danish labour market. The education and training programme is a result of the tripartite agreement on labour market integration between the Danish Government and employer and worker representatives. After the first three months, only 13 people had started on the programme.



The number of newly-arrived refugees in Denmark fell from 21,316 in 2015 to 6,235 in 2016.

Source: The Ministry of Immigration and Integration.



FOREIGNERS

SIGNIFICANT RISK OF ILL-TREATMENT OF REJECTED ASYLUM SEEKERS

In June, the Minister of Immigration and Integration stated that tolerated-stay conditions should be as “intolerable as possible”. The concept of “tolerated stay” (leave to remain on humanitarian grounds) covers the conditions offered to aliens living in Denmark without a legal residence permit, but who cannot be sent back to their home country because they are at risk of persecution, for instance torture.

INTOLERABLE CONDITIONS

In February 2017, the Danish Parliament passed a comprehensive act putting action behind the Minister’s words. As a consequence, Denmark is now at significant risk of violating human rights.

The institute has criticised the new act because it introduces a new reporting obligation and prepares the ground for imposing more strict consequences in a number of areas – such as electronic tagging and remand custody – if foreigners do not comply with their residence and reporting obligations.

The restrictions on rights to freedom of movement for foreigners affected by the act are so severe that there is a risk that, these people are being held in detention. This is in direct contravention of human rights.

Furthermore, there is a risk that, over time, some foreigners will in essence be subject to inhuman or degrading treatment in violation of the European Convention on Human Rights.



Can Denmark tolerate that it subjects people to degrading and inhuman conditions that probably violate our international obligations?

Louise Holck, Deputy Executive Director.

LOCKED UP MOST OF THE TIME

Since 2016, the former state prison in Vridsløselille has been used to detain foreigners, for instance when they have been expelled from Denmark, or while their asylum case is being processed by the authorities.

In February 2016, the Ombudsman, DIGNITY and the Danish Institute for Human Rights made an unannounced inspection visit to Vridsløselille, and even though the foreigners living there are not serving a sentence, the Ombudsman compared the conditions at Vridsløselille with the conditions in a high-security prison.



SETBACKS

- The terms and conditions for foreigners on tolerated stay were tightened in 2016.
- In December, the Danish Ministry of Justice put forward new regulation to criminalise the establishment of camps in public spaces and staying in them. The proposed regulation followed a public debate on so-called “Roma camps” last summer. The institute finds it problematic to link an ethnic group with a certain behaviour.



The Ombudsman expressed “serious concern” because the foreigners were locked up in cells almost all the time, because they were not offered any activities or work, and because they did not receive sufficient information. These criticisable conditions could cause mental harm.

Following the criticism, the authorities have improved conditions so that foreigners are not locked up for long periods and can spend more time together, and so that there are opportunities to participate in activities and work.

According to figures from October 2016, 70 persons are currently in Denmark with a tolerated stay permit, because sending them back to their home country would put them at risk of torture or similar. Furthermore, 120 expelled foreigners with criminal records, who are subject to residence and reporting obligations, cannot be returned, for instance because they have been refused entry by their home country.

Source: The Ministry of Immigration and Integration.



In 2016, the former open prison, Kærshovedgaard, outside of Ikast in central Jutland was converted into a departure centre.

DENMARK CONDEMNED FOR DISCRIMINATION

On 25 May 2016, the European Court of Human Rights found that Denmark had violated the European Convention on Human Rights by discriminating against Danish citizens through the 26-year rule in the Danish Aliens Act. The rule implied that Danes who had been Danish citizens for 26 years, and who wanted family reunification with a foreign spouse, did not have to comply with the so-called attachment requirement, according to which the combined affiliation to Denmark of both spouses must be greater than their affiliation to any other



PROGRESS

- Conditions for foreigners detained at Vridsløselille have improved significantly after criticism from the Ombudsman.
- The Danish Nationality Act has been amended so that when a person acquires Danish citizenship the person's children also, automatically, acquires Danish citizenship.

country. The Court found that the 26-year rule was discriminatory against Danish nationals of other ethnic origin than Danish.

The Danish Government immediately decided to follow the Court's ruling, but instead of quickly amending the Aliens Act, in June 2016 the Government decided that the Danish Immigration Service should disregard the 26-year rule, even though no legislative amendment had yet been adopted. This means that in practice, the attachment requirement is applied to couples who according to the 26 years rule are exempted from this requirement. We consider that this is illegal. In a state, governed by the rule of law, people should be able to rely on the legitimacy of the laws passed by Parliament until such laws have been amended.

UN CONCERN ABOUT DANISH IMMIGRATION LEGISLATION

In June 2016 Denmark was examined by the committee which monitors member states' implementation of the United Nations' International Covenant on Civil and Political Rights. During the examination, particular focus was on the changes Denmark has implemented in recent years in the areas of immigration and asylum.

CONCERN ABOUT THE THREE-YEAR RULE

The committee voiced concern about the controversial three-year rule on family reunification, which means that refugees who have been granted temporary asylum must, as a general rule, wait three years before they can be reunited with their family in Denmark. As mentioned previously on page 8, the institute has been highly critical of the adoption of this rule.

"For persons who have fled the horrors of war, three years is an eternity to have to wait to be reunited with one's family. In our view this is a violation of the human-rights conventions to which Denmark has acceded. Understandably, then, we find it particularly significant that the United Nations committee recommends that Denmark change this rule," says Louise Holck, Deputy Executive Director of the Danish Institute for Human Rights.



For persons who have fled the horrors of war, three years is an eternity to have to wait to be reunited with one's family.

Louise Holck, Deputy Executive Director.



CRITICISM AND SOME PRAISE

Denmark was criticised in several areas. These include the use of solitary confinement, not least of minors, coercive measures in psychiatric treatment, and the absence of a general ban on discrimination. Additionally, the committee noted that, at the start of 2016, the Danish police were granted the authority to seize asylum-seekers' valuables in order to pay for the costs of their residence in Denmark. Furthermore, the committee made the recommendation that the Danish Government initiate a review of its far-reaching anti-terrorism legislation and increase

its efforts to combat violence between close relations.

The committee praised Denmark for having implemented improvements to human rights. For instance, the committee approves of the creation of the Independent Police Complaints Authority, the rights granted to homosexuals to marry in the the Established Church of Denmark, usually called the Folkekirke, the rights granted to transgender people to undergo a legal change of gender, and the establishment of Human Rights Council of Greenland.

The United Nations criticised the Danish authorities' extensive use of detention of migrants and asylum-seekers as well as the conditions they were subjected to while detained.

In its two most recent assessments of Denmark, the United Nations has urged Denmark to examine its rules for refugees and asylum-seekers, the extent to which solitary confinement is used, and the broad framework for detaining migrants and asylum-seekers.

THE DANISH DEFENCE

CLEAR RULES FOR THE DANISH MILITARY

Throughout the last 15 years, Denmark has taken part in a number of international military operations.

