

THE DANISH
INSTITUTE FOR
HUMAN RIGHTS

HUMAN RIGHTS ON THE
AGENDA

REPORT 2017-18

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ABOUT THE INSTITUTE

The Danish Institute for Human Rights is Denmark's National Human Rights Institution. We promote and protect human rights and equal treatment in Denmark and internationally. Our goal is to bring about lasting improvements. We fight on behalf of people and their rights.

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

In 2017 we have, among other things:

- Prepared 208 legal briefs for proposed legislation. All of the responses can be viewed in Danish at menneskeret.dk/høringsvar.
- Published 23 reports, four books and more than 40 research articles, papers and book chapters. The majority of these were peer reviewed. For more information visit humanrights.dk/research.
- Published 121 op-ed pieces and analyses and contributed to more than 4,000 news items and articles in the national media.

- Responded to more than 460 inquiries from the public and directly advised 18 people in cases related to unequal treatment and discrimination because of race, ethnicity and/or gender. Read more about our consultancy services at menneskeret.dk/counselling.

We work internationally via partnerships with government ministries, public authorities and national human rights institutions, and we provide consultancy services for the business community so as to ensure robust and sustainable results.

We work with human rights in many parts of the world. Our largest geographically-based efforts are focused in West Africa, East Africa, North Africa, the Middle East and Asia and Eurasia. We have ten local offices located in Niger, Burkina Faso, Mali, Zambia, Kenya, Tunisia, Nepal, China, Myanmar and Kyrgyzstan.

Our largest global efforts address human rights and the Sustainable Development Goals, capacity development of other human rights institutions, human rights education and business consultancies.

Read more about our international work at humanrights.dk.

FOREWORD



2017 was characterised by intense activity at the Danish Institute for Human Rights. A central area of focus for the Institute was to contribute to the debate on the European Court of Human Rights. In November 2017 Denmark assumed the chair of the Council of Europe, and the Danish Government set the stage for a highly critical focus on the Court.

In our view a nuanced dialogue concerning human rights is necessary in an era when individual freedoms are facing increasing pressure throughout Europe. When criticism is voiced of human rights and the institutions which are the custodians of those rights, we must be part of the debate so that we can defend human rights and help ensure they have popular and political support.

Another area which loomed large in 2017 was our contribution to individual cases heard by the Danish courts and the Danish Board of Equal Treatment. In this way we can help to clarify what human rights mean with respect to fundamental and essential societal issues. Some cases are lost, others are won, while

others still are now pending for international human rights bodies. Common to all of them is that they have helped clarify human rights law.

A third area is our international work of consolidating the significance of human rights law for sustainable development. In all modesty we are proud to lead the world when it comes to the relationship between human rights and the UN's global goals. In December we signed a memorandum of understanding with the UN High Commissioner for Human Rights concerning the bringing about of increased synergy between human rights and the UN's Sustainable Development Goals.

In this annual report to the Danish Parliament we are only able to touch on selected aspects of what we do, but we nonetheless hope that it provides a glimpse into the work we have done in 2017.

Happy reading!

Jonas Christoffersen Dorthe Elise Svinth
Executive Director Chairperson of the Board

DENMARK AT THE FOREFRONT OF EUROPEAN HUMAN RIGHTS

The European Convention on Human Rights protects all European citizens against arbitrary assault and violations by their government. Denmark holds the chairmanship of the Council of Europe until May 2018, and as such heads the body which safeguards the fundamental rights of around 820 million Europeans.

“Thanks to the strong human rights infrastructure in place in Europe in the form of the European Court of Human Rights as a safeguard of citizens’ basic human rights, citizens’ rights are today more secure than ever before,” says Jonas Christoffersen, executive director of the Danish Institute for Human Rights.

VITAL EUROPEAN INSTITUTION

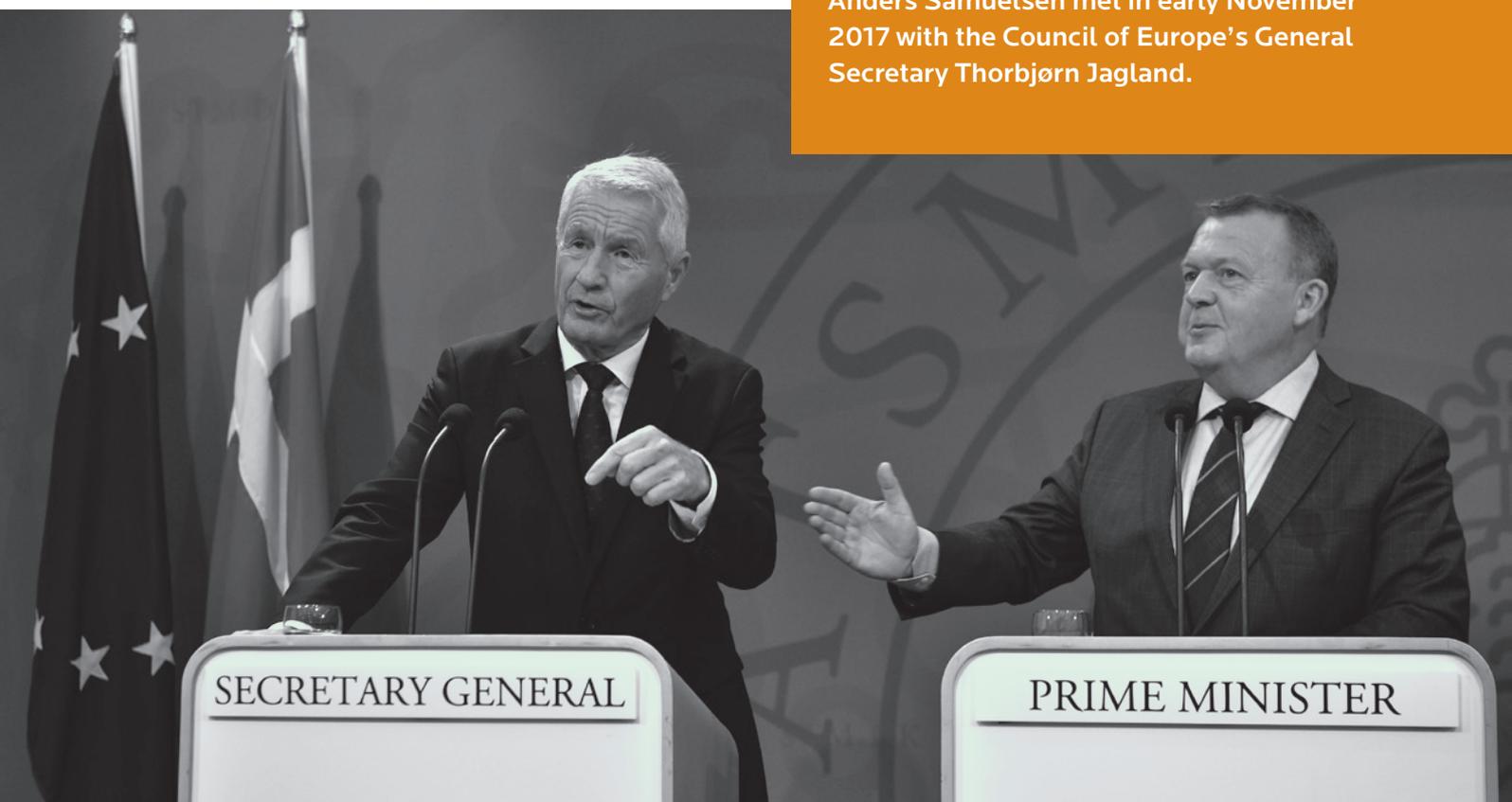
As chair of the Council of Europe, the Danish Government has as its stated aim the creation

of greater opportunities for European member states to influence the legal practice of the European Court of Human Rights.