OBLIGATIONS UNDER INTERNATIONAL LAW

Denmark's growing involvement in military operations has created a need to clarify and describe the obligations of the Danish military under international law. This has resulted in the drafting of the first Danish military manual describing the international obligations of Danish armed forces involved in international military operations. The manual is more than 600 pages long, and was published in September 2016.

DANISH DEFENCE TEXTBOOK

Preparation of the manual has taken a long time, and many institutions both inside and outside Defence Command Denmark have been involved in the process, including the

Danish Institute for Human Rights. The manual is a kind of textbook, particularly for planning staff, managers and military lawyers, and it describes the overall framework of international law that Danish soldiers on deployment must adhere to.



PROGRESS

- The new military manual clarifies international law obligations for the Danish armed forces. This is vital for future operations.

The military manual also describes the human-rights obligations of the Danish armed forces involved in international military operations.



DISABILITY

A VICTORY FOR PERSONS WITH DISABILITIES

For many years now, Denmark has been the only Nordic country without a general ban against discrimination on the grounds of disability. For instance, persons with disabilities have had to put up with not having equal access to insurance, homes, education or healthcare.

For this reason, for a number of years, the Danish Institute for Human Rights has been working to encourage Parliament to adopt a general ban on discrimination on the grounds of disability so that persons with disabilities have an equal status to other persons in Denmark. Furthermore, this would put Denmark in the best possible position to live up to its human-rights obligations pursuant to the United Nations' Convention on the Rights of Persons with Disabilities.

DENMARK IMPLEMENTS A GENERAL BAN ON DISCRIMINATION

In mid-February 2017 the Danish Minister of Social Affairs announced that the Government plans to introduce a general ban against discrimination on the grounds of disability. The intention to introduce a general ban against discrimination received cross-parliamentary support.

The new ban will provide legal protection in all spheres of society and not solely in the labour market, as is presently the case. Amongst other things, this means that persons with disabilities will now be able to lodge a complaint with the Danish Board of Equal Treatment if they have been subjected to discrimination.



Persons with disabilities have been left out in the cold and excluded from participating on equal terms with others, and therefore this act will make a major and palpable difference for a large number of persons in Denmark.

Maria Ventegodt Liisberg, Department Director, Equal Treatment.

Although the institute welcomes the Government's intentions to introduce this ban, it should be noted that the content of the ban still needs to be negotiated by the Government and Parliament. The Institute is concerned that the new act may define discrimination on the grounds of disability too narrowly.

CHALLENGES FOR THE MOST VULNERABLE MEMBERS OF SOCIETY

In a number of areas, 2016 was a challenging year for some of the most vulnerable members of Danish society: children, persons with disabilities and the socially marginalised. Even though Danish law rarely refers directly to economic and social rights, the Danish welfare scheme serve to implement such rights, e.g. the right to adequate housing and social security.

MORE PEOPLE WITHOUT A HOME

Adequate housing is often a prerequisite for a safe and decent life. However, more than 6.000 people in Denmark are living in homelessness. In recent years, there has been a considerable increase in the number of young homeless in the age group 18-24 years. Since 2009, while the total number of homeless people has increased by one-quarter, the number of homeless young people has doubled. This is primarily a serious human rights issue for the people affected, but it also reveals structural problems on the housing market and in social interventions.

CEILING ON SOCIAL BENEFITS HAS LED TO MORE POVERTY

In October 2016, the Danish Government introduced the so-called social-benefits ceiling. This scheme has been particularly hard financially on families with children. Some calculations anticipate that up to 15,000 children living in Denmark will soon be living below the poverty threshold set by the former Government. Furthermore, there is a risk that low benefits may result in increased homelessness and more evictions.

Martin Rosenlind is one of 2,000 persons in Denmark under guardianship who are not entitled to vote at general elections. As a result, he and four others have brought a legal action against the Danish state. In 2016, the institute intervened in the case to support the five plaintiffs.





SETBACKS

- Homelessness is on the rise. According to the most recent figures from the period 2009-2015, the number of homeless people increased from 4,998 to 6,138, corresponding to an increase of 23%.



PROGRESS

- Persons under guardianship have been granted voting rights at municipal and regional elections, and at elections to the European Parliament. However, they have not gained the right to vote at parliamentary elections in Denmark.
- The number of evictions of tenants fell in 2016 for the fifth consecutive year. Since the historically high level in 2011, the number of evictions per year has fallen by more than 50%.



I am not allowed to vote at parliamentary elections. The Ministry tells me that this is the law. I am actually quite angry about this.

Martin Rosenlind, Plaintiff.



GENDER

SEXISM AND HATE SPEECH ONLINE

In recent years, a large part of public debate in Denmark has moved to social media platforms. This enables a greater part of the population to take part in discussions about current topics and express their views. For better or for worse, because the short distance from thought and opinion to tweet or Facebook comment has brought new challenges.

NEW NORDIC NETWORK

In late summer, the Danish Institute for Human Rights took the initiative to establish a new network comprising Nordic equality bodies and ombudsman agencies. The task of the network is to clarify the extent of online sexism and hate speech, and ensure exchange of knowledge and experience across Nordic countries.

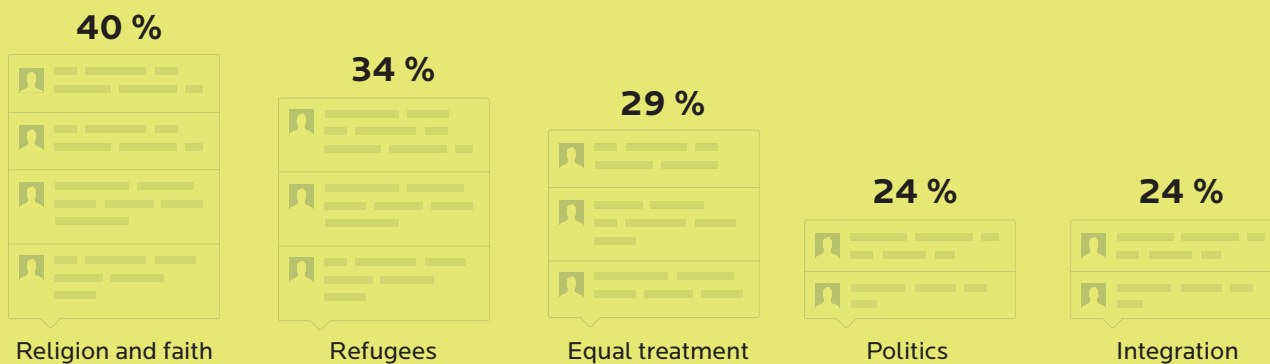
Several of Denmark's Nordic neighbours consider online hate speech a threat to democracy. Both Norway and Sweden have recently launched national action plans to



Facebook has made it possible for the media to engage people in the public debate like never before. But the debate often gets side-tracked and ends in gross insults and verbal assaults.

Ask Hesby Krogh, Team Leader.