“The Court plays a vital role as a complaints body for citizens when a member state fails to live up to its obligations. As such we must of course discuss, on the one hand, how the system can be modernised so that the Court continues to operate in an efficient and focused manner. On the other hand it is vital that the Court retains its independence,” says Jonas Christoffersen.

The Danish Government is working to conclude its presidency of the Council of Europe with

The Danish Prime Minister Lars Løkke Rasmussen and Denmark’s Foreign Minister Anders Samuelsen met in early November 2017 with the Council of Europe’s General Secretary Thorbjørn Jagland.



SECRETARY GENERAL

PRIME MINISTER

a declaration which will provide member states with greater liberty of action. The Danish Government's draft of this declaration is currently being debated by the Council of Europe's member states.

"Fortunately, in the draft, the Danish Government affirms that the European Court of Human Rights is an absolutely vital European institution. This is an excellent point of departure," says Jonas Christoffersen.

CASE BACKLOG MUST BE RESOLVED

The Institute has earlier pointed to an enormous case backlog as one of the Court's biggest challenges. At the close of 2017 the Court had around 56,000 pending cases. In its draft declaration the Danish Government emphasises the need to carry out further analyses of the Court's opportunities for dealing with the volume of cases it receives.

"If the declaration results in the Council of Europe and the Court finally taking firm action to deal with the case backlog, this will be good news for Europeans' human rights," says Jonas Christoffersen.

NEED FOR GREATER CLOUT

Another key challenge faced by the Court and the Council of Europe is the European Convention on Human Rights' lack of clout in some of the Council's 47 member states. A number of member states are exceptionally slow at carrying out the legislative amendments or societal reforms necessary in order to abide by the Court's rulings. And some member states downright refuse to do so.

"If human rights are to be upheld in all 47 member states the Council of Europe must establish ways in which the members of the Council can support one another in observing fundamental rights. In its draft the Danish Government takes a tough stance on those member states which do not do enough to observe human rights, and sets the scene for an annual debate on the implementation of the Court's rulings. This may help to give the Council of Europe a push in the right direction," says Jonas Christoffersen.

THE COURT LISTENS

The Court has taken notice of the member states' desire for greater room for manoeuvre when defining the balance between the rights of the individual and the sovereignty of the state, in particular when it comes to the expulsion of criminal immigrants. The Court has made extensive amendments to its practice in order to accept the expulsion of criminal immigrants, even in cases where this constitutes a restriction of their right to privacy and family life.

In 2017 the Danish Institute for Human Rights compared practice from Danish city courts and high courts as well as the Danish Supreme Court with practice from the European Court of Human Rights and concluded that in a few, albeit particularly serious cases, Danish courts are less severe than the European Court of Human Rights concerning expulsion.

LEGAL AFFAIRS

DATA PROTECTION

In 2016 a new data protection regulation was passed by the EU with the aim of consolidating citizens' rights to data protection and raising the level of protection across the EU. The Danish Institute for Human Rights has participated in the preparatory work for implementing the regulation in Danish law, but the Institute considers that with the new regulation the Government is passing up an opportunity to significantly strengthen data protection in Denmark. Nonetheless it remains the view of the Institute that the regulation and proposed Danish act taken together will lead to an improvement of data protection in Denmark and across the EU.

A bill submitted by the Danish Business Authority states that the Authority would welcome the possibility of pooling large quantities of personal data from the Danish Customs and Tax Administration and other authorities in order to be able to identify signs and patterns of fraudulent activity, and thereby bolster the fight against fraud. The Institute has warned that this bill will provide the state with far-reaching powers, and that data protection and citizens' legal rights will be undermined if data collected for one specific purpose can be used for other purposes.

FREEDOM OF EXPRESSION

In June 2017 the Danish Parliament repealed the prohibition on blasphemy and thereby expanded freedom of expression for Danes. The blasphemy provision has only rarely been applied, and for a number of years the Institute has recommended that the provision be removed.

The framework for Danes' freedom of expression has also been in the spotlight, with the so-called Tibet Commission publishing the results of its investigation in December 2017. One of the tasks of the Commission was to investigate the actions of the Danish police during three Chinese state visits to Denmark in 2012, 2013 and 2014. One of the Commission's conclusions was that the Copenhagen police force contravened the Danish Constitution as well as the European Convention on Human Rights' protection of freedom of assembly and

DENMARK WINS CASE CONCERNING FREEDOM OF EXPRESSION

In December Denmark won a case at the European Court of Human Rights against two Danish Broadcasting Corporation journalists who claimed that their freedom of expression had been violated. The European Court of Human Rights concluded that the Danish courts had done a reasonable job of weighing the plaintiffs' particular freedom of expression as journalists against a consideration for the hospital and the doctor who had been accused by patients of not providing the best treatment.

THE COMMISSION ON FREEDOM OF EXPRESSION

The executive director of the Danish Institute for Human Rights, Jonas Christoffersen, participates in the Commission on Freedom of Expression (our translation, ed.) which is to conclude its work at the close of 2018.



In the summer of 2017 Copenhagen was characterized by an ongoing conflict between different gangs which resulted in multiple shootings. The Danish parliament adopted a number of new laws to strengthen police action against gang crime.

freedom of expression. The Commission also established that the Copenhagen police force issued patently illegal orders when, during the state visits of 2012 and 2013, the Danish police prevented demonstrators from expressing themselves, and that the Danish Parliament received false information concerning the Chinese state visits of 2012 and 2013.

In 2017 the Access to Public Administration Files Act was reviewed by the Danish Ministry of Justice. The review indicates among other things that the clause on civil servants' duty to serve the minister is used to a larger extent by departments than by their subordinate authorities, that only a small number of departments have an average case-processing time of under seven working days, as required by law, and that the Member of Parliament Clause is seldom used to refuse access to case materials.

CONFLICTS BETWEEN CRIMINAL GANGS

In January the Danish Government presented its third "criminal gangs package", which featured a range of initiatives targeted at criminal gangs. This package resulted in a series of legislative amendments over the course of 2017.