TOPICS TRIGGERING HATE SPEECH





SETBACKS

- In 2016, it became evident that revenge porn is a widespread phenomenon, and it turned out that legal protection, particularly of young women, and enforcement of the Danish Criminal Code in cases concerning sharing of pictures, are insufficient.
- Even though the educational level in society is generally increasing, men and women with the same education pursue very different careers. Women typically choose a career in the public sector, whereas men often prefer to work in the private sector. This situation has not changed in the last 20 years, according to a 2016 survey from the Danish National Centre for Social Research.

address the issue of hate speech and to stimulate broad public debate, giving everyone the opportunity to be heard.

The Danish Institute for Human Rights hopes that, in addition to being a platform for exchange of experience, the network will attract attention to the subject of sexism and hate speech, and that this will lead to the formulation of a national action plan addressing the issue.

15 % OF ALL COMMENTS ARE HATEFUL

Despite many obvious examples of stigmatising and hateful speech, up until now we have not had any statistics on how often such incidents occur.

Consequently, in 2016 the institute performed a content analysis analysing the magnitude and nature of online hate speech. The survey was



PROGRESS

- A number of large businesses and organisations have joined forces with the Government to launch a campaign that will encourage men to take more paternity leave, and ensure a more equal distribution of parental responsibility.

based on a quantitative content analysis of the Facebook pages of the two major Danish news programmes, DR Nyheder and TV2 Nyhederne. This was the first survey of its kind in Denmark and the rest of the Nordic region.

The survey shows that one out of seven comments, i.e. 15%, is hateful, and that three in four hateful comments are written by men. The survey also shows that hateful comments trigger even more hate speech. As a consequence of the harsh tone, half of the users refrain from participating in the online debate. This impairs freedom of expression and democratic discussion.

DISCRIMINATION AGAINST MALE KINDERGARTEN STAFF

In June, the institute brought a complaint to the Board of Equal Treatment regarding a kindergarden because it had special rules applying to male staff. For instance, male staff were not allowed to change the children's diapers or follow them to the toilet, and in our assessment, this constitutes unlawful discrimination.

ETHNICITY

ETHNIC SURNAMENES AND “DANISHNESS” UP FOR DEBATE

What does it mean to be Danish, and when can you call yourself a Dane? These and other questions were the subject of heated debate in 2016.

PUPILS SPLIT UP ACCORDING TO ETHNICITY

The debate on 'Danishness' came to the fore in late summer, when Langkaer Gymnasium, an upper secondary school in the city of Aarhus, formed four classes comprising only ethnic minority students, thus enabling the school to make two further classes comprising 50% ethnic Danes and 50% ethnic minority students. The objective was to keep ethnic Danish students

at the school. We have submitted a complaint to the Board of Equal Treatment under our mandate to bring cases of fundamental importance before the Board.

ETHNIC MINORITIES EXCLUDED FROM APPRENTICESHIPS

Young people with non-Danish ethnic backgrounds not only experience discrimination in the area of education, but also on the labour market. The institute brought this issue into focus in November, when we launched a survey of apprenticeships for students at vocational colleges. The survey showed that up to one-third of all apprenticeship consultants from vocational colleges regularly experience that companies are reluctant to employ students with ethnic minority backgrounds, or even refuse to do so. On 15 March, Langkaer Gymnasium agreed that pupils had been discriminated on the grounds of ethnicity and we therefore made an out-of-court settlement.



SETBACKS

- Langkaer Gymnasium in Aarhus formed classes based on students' ethnicity. The institute believes this to be illegal discrimination and has submitted the case to the Board of Equal Treatment.
- One-third of apprenticeship consultants at Danish vocational colleges experience that companies choose not to employ students with non-Danish ethnic backgrounds.
- On average, young people with ethnic minority backgrounds have to send 52% more job applications than ethnic Danes before they are invited to a job interview.



PROGRESS

- On 15 March, Langkaer Gymnasium agreed that pupils had been discriminated on the grounds of ethnicity and we therefore made an out-of-court settlement.
- The Government has presented an action plan to put focus on honour-related conflicts and negative social control.

HUMAN RIGHTS EDUCATION FOR PUBLIC SECTOR PROFESSIONALS

In 2016 the institute mapped human rights education for social workers, social advisors and pedagogical staff who act on behalf of the state, regions and municipalities in their day-to-day work. These professionals work with some of the most vulnerable groups in Denmark, including children, youth, persons with disabilities and the socially marginalized. In order for Denmark to fulfil its human-rights obligations, it is vital that professionals possess the necessary qualifications to comply with human rights.

For this reason, we have investigated how human rights are taught in professional bachelor programmes of social education and social work at university colleges across Denmark.

The reports indicate that there is a need for more focus on human rights education, and a greater awareness of the importance of equal opportunities and non-discrimination. We therefore recommend that these issues be directly incorporated into the curricula of the professional bachelor programmes in question.



Social workers must exercise professional judgement, based on relevant human rights competences in their areas of public administration and care taking. Ensuring that staff have these competences is of vital importance.

Cecilia Decara, Team Leader.



MUNICIPALITIES

HUMAN RIGHTS IN THE DANISH MUNICIPALITIES

The Danish municipalities play a crucial role in human rights. It is very often here that members of the public have access to their rights as citizens – or experience that their rights are under pressure. However, municipal decision-makers and municipal management are not used to seeing their work in a human rights context.

IMPROVED PROTECTIONS FOR CHILDREN

In 2016 the institute investigated how Danish municipalities have implemented the so-called abuse package, which aims to protect children from abuse. The abuse package was introduced in 2013 in the wake of a number of cases on child abuse and maltreatment.

Since 2013 major progress has been made: The Danish municipalities have stepped up their efforts in this area, and reports of child abuse are now being processed more systematically and swiftly. The municipal emergency response to protect children who are under the most immediate threat of abuse is highly prioritized by both the management and employees.

POOR MUNICIPALITIES FACE DIFFICULTIES

Nonetheless, investigations carried out by the National Social Appeals Board into municipal working practices have highlighted a large number of errors in the processing of cases of abuse. In almost 10% of these cases, the errors are so serious that the Appeals Board itself has intervened. In addition to this, there is wide

variation in the actual number of vulnerable children that live in the different municipalities.

“In municipalities where funding is in short supply, it will become more and more difficult to meet the strict statutory requirements and guarantee adequate standards in terms of social care and administration. This could potentially result in disparities in standards of care and failures to protect children who happen to live in one of Denmark’s poorest municipalities,” says Senior Researcher Anette Faye Jacobsen.

NEXT STEP

In 2017 we will be examining regulations concerning obligatory public sector digital communication. We will investigate what initiatives municipalities have in place to ensure that citizens with lower than average IT skills are able to access the services and support to which they are entitled. Additionally, we will investigate the state of legal rights at municipal level in the social sector, and citizens’ experience of the processing of their case by municipal authorities. Finally, we will examine more closely what efforts are being made by municipalities to address the increasing number of homeless people.



PSYCHOLOGICAL ABUSE IS BEING OVERLOOKED

The institute has furthermore investigated how senior managers and employees at municipal child and youth departments understand the concept of abuse. The investigation revealed that one-third of the municipalities primarily focus on abuse of a physical or sexual nature, whilst being far less alert to signs of psychological abuse.

As a consequence, children's mental well-being is in danger of being overlooked, despite the fact that public officials have a duty to react if children are neglected or appear to be in need of support.

“The abuse package has the inherent weakness that it places particular focus upon physical

The abuse package was adopted in 2013, after a succession of cases of child abuse and maltreatment – including the Tønder and Brønderslev cases – placed a critical spotlight on public authorities' failure to intervene.

violence and sexual abuse towards children, and this tendency is seen again and again when one compares working practices and abuse prevention schemes for cases of abuse across the 98 Danish municipalities,” says Anette Faye Jacobsen.

For this reason, the institute recommends that the legislation and guidelines for municipalities be revised such that children are protected equally against physical, psychological and sexual abuse as well as neglect.

REPORT ON THE STATUS OF HUMAN RIGHTS

In the autumn, the Danish Institute for Human Rights and the Human Rights Council of Greenland published their second status report on the human rights situation in Greenland.

The report was launched in Nuuk on 16 November 2016, and politicians as well as representatives of Greenland's civil society were present.

ACCESS TO JUSTICE AND LOSS OF LIBERTY

One of the focus areas in the report is access to justice and guarantees provided to persons when they are held in detention. The report emphasises major challenges in relation to case processing times at the courts, and the conditions in detention centres and minimum security prisons.

In this connection, the institute and the Human Rights Council of Greenland recommend that the Court Administration in co-operation with the Court of Greenland and the High Court of Greenland ensure that all cases be processed within a reasonable timeframe. The justice system should also ensure that, wherever possible, detention does not lead to a restriction in the individual's other rights.

RULE OF LAW IN MUNICIPALITIES AND THE GOVERNMENT OF GREENLAND

The report also focuses on the need for further education of government and municipal officials in the Government of Greenland and the Greenlandic municipalities. Insufficient knowledge among professionals is a problem,

especially in cases concerning placement of children in care, where citizens receive inadequate information about the reason for their child being placed outside the family home. Non-compliance with public administration rules results in lengthy case-processing times in appeal cases.

PUBLIC SCHOOLS UNDER PRESSURE

Public schools in Greenland find it difficult to plan differentiated teaching taking pupils' individual needs into consideration. One reason for this is that it is difficult to recruit competent and trained teachers, not least to small towns and settlements. We recommend the Government of Greenland ensure higher academic quality in the teacher training programme, and that the municipalities transfer necessary resources to the public-school area to attract more trained teachers to small towns and settlements.





SETBACKS

- In many areas, Denmark continue to use decrees (regulations concerning the entry into force of Danish acts with legal effect in Greenland), instead of proposing acts applying to Greenland which would take more account of the conditions in Greenland.
- The Government of Greenland does not use consolidated acts which combine an act with its later amendments. If the Government of Greenland did so, this would ease public knowledge about current legislation.



PROGRESS

- In the spring of 2016, the Government of Greenland prepared a report on the status of initiatives for people with disabilities in Greenland. Based on the report, a national centre on disabilities, and a disability spokesman's institution are planned to open during 2017. Furthermore, new legislation will be proposed to promote, qualify and support initiatives and efforts aiming to ensure the rights of people with disabilities.
- The Government of Greenland has focus on improving children's statutory rights, and consequently, in concert with Danish authorities responsible for this field, a number of Acts and conventions relating to children were implemented: the Danish act on Parental Responsibility, the Hague Convention on Parental Responsibility and Protection of Children, and the Danish Act on International Enforcement of Decisions concerning Custody of Children and Restoration of Custody of Children etc. Among other issues, this resulted in the repeal of the right to inflict corporal punishment.

Greenlandic society is experiencing sweeping changes with new potentials for the country, but at the same time Greenland still faces major challenges with social and structural problems.



The Danish Institute for Human Rights is the national human rights institution for Greenland, similar to the role the institute plays in Denmark. Accordingly, in cooperation with the Human Rights Council of Greenland, we evaluate, promote and monitor human rights in Greenland.

INTERNATIONAL WORK

HUMAN RIGHTS CREATE OPPORTUNITIES

Tough political statements on human rights are commonplace on the international scene. It is not the mandate of the institute to be an international watchdog, but we do contribute to the implementation of human rights at international level. We are an advisory partner with focus on practical and long-term solutions. We cooperate with key decision-makers in government, public authorities and the business community and we encourage them to take action where appropriate. We achieve this by virtue of our unique status, credibility, knowledge and considerable experience. We take stock of the changes taking place in the field, adapt our tools accordingly, get to grips with political agendas and recognise their potential for promoting human rights.

For this reason, we have zoomed in on the United Nations' Sustainable Development Goals, and on understanding the relationship between human rights and economic growth.

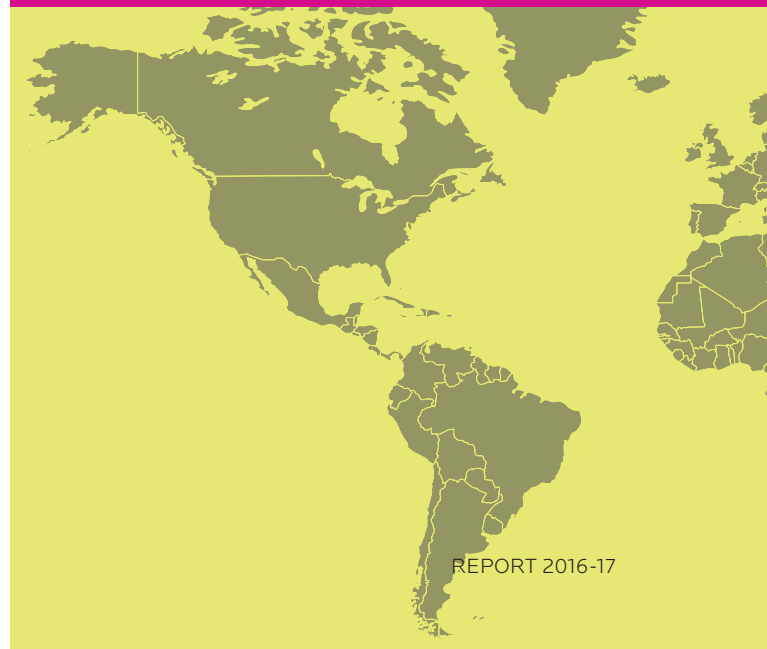
In order to ensure that our international work continues to remain relevant, we must clearly demonstrate what opportunities and solutions human rights provide to citizens, states and businesses. We need to broaden the base of support for human rights, and to do so we must look towards new horizons.

Human rights create opportunities. Human rights help to bring about predictability, stability, and transparency. These are key factors for business leaders seeking new markets, for investors who must have faith in future profits, and for governmental institutions which must

guarantee development for the benefit of the whole of society.