In the spring Danish politicians abolished probation for convicted individuals with connections to criminal gangs who do not participate in gang exit programmes. Simultaneously it became possible to deprive members of criminal gangs of the right to receive prison visits from other gang members during periods of conflict between criminal gangs, and to intensify the monitoring of visits by major gang members, letters and telephone conversations. It is highly intrusive to deprive inmates of visits from family members, and

it is therefore vital that the necessity for this intrusion is constantly assessed and that it only takes place when absolutely necessary.

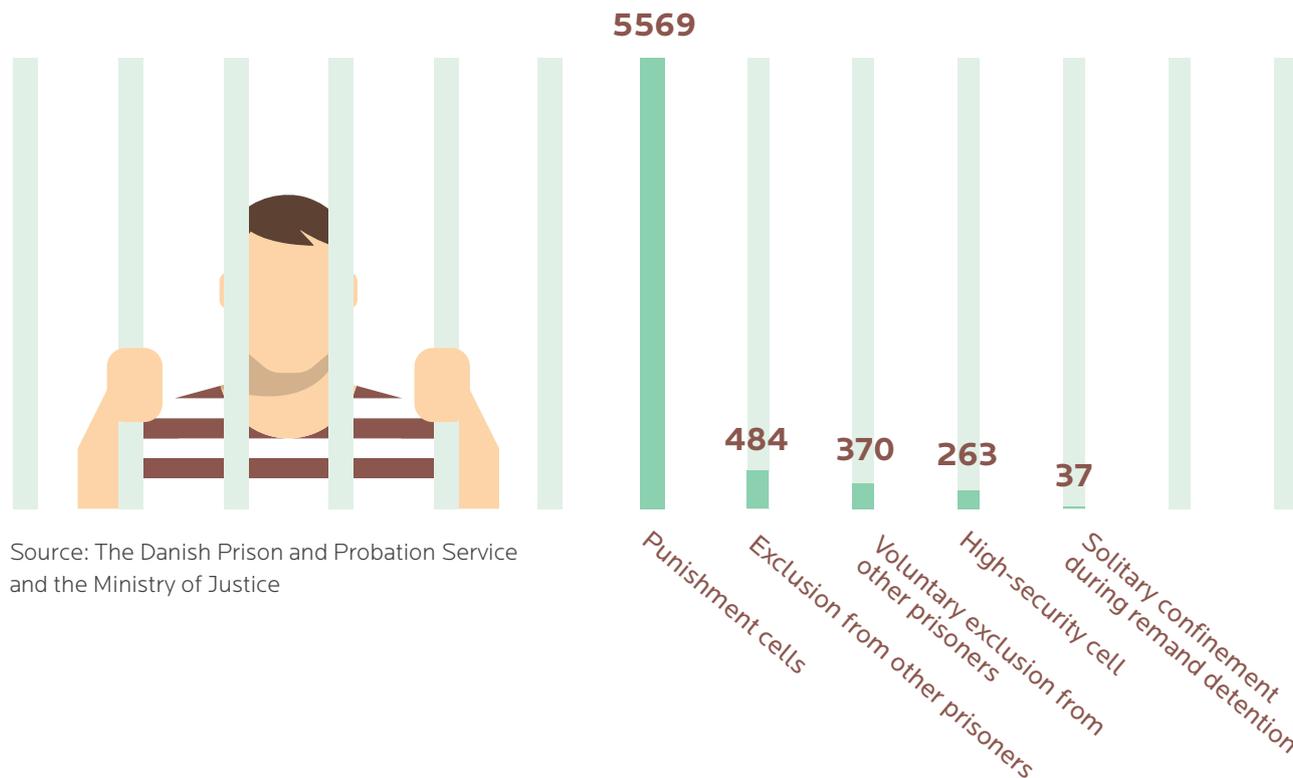
The proposal in the criminal gangs' package for a prohibition of sojourn for gang members was passed in November 2017. The prohibition of sojourn means that gang members can be prohibited from setting foot in a municipality or city in which they have been convicted of committing a criminal activity. This also applies to areas in which e.g. relatives of the gang member live. The prohibition of sojourn represents a profound infringement of freedom of movement and the right to privacy and family life. It is determined when the individual is convicted and receives his or

her criminal sentence, but takes effect once the sentence has been served. In a number of cases the prohibition of sojourn will first come into force many years after the person was sentenced. The Institute recommends that an individual assessment is always carried out of whether the measure is proportionate to the crime committed, and whether the convicted individual genuinely presents a risk to society once his or her sentence has been served.

THE INTERPRETING COMMITTEE

Since 2014 a committee has had the task of analysing the interpreting sector to identify initiatives to improve quality and efficiency in the sector within the domains of the Danish Ministry of Justice and the Danish

SOLITARY CONFINEMENT IN 2016



Source: The Danish Prison and Probation Service and the Ministry of Justice

CHILDREN AND YOUNG PEOPLE IN PRISON



8.8

Source: The Danish Prison and Probation Service

Average number of children and young people under the age of 18 in prisons and detention centres per day in 2017

Ministry of Immigration and Integration. In September the Interpreting Committee (our translation) concluded its work with no significant outcome. The Danish Ministry of Justice explained this sudden conclusion by stating that the committee's work had taken as its point of departure the earlier system for procurement of interpreting services, which is now to be overhauled. The Institute considers it unsatisfactory that no initiatives to improve quality were identified during the years the committee carried out its work.

SOLITARY CONFINEMENT

The total use of solitary confinement has remained reasonably stable over the past ten years. But while fewer remand prisoners are placed in solitary confinement than previously, it is becoming more and more common for prison staff to use solitary confinement as a disciplinary measure – known as 'disciplinary cell'. Solitary

confinement is a severe measure, and it is therefore problematic that more and more inmates are placed in disciplinary cells. In 2017 it was furthermore established that offensive language, bad behaviour and smoking in the cell can be punished with "disciplinary cell".

Despite the fact that solitary confinement of children is not in any way accepted by the UN or the Council of Europe, Denmark continues to place children in solitary confinement. In its recommendations to Denmark in 2017 the UN's Committee on the Rights of the Child noted a fall in the number of cases of solitary confinement of children on remand, but nonetheless recommended that Denmark abolish the option of placing children in solitary confinement. The UN Committee Against Torture has also previously recommended that Denmark abolish punishment cells, and furthermore emphasised that solitary confinement for long periods may constitute inhumane treatment. The Institute concurs with both of these recommendations.

PREVENTIVE ARRESTS

The number of preventive arrests is still at a historically high level. A survey carried out by the Danish Ministry of Justice indicates that the Danish police has been unable to avoid detaining peaceful demonstrators and bystanders when they make preventive arrests of groups of people e.g. in connection with demonstrations. This is problematic given that detention represents a profound infringement of the citizen's rights. The Danish Ministry of Justice, together with the Danish National Police, are working on solutions whereby the police can minimise the risk of people being subjected to preventive arrest without due reason.