For instance, the right to a fair trial ensures transparency and serves as a safeguard against corruption and the wielding of absolute power – things which kill off investment and thereby economic growth. The right to health ensures that the workforce remains the robust and stable resource demanded by the business sector. Freedom of information means that citizens know what is going on and can influence decision-makers before conflict brings about major instability and

We have eight local offices located in Niger, Burkina Faso, Mali, Tunisia, Nepal, China, Myanmar and Kyrgyzstan. In addition, we carry out smaller-scale themed projects and consultancy tasks, for instance in Central and South America and in East Africa.





We will supplement our focus on obligations and accountability with arguments concerning economic rationales and stability. We must become better at encouraging politicians, investors and business leaders to regard human rights as a tool with which to achieve progress and growth.

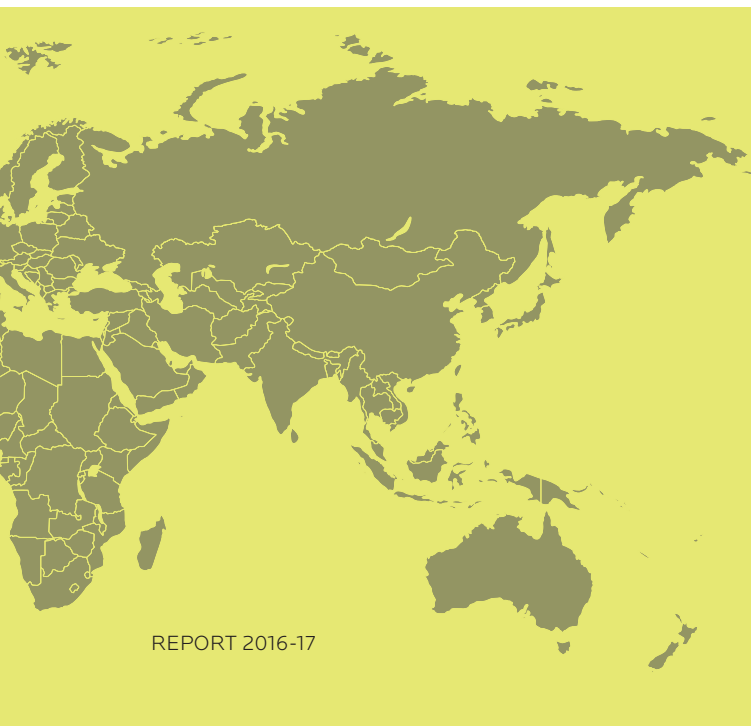
Eva Grambye, Deputy Executive Director.

is translated into violence and migration. Participation by citizens and businesses in the legislative process via public hearings provides transparency and certainty with respect to which laws come into force.

A precondition for human rights to play this constructive role, is strong institutions and responsible enterprises. To this end, the United Nations' Sustainable Development Goals (SDGs) include goals which focus on strong governmental institutions to ensure peace and justice and on decent work to generate sustainable growth.

The following summarises some of our working methods. We focus our efforts on ensuring that state institutions such as ministries, courts and the police, along with national human rights institutions, extend their ability to protect and promote human rights. This occurs when human rights become an element of policies, priorities and legislation. We are involved in establishing standards and developing knowledge and tools which will become elements of regional and international frameworks. We also work in collaboration with the private sector, because the participation of businesses is key to making the protection and promotion of human rights routine practice.

Our focus on opportunities has also made us curious. For this reason, we have embarked upon a new project which aims to investigate the connection between human rights and economic growth. This is clearly a hugely complex matter, but the first promising conclusions from the project are already in place.



HUMAN RIGHTS AND ECONOMIC GROWTH

The Danish Institute for Human Rights has in recent years moved into uncharted territory. We have set ourselves the task of investigating whether, besides being an excellent concept and state obligation, human rights are also a sensible approach from an economic perspective. Do human rights contribute to reducing inequality and/or do they have a positive effect on economic growth?

CAN HUMAN RIGHTS PAY OFF?

We have completed an initial econometric analysis of whether there are links between the observance of civic rights and economic growth. The institute has regressed the CIRI Empowerment Index of freedom and participation rights on economic growth. The CIRI index incorporates data on freedom of movement, freedom of expression, freedom of association, freedom of religion and employment rights together with electoral rights. The analysis utilises data from 167 countries between the years 1981 and 2011. We have investigated the ways in which both the index as a whole, and individual rights, influence economic growth.

FREEDOM OF EXPRESSION AND FREEDOM OF ASSOCIATION – A POSITIVE INFLUENCE

The preliminary results of the analysis indicate that, over a 10-15-year period, there is a positive link between freedom and participation rights and economic growth. Simultaneously the



It is interesting to note that human rights exert a positive influence on economic growth in some regions, but more interesting still is the fact that the particular human rights we focussed on in our analysis did not exert any negative effect on economic growth. Thus, the argument that some societies simply cannot afford to observe human rights has been proven to be quite erroneous.

Hans-Otto Sano, Research Director.

$$y_{it} = \sum_{k=1}^p \gamma_k y_{i,t-k} + \sum_{k=0}^r \beta_k x_{i,t-k} + \sum_{k=0}^q \varphi_k z_{i,t-k} + u_{it}$$

$$u_{it} = \alpha_i + \varepsilon_{it}$$

analysis demonstrated that no such link exists in the opposite direction, i.e. from economic growth to civic rights.

We then estimated the ways in which freedom and participation rights influence economic growth long-term. In a long-term perspective, freedom of expression and freedom of association in particular exert a positive influence on economic growth.

Last but not least, we examined how civic rights influence growth differently in different regions. Civic rights have a positive and significant effect on economic growth in sub-Saharan Africa, Europe and Central Asia, but not, however, in the Middle East, North Africa, South Asia and the Americas. As yet, we do not have a thoroughly-researched explanation for this, but it is nevertheless very intriguing.

A STEPPING STONE TO FURTHER KNOWLEDGE

In our analysis, we have allowed for the fact that the figures analysed may contain an element of uncertainty because they are based on expert opinion concerning the human rights situation in the countries in question. Notwithstanding this, the analysis clearly indicates that human rights do not negatively affect the economy of

Econometric formula for a possible correlation between freedom and assembly rights and economic growth.

the countries in question, and, on the contrary, may have a positive effect on economic growth. This analysis can then be used as a stepping stone to generating further knowledge on how human rights influence our society.

DATA

We have made use of data supplied by the CIRI Human Rights Data Project, the World Bank, Polity IV, the Centre for Systematic Peace, Penn World Table, the IMF and World Governance Indicators. The CIRI Empowerment Index measures the degree of respect shown by various governments for citizens' rights to domestic and international freedom of movement, freedom of expression and freedom of association, freedom of religion and freedom of employment, together with electoral rights granted to citizens of a range of countries.

ACHIEVING SUSTAINABILITY BY MEANS OF NATIONAL ACTION PLANS

The Danish Institute for Human Rights assists, through knowledge and methods, in bringing different stakeholders, such as governments, civil-society and business, together to develop national action plans for human rights and business (National Action Plans or NAPs). These action plans are based on the United Nations Guiding Principles on Business and Human Rights. By outlining activities to support better business practices, this improves conditions for workers and communities. These action plans also contribute to increasing financial and social sustainability within the countries in question thus making them attractive to new investors. Our expertise in this area has been put to use in around 20 countries, including Mexico, Chile, Niger, Zambia, Germany and Japan.

In cooperation with the International Corporate Accountability Roundtable (ICAR), we have developed a concept and a set of tools for the development of national action plans. We have also developed thematic supplements, such as the guide on how to ensure that action plans are consistent with the rights of children, which we developed with UNICEF. These supplements are used by governments, human rights institutes and civil society organisations (CSOs) throughout the world in the creation and implementation of national action plans.



It is no simple matter to devise a national action plan for human rights and business, but the set of tools we bring to this task makes it easier for states to choose their own line of approach at the same time as allowing them to fulfil their duties in this area.

Claire Methven O'Brien, Senior Strategic Adviser.



COOPERATION WITH MEXICO

In 2016 the institute entered into a cooperation agreement with the Mexican government to develop a national action plan for human rights and business. Entering into an agreement with such a large economy, which also happens to be strategically placed in a part of the world facing many human rights and development challenges, is a major step. The NGO “Conscious Friends of Mexico in Denmark” criticised the agreement on the grounds that Mexico was clearly struggling to safeguard its citizens’ human rights. We welcome this dialogue as a reminder of the challenges we and our partners face in our work. But for DIHR, these challenges are exactly the reason why we engage – to help improve situations from the inside.

Executive Director for the Danish Institute for Human Rights, Jonas Christoffersen, and Mexico’s Minister for Foreign Affairs, Claudia Ruiz Massieu Salinas, sign the cooperation agreement.

COOPERATION BETWEEN AUTHORITIES

STRONG INSTITUTIONS CREATE STABILITY

The Danish Institute for Human Rights has been working in Tunisia since 2011. We have cooperated with a number of human rights mandated public authorities in Tunisia, amongst others the National Commission on Human Rights, the Inter-Ministerial Reporting Mechanism and the Ministry for Constitutional Instances, Civil Society and Human Rights. Our focus is on strengthening and educating institutions tasked with ensuring that the Tunisia meets its human rights obligations, so that citizens are free to enjoy their human rights and equal opportunities. Amongst other things, we have supported the National Human Rights Institution in its work to organise and open a documentation centre. This centre archives important documentation concerning violations

of human rights in the period when the country was a dictatorship. The documentation centre houses an extensive collection of citizens' reports of violations, and almost 11,000 reports have been sorted and electronically archived. We have also supported coordination between Tunisian government ministries, so that Tunisia's procedure for reporting to the United Nations system is now back on track.

A LONG-TERM PROJECT

Tunisia was recently dubbed "the only Arabic democracy" by the independent watchdog organisation, Freedom House. Tunisia is thus

Eva Grambye, Deputy Executive Director of the Danish Institute for Human Rights, and Tawfik Bouderbala, Chairman of the Tunisian National Human Rights Institution, sign a cooperation agreement.



also one of the countries in the Middle East where the institute expects to see the greatest opportunities in its human rights work.

Progress in the field of human rights does not happen all by itself, and while it may appear that the results of our work come in a sudden flurry, they are in fact the fruit of a concerted long-term strategic effort. For the institute's work in Tunisia to succeed, it is crucial that it has central cooperation partners and is locally-anchored, so as to be able to assist Tunisia in pushing on with the positive developments already achieved in the establishment of strong institutions to safeguard human rights.

COOPERATION AGREEMENTS

In January 2017, following thorough preparations in the preceding year, the Danish Institute for Human Rights signed a cooperation agreement with Tunisia's ombudsman Abdessattar Ben Moussa, who was awarded the 2015 Nobel Peace Prize. This cooperation will focus upon structuring the institution's capacity. With this new cooperation agreement in place, the institute now works in cooperation with the most important public actors within the field of human rights in Tunisia. Our goal is for our Tunisian partners to have the capacity to carry out the task of securing and defending human

PARTNERS IN TUNISIA

Our work in Tunisia is focussed on strengthening Tunisian institutions that contribute to enforcing human rights legislation. We are cooperating with the United Nations Commission on Human Rights, the Ombudsman and the Ministry for Constitutional Instances, Civil Society and Human Rights.



Entering into partnership with a Scandinavian human rights institution is something we scarcely could have dreamed of before the Tunisian revolution. Now we are able to freely exchange experience and ideas, which benefits both parties.

Tawfik Bouderbala, Chairman of the Tunisian Institute for Human Rights.

rights pursuant to their legal obligations. At present, we have a good foundation for assisting Tunisia in adhering to human rights legislation. The cooperation will entail sharing expertise, methods and tools for systematic planning and training, field trips and integration of Tunisian human rights institutions into the international network of like-minded institutions.

LOCAL PRESENCE

The Danish Institute for Human Rights has established a local office in the capital of Tunisia, Tunis. Local presence serves to strengthen our position in the country, it enables us to develop a regular dialogue with partners, and it makes it possible for us to quickly address any problems which may arise.

COOPERATION BETWEEN AUTHORITIES

DANISH POLICE ON DUTY IN NEPAL

The Danish Institute for Human Rights cooperates with public authorities the world over, and we facilitate cooperation between the Danish public authorities and our international partners. For example we have enlisted the assistance of Danish judges in our work in Tunisia and Egypt and the Danish ombudsman has assisted our work to strengthen the ombudsman institution in Albania. In recent years we have arranged for the Danish police to assist with our cooperation with the Nepalese law enforcement agencies, including Nepal Police and Nepal Armed Police Force.

Together with the Kathmandu School of Law, we have initiated a project which aims to limit and ultimately to stop the use of torture by the Nepalese law enforcement agencies. The goal here has been to encourage the Nepalese Ministry of Home Affairs, Ministry of Forest and Soil Conservation and Nepalese law enforcement agencies under the two ministries to assume responsibility for the project and draw upon the experience of the Danish police force. The project has been a success due to

the close collaboration of the partners. The project has been underway since 2014.

DANISH POLICE ON FOREIGN SOIL

The impact of the involvement of the Danish police in the project has been profound. The Nepalese law enforcement agencies have respect for the Danish police working methods and the results they achieve, and have been inspired to adopt new approaches in their

TORTURE IN NEPAL

The percentage of people in police custody in Nepal subjected to torture has fallen from approximately 68% in 1999 to approximately 15% in 2014. The statistics reflect the change from a period of armed conflict to the transitional period in which Nepal moved towards the adoption of a new constitution in 2015. They also reflect a willingness on the part of the Nepalese security authorities to address the problem of torture and human rights abuses.

Together, we help each other and the Nepalese police force to become more knowledgeable and innovative," says Project Manager Sofie Gry Fridal Hansen of the Danish Institute for Human Rights, who is pictured here together with Ganga Panta, the officer in charge of human resource management at the Nepalese police force headquarters in Kathmandu.





The project focusses on what the Nepalese law enforcement agencies themselves want to achieve. Other missions in which the Danish police are involved are frequently dictated by a resolution and authorization from external parties. This project is far more effective and sustainable.