SOLDIERS IN THE STREETS

Since September 2017 Danish soldiers have taken over certain assignments from the police, such as guarding the synagogue on Krystalgade in Copenhagen. A series of legislative amendments will strengthen regulation of the armed forces' assistance to the police. The Institute considers more precise regulation a positive step, but emphasises in a legal brief that army personnel should only in absolutely exceptional circumstances be granted the charge of exercising police authority in Denmark. The police force should never find itself in a situation where it lacks resources to such an extent that it requires permanent assistance from the Danish Armed Forces. The Institute furthermore recommends

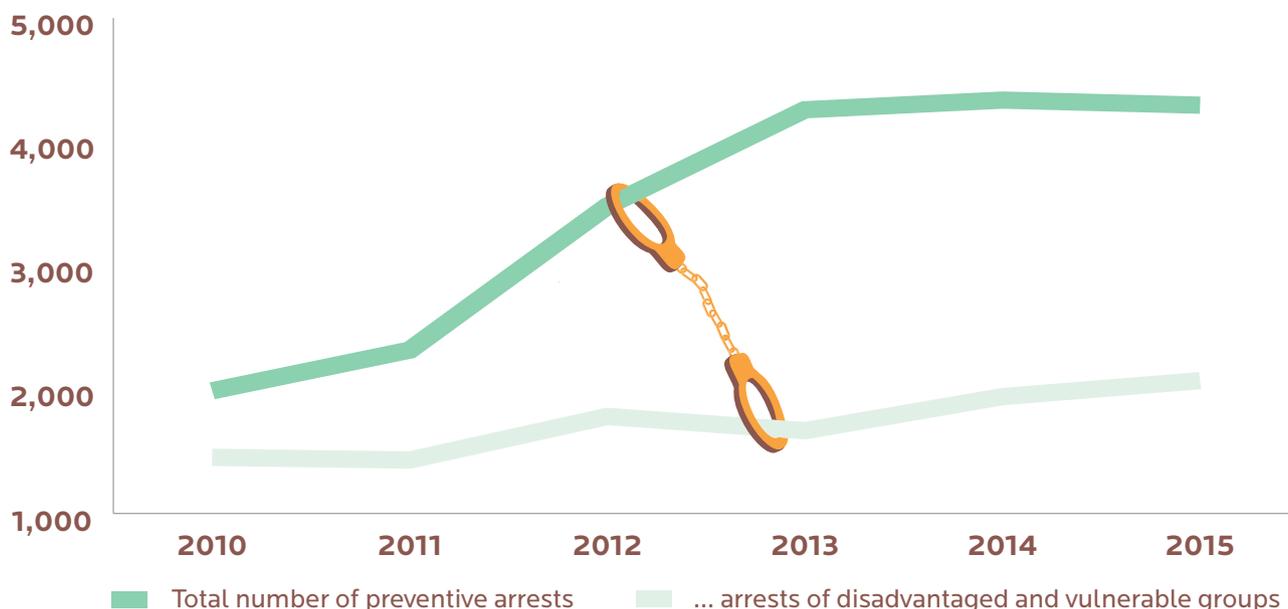
that employees of the armed forces are always trained for the task prior to being assigned to carry out police duties on Danish soil.

THIS YEAR'S PUBLICATIONS

- **Forebyggelse af radikaliserings i fængsler** (Preventing radicalisation in prisons)
- **Hadforbrydelser i Danmark – ni personlige beretninger** (Hate crime in Denmark – nine personal accounts)
- **Varetægtsfængsling – Danmarks hårdeste straf?** (Pre-trial detention – Denmark's toughest punishment?) (Djøf Publishing)

PREVENTIVE ARRESTS

Source: The Ministry of Justice





SETBACKS

- Convicted members of criminal gangs can be prohibited from residing in one or more municipalities for up to ten years.
- Persons convicted of begging at particular locations can be punished with 14 days' imprisonment the very first time they offend.
- Homeless persons who, according to the police, establish or reside in a camp which causes disturbance of public order can be punished with a fine or imprisonment for up to 18 months.
- Homeless persons who are punished for contravening the prohibition against camps which cause disturbance of public order may be made subject to a zonal ban for up to two years and which encompasses entire municipalities.
- The Danish Defence Intelligence Service has been granted access to passenger data via the Danish Customs and Tax Administration.
- The Danish Security and Intelligence Service and the Danish Defence Intelligence Service have been allowed to relax the requirements for deleting unnecessary data concerning citizens.
- The Danish police can carry out cross-sector information analyses on the basis of data from the police's own registers and publicly-accessible sources without adequate due process protection.
- Youths under the age of 18 who are convicted of serious crimes involving a risk of injury to other persons may no longer serve non-custodial sentences in their own home.



PROGRESS

- The blasphemy provision of the Danish Penal Code has been repealed.
- The costs of a criminal case can now be limited for persons who are sentenced to other arrangements than conventional punishment due to their mental state.
- It is now specified in the Danish Administration of Justice Act that access to assistance from an interpreter is a right throughout the entire processing of a criminal case.
- The Danish National Police is establishing an in-service training course on hate crime.
- The Danish Prison and Probation Service has improved its efforts to counter radicalisation by revising its guidelines for employees concerning radicalisation and producing an information booklet for inmates on the consequences of being reported as engaging in radicalisation, and by changing procedures so that the grounds for being reported for radicalisation are explained to inmates and inmates are given an opportunity to respond to such reports. The Danish Prison and Probation Service further plans to train resource personnel in Danish prisons who will be able to identify radicalisation and monitor the number and content of inmates' complaints regarding the reporting system.

A DENMARK OF FREEDOM OR PROHIBITIONS?

Freedom of expression, freedom of assembly, freedom of association; all these are examples of freedoms which Denmark has long safeguarded and pioneered. Nonetheless, 2017 and the start of 2018 have seen a number of bills and amendments to legislation which limit the freedoms of Danish citizens.