Erik Nielsen, Police Commissioner, the South-East Jutland Police.

own work. We have brought in the Danish police force because their day-to-day practical experience with police work fosters a good dialogue with the Nepalese law enforcement agencies. In this project, the Nepalese law enforcement agencies investigate why torture and improper use of force still exist in their institutions and finding ways to prevent this in the future. Law enforcement partners are testing possible new methods and ways of working in 57 mini pilot projects across the country.

It is precisely here that the Danish police can make a difference, by helping the Nepalese police change their working methods. The institute and the Danish police are working together and giving input to the 57 mini pilot projects being conducted by the Nepalese police. We have specialist knowledge of human rights, international standards for prevention of torture, and experience of applying human rights in regulatory work. We have also been able to draw on experience gained from our participation in similar projects over the past 10 years or more in West Africa. The Danish police are a textbook example of how to conduct police work in a manner that complies with democratic values and human rights.

Sabin Pradhan, Deputy Superintendent at The Metropolitan Police in Kathmandu together with Vice Police Commissioner, Kell Svenningsen, the Central and West Jutland Police and Erik Nielsen, Police Commissioner, the South-East Jutland Police.



INTERNATIONAL STANDARDS

WE INFLUENCE INTERNATIONAL STANDARDS

In 2016 the Danish Institute for Human Rights succeeded in making its mark on the international human rights agenda in two ways: by strengthening standards for human rights education; and by ensuring that National Human Rights Institutions are recognised in the United Nations' 17 Sustainable Development Goals, and that the goals are implemented in accordance with human rights. These UN goals will influence work on human rights in a positive direction the world over.

NEW UNITED NATIONS RESOLUTION FOR EDUCATION

In spring 2016 the United Nations Human Rights Committee adopted a new resolution which obligates member states to secure human rights education for all sections of society. The Danish Institute for Human Rights was closely involved in this process. The institute pressed for, and succeeded in

NEW RESOLUTION

The United Nations' resolution on human rights education and training: "States recognise the important role of national human rights institutions in promoting effective policies on human rights education and training, and calls upon them to contribute further to the implementation of human rights education programmes".

securing, a key role for national human rights institutions in the processes on incorporating human rights education into national school curricula, youth education, teacher training etc. throughout the world.

Under the terms of the new resolution, national human rights institutions will now advise their governments and educational authorities regarding the planning of human rights education, and institutions must work to influence the national curriculum for different levels and professions in the formal education sector. The institute has already been doing this in Denmark over recent years. This role as strategic adviser for the responsible authorities and politicians is a new and important one.

"This resolution has the potential to contribute to strengthening the role of national human rights institutions as key advisors on human rights education. It will have a positive effect in countries in which national human rights institutions do not occupy as strong a position as we do as the national human rights institution in Denmark," says Team Leader Cecilia Decara, who, together with Senior Adviser Olga Ege, played a part in influencing the new United Nations resolution.

NATIONAL HUMAN RIGHTS INSTITUTIONS AND THE SUSTAINABLE DEVELOPMENT GOALS

The Danish Institute for Human Rights, together with the Global Alliance of National



Team Leader at the Danish Institute for Human Rights, Cecilia Decara, reads a statement to the United Nations Human Rights Committee's 33rd session in Geneva.

Human Rights Institutions (GANHRI), has long been pushing for national human rights institutions to be given a more central role in with regards to the United Nations' 17 Sustainable Development Goals.

National human rights institutions are now included as an indicator in Goal 16, which is dedicated to the “promotion of peaceful and inclusive societies for sustainable development, the provision of access to justice for all, and building effective, accountable institutions at all levels”. This indicator means that all states must possess an independent national human rights institution which is safeguarded via economic support from the government and which adheres to the United Nations' standards (The Paris Principles).

”

This is a welcome recognition of the contribution made by national human rights institutions to sustainable development. And this may turn out to be a major step forward for human rights, which increasingly are viewed as a crucial element in sustainable development.

Eva Grambye, Deputy Executive Director.

INTERNATIONAL STANDARDS

HUMAN RIGHTS IN DEVELOPMENT

For many years, we at the institute have worked internationally with Human Rights Based Approaches (HRBA) to development. An HRBA entails ensuring that citizens are capable of recognising and claiming their human rights, and that the state is capable of fulfilling its obligations to respect, protect and fulfill these rights for all.

To this end, we have previously provided training to the Ministry of Foreign Affairs of Denmark and its global south partners, and in 2016 we also provided training to the EU and to EU diplomats in EU delegations, as well as Danish embassies and Danish civil society organisations.

Denmark has long had a strong focus on applying a human-rights-based approach in development work. An HRBA was the corner stone of the 2012 development policy strategy “Retten til et bedre liv” (“The Right to a Better Life”). This conceptual framework and focus continues in the new strategy “Verden 2030” (“The World in 2030”), which the government launched in January 2017. The strategy’s title refers to the requirement that the United Nations’ Sustainable Development Goals be fulfilled by 2030.

Thus in Denmark’s strategies, development work is not simply a matter of economic development and poverty reduction. It is also a matter of respecting and promoting human-rights standards and principles in the context of development work, and making human rights a reality for all. In this way, these strategies bring about more sustainable solutions.

A recent evaluation study undertaken for Danida demonstrates that the implementation of HRBAs has had a positive effect on Danish development work. The study was conducted by the institute’s Research Director Hans-Otto Sano and international development consultant Laure-Hélène Piron. The study demonstrated that a combination of political leadership and the provision of tools for translating HRBAs into practice has resulted in practitioners successfully adopting the methodology. With an HRBA, the focus of development work shifts from benevolence or charity to empowerment of rights-holders. Additionally, HRBAs have resulted in a greater focus on women’s rights and equality, and on non-discrimination and participation.

THE EU HAS ADOPTED RBA TO DEVELOPMENT ENCOMPASSING ALL HUMAN RIGHTS

The European Union is the world’s largest donor of development aid. In 2016 the EU contracted the Danish Institute for Human Rights to train EU delegations around the world in how to implement a rights-based approach to development cooperation. The EU, like the World Bank and the International Monetary Fund, has recognized that too much inequality slows down economic growth. For this reason, both human rights and economic development are incorporated as elements of development work. An HRBA emphasises the fact that societal inequalities can contribute to a lack of stability and progress. Examples of such inequality are an unequal distribution of power or resources, repression of particular sections of the population or a weak or absent judicial system.

THE UNITED NATIONS' SUSTAINABLE DEVELOPMENT GOALS MUST BE LINKED TO HUMAN RIGHTS

Development is still frequently measured solely in terms of economic growth. An HRBA helps us to focus on all human beings' human rights – including those members of society who are invisible – the most vulnerable and marginalised. These human rights may relate to disability, gender, ethnicity or religion, for example. It quickly becomes clear to practitioners who work with development that when they apply an HRBA, they better understand the human rights situation in the

country in which they work and can identify what is needed for better protection of human rights.

The majority of world nations are in the process of implementing the United Nations' Sustainable Development Goals in their national policies. In this context, a human-rights-based approach has the potential to contribute to the development of solutions which bring about sustainable change.