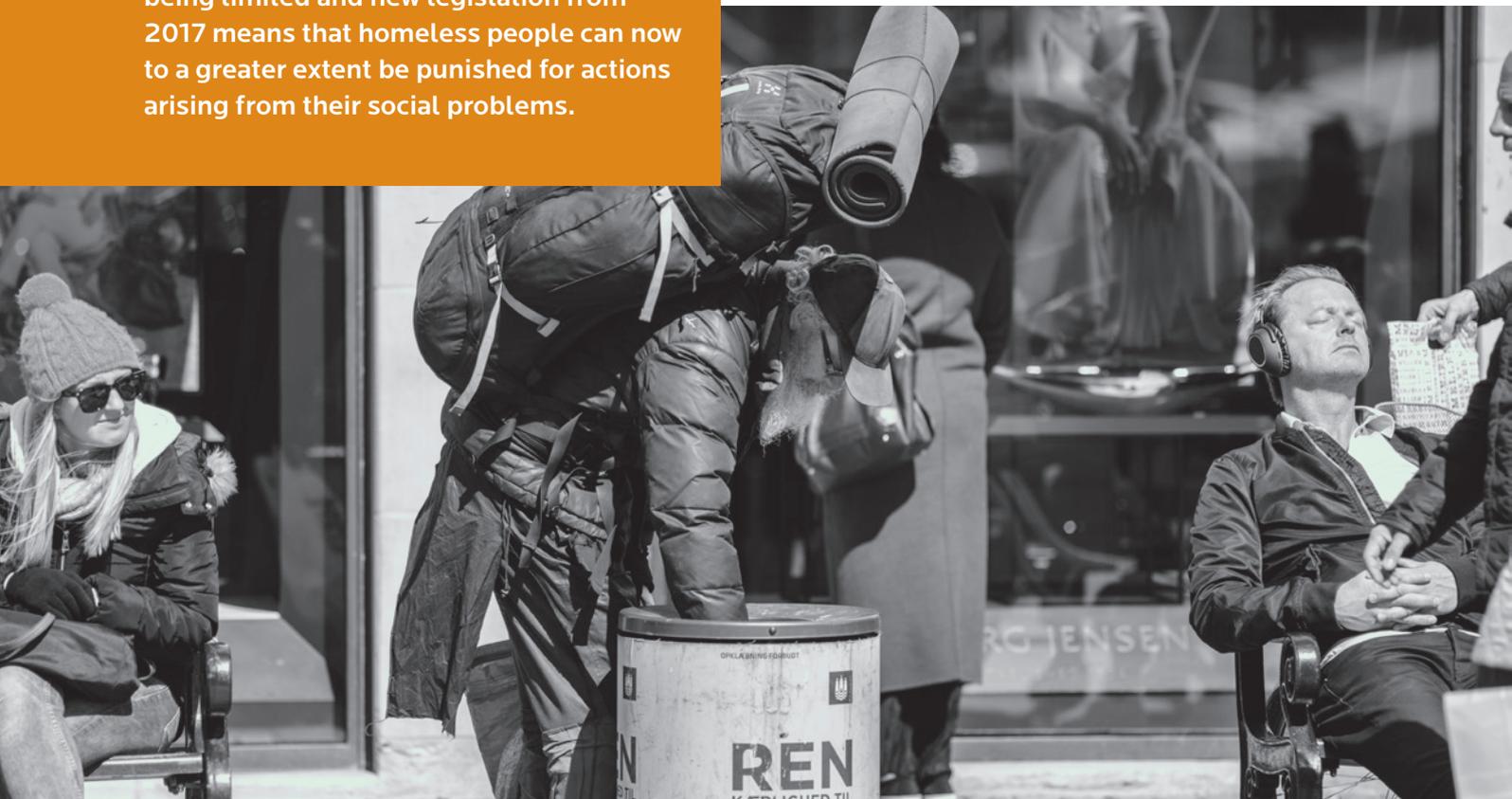
“There may be good grounds for limiting rights for individual citizens or groups in cases where doing so safeguards the community. It is striking, however, that we are now seeing one example after another of basic freedoms being disregarded,” says Louise Holck, deputy executive director of the Danish Institute for Human Rights.

CRIMINALISATION

A series of legislative amendments have aimed to discourage foreign homeless persons from travelling to Denmark, yet these same rules also impact Danish homeless persons. The legislative amendments passed by the Danish Parliament in 2017 mean that a homeless person can be sentenced to imprisonment for begging, and can be prohibited from staying in an entire municipality for up to two years after having resided in a “camp which causes disturbance of public order”.

“This represents a profound infringement of homeless persons’ freedom of movement, and homeless persons now find that, to a greater

Homeless people find that their rights are being limited and new legislation from 2017 means that homeless people can now to a greater extent be punished for actions arising from their social problems.



extent than hitherto, they run the risk of being punished for actions they resort to in response to their social problems. But we cannot fight social problems with punishment,” says Louise Holck.

PROHIBITION OF SOJOURN

The Danish Government's efforts to tackle gang crime have also led to a limitation of freedom of movement. According to a legislative amendment of November 2017, gang members, after having served prison terms, can be prohibited from residing in the city or municipality in which they have been convicted of committing criminal activity for a period of up to ten years. This prohibition can potentially also apply to areas in which groups or family members that the individual has ties to frequent or reside. As such this legislation

FREEDOMS

Fundamental rights of freedom are protected by the European Convention on Human Rights and the International Covenant on Civil and Political Rights. Examples of such freedoms include:

- Freedom of expression
- Freedom of assembly
- Freedom of association
- Freedom of movement
- Inviolability of private property
- Right to privacy
- Rule of law

represents a profound infringement of freedom of movement and the right to respect for privacy and family life.

“This prohibition of sojourn is determined when the convicted individual receives his or her prison sentence, but only comes into force once the sentence has been served. In many cases many years will have passed since the sentence was pronounced, and many circumstances can have changed for the convicted individual. Accordingly we have emphasised that it is vital that prohibition of sojourn is only implemented in cases where the convicted individual presents a genuine risk to society at the time the prohibition enters into force,” says Louise Holck.

THE FOUNDATIONS OF FREEDOM

Most recently the Danish Government has proposed a ban on facial veils, which will particularly impact women who wear burqas or niqabs. The proposal has, with good reason, led to a major debate between political parties in the Danish Parliament, as well as internally, particularly within the liberal parties.

“Taken individually, a ban might seem sensible; a reasonable, necessary and proportionate measure to achieve the aim. Yet taken together, these many prohibitions paint a picture of a society moving away from one of our most fundamental principles as a society, namely our freedom,” says Louise Holck. She adds:

“It is high time we boost fundamental freedom rights. We need legislation which strengthens rather than weakens our right to freedom.”

INTERNATIONAL

HUMAN RIGHTS AND DEVELOPMENT

The Danish Institute for Human Rights does not have an international mandate as a watchdog. Instead, we advise and set the agenda. We work in close collaboration with local stakeholders to provide support for institutions to efficiently promote human rights at a local level. We also endeavour to set a global human rights agenda via our regional and global networks of human rights institutions, industry players, and the UN.

SUSTAINABLE DEVELOPMENT GOALS

In 2017 we had a significant impact on global sustainability by showing how human rights can support the UN's Sustainable Development Goals (SDGs). We have demonstrated the links between human rights and SDGs and developed a range of tools which provide practical guidance on how to draw up national sustainable development strategies and plans which incorporate human rights. We note that governments and businesses across the globe have begun to use these tools in their efforts to live up to the SDGs.

STRONG INSTITUTIONS

In 2017 we continued our work of supporting human rights institutions in other countries so that they are able to fulfil their mandates. We do this by means of organisational development as well as by teaching them how to be vocal defenders of human rights, including how to evaluate and report on the status of human rights to the UN.

In 2017 Niger's national human rights institution was awarded so-called A Status, which certifies high standards. The Institute has supported the development of this institution in close collaboration with, among others, the Ministry of Justice in Niger.

COOPERATION WITH AUTHORITIES

We strengthen states' ability to safeguard their citizens' rights. We do this by supporting their work of drafting constitutions, which consolidate human rights, and by collaborating with authorities on reinforcing the police and judiciary so that fair and predictable systems are put in place. This contributes to improving trust, for instance between the police and citizens, and this brings about stability and security.