A course on human-rights-based approaches to development work in Benin.



NEW RESEARCH

SOFT LAW: “SOFT” REGULATION OF HUMAN RIGHTS

Human rights are codified in international instruments that national and supranational courts interpret to reach decisions on whether or not states are living up to their obligations. At the same time, human rights regulation and interpretation are based on “soft law”. This is an umbrella term for guidelines, statements and recommendations that are not legally binding.

Despite the fact that soft law has gained increasing significance in recent years, there has not been a great deal of research or many publications on the implications of soft law for the development of human rights. In November 2016, researchers from the Danish Institute for Human Rights were instrumental in publishing one of the first books to take a comprehensive look at the role of soft law in human rights.

RIGHTS THAT ARE OPEN TO INTERPRETATION

The book **Tracing the Roles of Soft Law in Human Rights** gives an account of how soft law contributes to the development of human rights. The book investigates the relationship between soft law and the existing legally binding standards within the field of human rights.

The book **Tracing the Roles of Soft Law in Human Rights**, published by Oxford University Press, features contributions from leading human rights researchers from Europe, North America and Australia.

“Soft law can create a grey zone between the spheres of politics and law in which it can be difficult to identify who has a duty to do what. Accordingly, soft law in some cases is used as an interpretative tool which can be used to reduce or to expand the scope of human rights,” says Senior Researcher Stéphanie Lagoutte.

CONVENTIONS AND INTERPRETATIONS

The first part of the book focusses on those human rights which are already codified in international conventions. Here the authors examine the role played by various actors in the formulation and interpretation of soft law. Particular focus is on the United Nations’ main human rights bodies and their interpretation of human rights.

The second part of the book focusses upon areas of human rights in which no international treaties exist, and in which soft law instruments are the main reference. The book analyses how these soft law instruments influence the protection of indigenous peoples and minorities, for example.



FINANCES

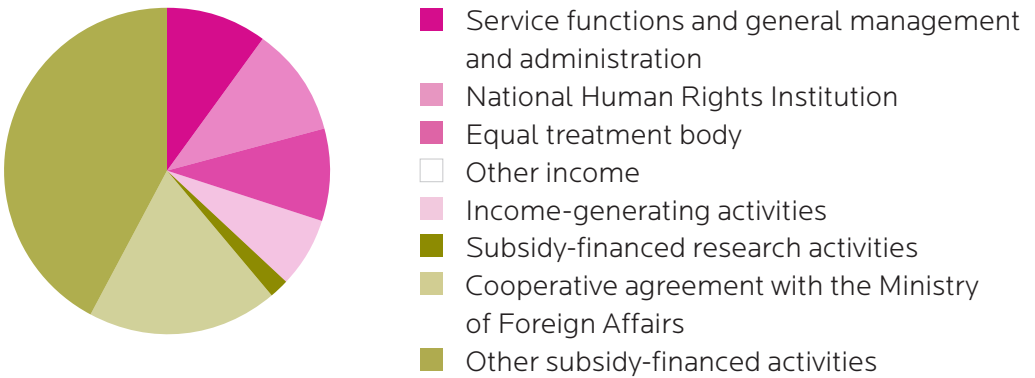
INCOME IN 2016 BY SECTOR

MILLION DKK	2016		INCOME IN PERCENT
	BUDGET	ACCOUNTS	
Service functions and general management and administration	12,7	12,6	10 %
National Human Rights Institution	14,9	14,9	11 %
Equal treatment body	11,4	11,3	9 %
Other income	0,0	0,0	0 %
Income-generating activities	7,0	9,4	7 %
Subsidy-financed research activities	4,1	3,2	2 %
Cooperative agreement with the Ministry of Foreign Affairs	26,2	24,4	19 %
Other subsidy-financed activities	70,8	54,9	42 %
	147,1	130,8	100 %

The deviation between budget and the accounts for income-generating activities and other subsidy-financed research activities is due mainly to the fact that not all projects were identified at the time when the budget was being prepared.

The accounts show the actual categorisation and the actual level of activity for the year, while the budget items are the Danish Institute for Human Rights' best estimate of the relative size of the externally financed projects.

TOTAL INCOME FOR 2016



The institute's total income for 2016 comes from a DKK 38,8 million allocation from the national budget (service functions, general management and administration, National Human Rights Institution and equal treatment body); DKK 24,4 million from the cooperative agreement with the Ministry of Foreign Affairs; DKK 54,9 million is other subsidy-financed activities; DKK 9,4 million is income-generating activities; DKK 3,2 million is subsidy-financed research activities; and DKK 0,1 million is other income. Of the total funds granted from the state budget, DKK 11,3 million are for equal treatment activities in the areas of gender, ethnicity and disability.

The institute's total income in 2016 was a decrease of DKK 2,5 million relative to 2015. This was due primarily to a decrease of DKK 3,8 million in other subsidy-financed activities, offset by an increase of DKK 1,4 million in income-generating activities.

TRANSGENDER ACTIVISTS AWARDED THE 2016 HUMAN RIGHTS PRIZE

It's a victory and a very big step in the right direction, but the struggle continues. This was the message on 8 December 2016 when 24 transgender activists were awarded the Council for Human Rights' annual merit award – the Human Rights Prize.

They received the prize because they have been instrumental in removing transgenerness from the Danish Health Authority's list of mental illnesses. The amendment entered into force on 1 January 2017.

ENCOUNTERING RESISTANCE

The 24 award winners hope that the amendment will lead to a public health care system which understands, respects and recognises the many challenges faced by transgender persons.

“My experience is that the Danish public health service does not listen to me. I am constantly forced to justify why I wish to undergo treatment. I constantly have to defend who I am. Every single one of us face such resistance”, says recipient Elias Magnild.

STIGMATISATION AND REJECTION

What all of the recipients have in common is the fact that they have stepped out of the shadow in order to shed light on the day-to-day challenges that transgender persons still face.

Even though this means that they are even more vulnerable to stigmatisation and rejection by family and friends, their wish for a better life for transgender people has made them willing to take the risk. And for this very reason they were awarded the 2016 Human Rights Prize.

Transgender people do not identify with the physical gender they were born with.



AWARDS FOR NEW RESEARCH ON THE EVOLUTION OF HUMAN RIGHTS

It has for a long time been a widespread understanding that human rights had evolved as a Western project.

In reality, it was to a large extent a group of newly independent countries such as Ghana, Jamaica, Philippines and Liberia that were behind the breakthrough for human rights at the United Nations after the Second World War.

This is one of the conclusions in “The Making of International Human Rights – The 1960s, Decolonization and the Reconstruction of Global Values”.

Although the book was published in the spring of 2016, it has already gained significant recognition and sparked curiosity among international researchers.

The book’s author – Steven L. B. Jensen, PhD and Researcher at the Danish Institute for Human Rights – has won several distinguished prizes, including the International Studies Association’s “Human Rights Best Book Award” and “Best Book on International Organization”.



The small Caribbean island state Jamaica was through the 1960s instrumental in the breakthrough for international human rights work.