PROVIDING GUIDANCE TO BUSINESSES

In 2017 we worked with a wide range of businesses and provided them with guidance on how they can consolidate responsible business practice. We have developed tools, which make it easier for businesses to respect human rights, including identifying what human rights risks they should particularly focus on in their work. In 2017 we have focused on how businesses can integrate these human rights risks with the UN Sustainable Development Goals.

WHERE WE WORK

The Danish Institute for Human Rights works to promote the UN Sustainable Development Goals across the world.

EURASIA

| | | |
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| Belarus |  |  |
| Georgia |  |  |
| Kyrgyzstan |  | |
| Ukraine |  |  |

ASIA

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| Bangladesh |  |  |  |
| China |  |  | |
| Myanmar |  |  |  |
| Nepal |  |  |  |
| South Korea |  |  |  |

AFRICA

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| Benin |  |  | | |
| Burkina Faso |  |  |  |  |
| Kenya |  |  |  | |
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| Niger |  |  | | |
| Tanzania |  | | | |
| Uganda |  |  | | |
| Zambia |  |  |  |  |
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THE MIDDLE EAST AND NORTH AFRICA

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| Iran |  | |
| Jordan |  |  |
| Morocco |  |  |
| Tunisia |  |  |

LATIN AMERICA

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| Colombia |  |  |
| Chile |  |  |
| Mexico |  |  |

Sustainable Development Goals that feature in the work of the Institute.

| | | | |
|---|----------------------------|---|--|
|  | Zero hunger |  | Decent work and economic growth |
|  | Good health and well-being |  | Reduced inequalities |
|  | Quality education |  | Sustainable cities and communities |
|  | Gender equality |  | Peace, justice and strong institutions |
|  | Clean water and sanitation | | |

ACTION PLANS FOR BUSINESS

We support governments in the work of drawing up national action plans based on the UN guiding principles on business and human rights. Our new website globalnaps.org has made a wide range of our tools and knowledge available to assist state players in preparing and implementing their action plans.

GLOBAL INFLUENCE AND SUSTAINABLE DEVELOPMENT

The Danish Institute for Human Rights works to position human rights as a central lever through which governments and businesses can achieve the Sustainable Development Goals. It is also our view that the goals can play a part in promoting human rights.

In 2017 the Institute focused on improving access to and usability of the huge volume of data from human rights systems for countries that wish to chart progress towards achieving the Sustainable Development Goals. The Institute has developed an algorithm which has the ability to read human rights recommendations and link them to the Sustainable Development Goals.

A review of the Sustainable Development Goals is done annually at the UN's High-Level Policy Forum in New York. In 2017 the Institute was selected to be the host of a workshop which focused on how human rights data and

analysis support the goals. At this meeting the participants reached the consensus that human rights and the data that human rights systems provide are central to achieving the Sustainable Development Goals. In 2017 we also presented our data analyses at the UN Human Rights Council in Geneva.

There has been substantial interest in the Institute's analyses and tools worldwide. The Institute has recently signed a memorandum of understanding with the UN High Commissioner for Human Rights concerning the use of the Institute's tools and approaches in the UN's global work and in its national operations.

HUMAN RIGHTS FOSTER TRUST BETWEEN POLICE AND CITIZENS

In Burkina Faso, Mali and Niger we have trained police and security forces in human rights for several years. This serves to promote human rights, and consequently to build trust and social cohesion in these countries – thereby bringing some stability in a region plagued by conflict, migration and terrorism.

In 2017 Mali's national police academy produced a handbook on human rights, and today human rights are a permanent fixture in the curriculum for police in Niger, Burkina Faso and Mali. This means that all new police academy students in these three countries have completed a programme on human rights and

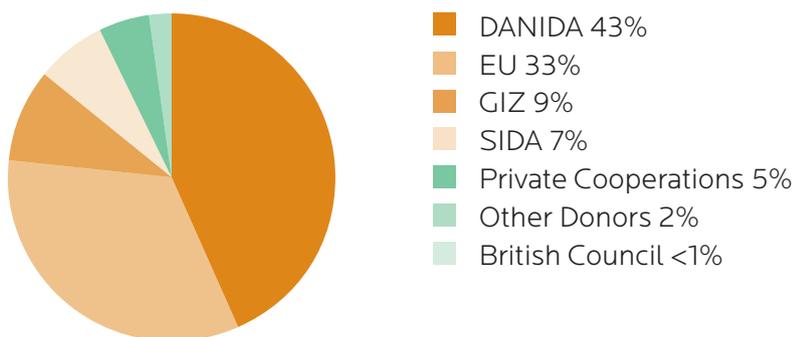
policing. All police academies have trained their teachers in human rights.

In 2017 we supported Niger's police force in establishing an internal inspection body, which handles cases in which police fail to observe human rights. The international inspection body provides an overview of where and when police fail to observe human rights and how this is dealt with.

Finally, in 2017, together with the African Commission on Human and Peoples' Rights, the Institute developed a set of guidelines on the role of the police, freedom of assembly and freedom of expression.

After many years of the Institute working with the police in Niger, a 2016 investigation carried out by Afrobarometer found that 86 percent of the population of Niger trusts the police. This represents an extremely high figure by African standards.

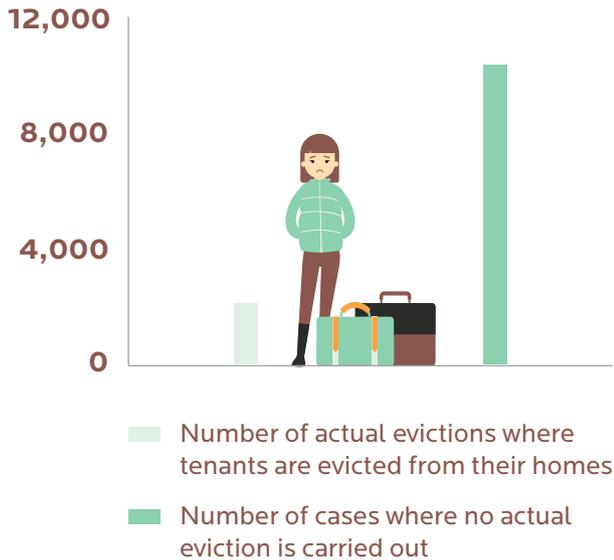
FUNDING OF THE INTERNATIONAL AREA



HUMAN RIGHTS IN FIGURES

ENFORCEMENT PROCEEDINGS FOR EVICTION FROM PRIVATE HOMES IN 2016

Source: Courts of Denmark



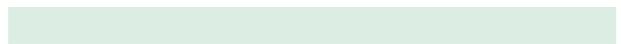
EXPERIENCED DISCRIMINATION



43%

Immigrants and descendants of immigrants of non-Western origin felt discriminated against due to their ethnicity in 2016

Source: The Ministry of Immigration and Integration



DISTRIBUTION OF MATERNITY LEAVE

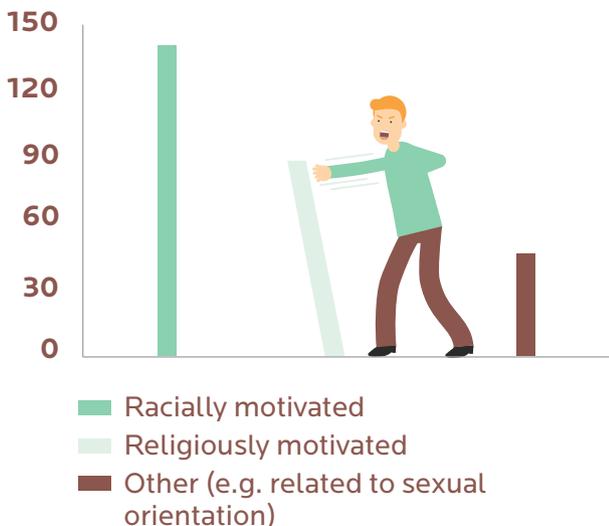
Parental leave by gender, number of days in 2015

Source: Statistics Denmark



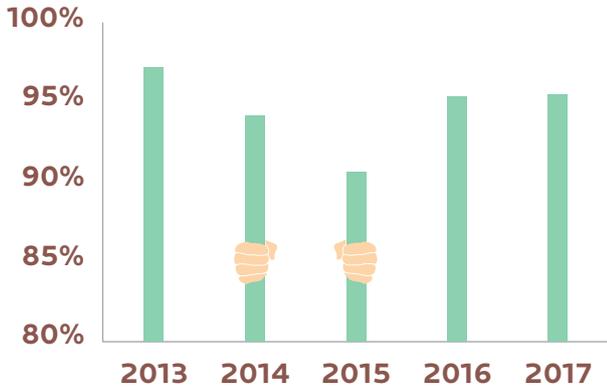
HATE CRIMES REPORTED IN 2016

Source: The Danish National Police



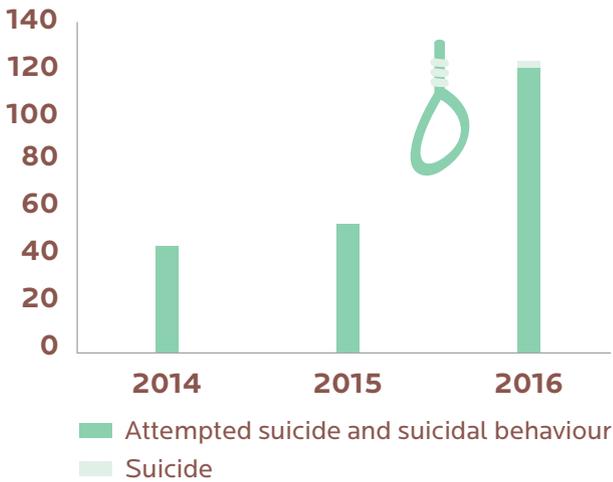
OCCUPANCY RATE IN PRISONS

Source: The Danish Prison and Probation Service



SUICIDE AND ATTEMPTED SUICIDE IN DANISH ASYLUM CENTRES

Source: The Ministry of Immigration and Integration



REPORTS OF HATE SPEECH IN 2016

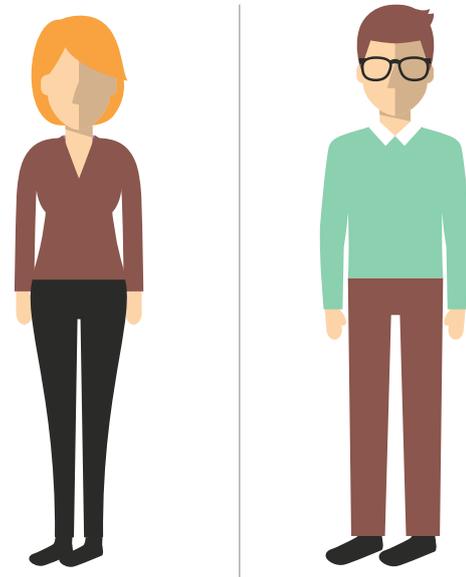
Source: The Danish National Police

55



WAGE DIFFERENCES BETWEEN MEN AND WOMEN IN 2015

Source: Statistics Denmark

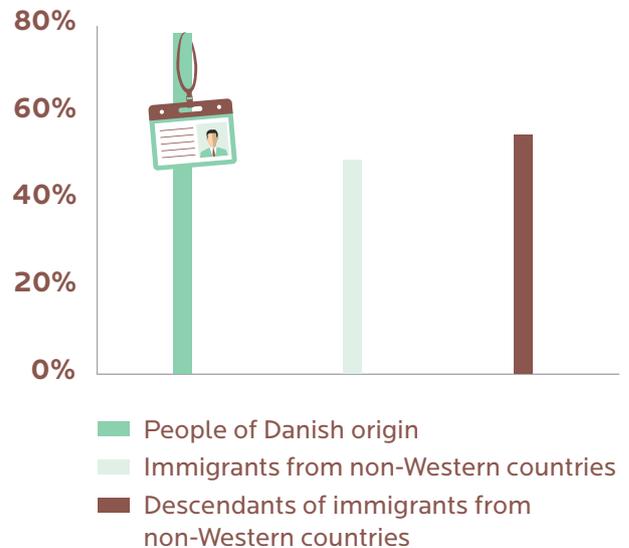


13%

THE EMPLOYMENT GAP

People in work by ethnic origin in 2015

Source: Statistics Denmark



IMMIGRATION AND INTEGRATION

THREE-YEAR WAITING PERIOD

Persons with temporary protection status must, as a general rule, continue to wait three years before they can be reunited with their families. This is the outcome after the Danish Supreme Court, in November 2017, pronounced its judgment in a case concerning a Syrian man who will have to wait three years to be reunited with his wife. The Danish Institute for Human Rights supported the plaintiff and the case is now to be heard at the European Court of Human Rights.

When, in 2017, the UN's Committee on the Rights of the Child examined in more detail Denmark's efforts to comply with the UN Convention on the Rights of the Child, the committee recommended that Denmark abolish the three-year rule.

ILLEGAL CHANGE OF EXISTING PROCEDURE

Shortly after the Danish Minister for Immigration, Integration and Housing issued instructions in 2016 that the Danish Immigration Service disregard the statutory 26-years-rule the Institute made the Minister aware that the new procedure would mean that Danish citizens would be unlawfully denied family reunification. Indeed, in 2017 eight married couples got their applications for family reunification reopened after they had been rejected in 2016. The change requested by the Minister required a legislative amendment, which was eventually carried out at a later date.

The European Court of Human Rights has determined that seriously ill foreigners have the right to humanitarian residence if they do not have access to the necessary vital medicine in their homeland. The Danish authorities are now altering their practice.





SETBACKS

- Persons who have actively obstructed the establishment of their identity may no longer, as a general rule, be granted permanent residency.
- The conditions for qualifying for permanent residency have been made stricter. This has made it more difficult for applicants to achieve family reunification and citizenship.



PROGRESS

- Social sector monitoring bodies now carry out professional monitoring of accommodation for unaccompanied minors in the asylum system.
- The Refugee Appeals Board and the Immigration Appeals Board have inherited a number of tasks from the Ministry of Immigration and Integration, and the complaint procedure has been improved.

CRIMINAL FOREIGNERS

In the spring of 2017 the Danish Government appointed an interministerial working group tasked with establishing how Denmark can expel a greater number of criminal foreigners. This work culminated in a bill which is in the process of being passed by the Danish Parliament.

In this bill the Government sets out a series of guidelines concerning when criminal foreigners can, as a general rule, be expelled. It is positive that, via the bill, the Danish Government is clarifying the practice of the European Court of Human Rights for the Danish courts. The Institute recommends, however, that a greater number of judgments be included to ensure a more complete overview of when expulsion is permissible.

EXTRADITION TO ROMANIA

In 2017 the Danish Supreme Court established that it would constitute a breach of the European Convention on Human Rights were Denmark to extradite Romanian inmates to serve their sentences in Romania. This is because the conditions in Romanian prisons do not meet the Convention's requirements. In

February 2018 Denmark reopened the specific cases after Romania had provided a renewed guarantee that the conditions of imprisonment would be adequate.

HUMANITARIAN RESIDENCE

In May 2017 the Institute made the Danish Ministry of Immigration and Integration aware of a new, key case from the European Court of Human Rights concerning some very seriously ill foreigners rights to residence on humanitarian grounds. In pronouncing this judgment the court emphasised that seriously ill foreigners have the right to humanitarian residence if, in their homelands, they do not have access to the medicine necessary for them to live. Previously the Danish immigration authorities had done no more than check that the medicine in question existed in the applicant's homeland prior to sending them home. However, the European Court of Human Rights requires that the Danish authorities take steps to ensure that the applicant does in fact have access to the medicines. Since this judgment a number of foreigners have been denied humanitarian residence – without the Danish authorities taking the judgment into consideration in their processing of the cases.

UNREGISTERED MIGRANTS

The UN Committee on the Rights of the Child recommended in 2017 that Denmark guarantee unregistered children and unregistered pregnant women full access to healthcare services. The Danish Institute for Human Rights has previously recommended legislative amendments which will guarantee unregistered pregnant women and children the right to healthcare services from GPs and at hospitals.

In January 2018 the Ministry of Immigration and Integration announced that the Ministry will alter its practice.

TOLERATED STAY

In 2017 the Ministry of Immigration and Integration tightened the requirements for foreigners with leave to remain under the tolerated stay provisions at Kærshovedgård deportation centre. Together with the Danish Parliamentary Ombudsman and DIGNITY – the Danish Institute Against Torture – the Institute visited the deportation centre in October 2017.

Tolerated stay has also been on the agenda in the Danish Supreme Court over the past year. The Court has made clear that a person who, in 2012, was informed by the court that it contravened his freedom of movement to be made subject to residence and reporting obligations to the extent that he was, had no claim for compensation. In January 2017 the Danish Supreme Court acquitted an foreigner for violating his residence and reporting obligations, on the basis that, in the view of

the Supreme Court, the requirements placed by the authorities constituted an excessive infringement of his freedom of movement. In a third case, in January 2018 the Supreme Court ruled that it is acceptable that a man who has been expelled and is suspected of terrorism must report to Center Sandholm on a daily basis.

QUOTA REFUGEES

The Danish Parliament has approved a more flexible system for quota refugees which makes it possible for the Government to decide how many refugees Denmark will accept from the UN's refugee camps. At the same time the new regulations indicate an assumption of a ceiling of 500 quota refugees per year. The new system contrasts with an international resolution which Denmark approved in 2016. Via this resolution the Government signalled that Denmark would strengthen its resettlement of refugees.

THIS YEAR'S PUBLICATIONS

- **Integrationsrådenes arbejde og udfordringer** (Immigration and Integration Committees: Their work and the challenges they face)
- **Udvisning af kriminelle udlændinge** (Expulsion of criminal foreigners)
- **Afro-danskeres oplevelse af diskrimination i Danmark** (Afro-Danes' experience of discrimination in Denmark)
- **Hvornår må man lave positiv særbehandling?** (When is it okay to apply affirmative action?)

CITIZENSHIP

COLLISION COURSE WITH THE CONVENTION ON DISABILITY

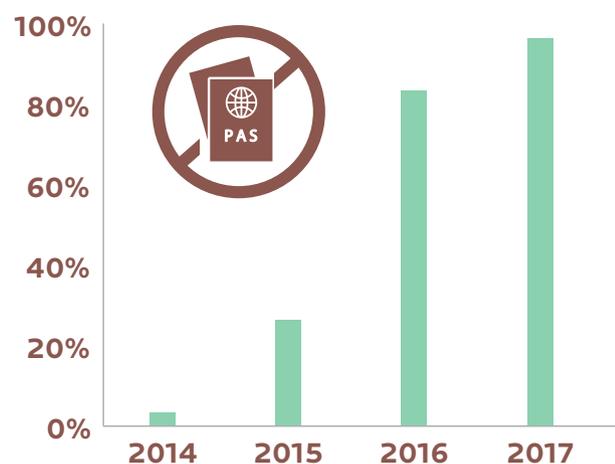
Since 2015 far fewer people have been granted exemption from the general requirements for Danish citizenship via the Danish Parliament's Naturalization Committee. According to the UN Convention on the Rights of Persons with Disabilities, disabled persons have the same rights as others, and as such shall be granted exemption from requirements which they are unable to fulfil due to their disability. The Danish Institute for Human Rights considers that there is reason to believe that the Naturalization Committee has contravened the Convention in its exemption practice to date. In May 2017 the Danish Supreme Court acquitted the Ministry of Immigration and Integration in a case concerning three persons who had been denied Danish citizenship. The

applicants had medical certificates indicating that they suffered from among other things post-traumatic stress disorder (PTSD), yet the Supreme Court concluded that the applicants had not documented to an adequate extent that, as a consequence of their disabilities, they were unable to pass their Danish language and knowledge exams – which is a requirement for being granted citizenship. The Institute supported the applicants' case.

Since then a woman has had her claim upheld in a similar case in Copenhagen City Court. Furthermore, the Legal Adviser to the Danish Government has estimated that, if a specific application for exemption is rejected, the Minister will lose the resultant court case, which led to the case being reopened by the Naturalization Committee. Members of the Committee have subsequently indicated that the Committee will alter its exemption practice in order to avoid Denmark contravening the Convention on the Rights of Persons with Disabilities. It is not yet known what form a new exemption regulation or policy will take.

REFUSAL TO GRANT EXEMPTION FROM REQUIREMENTS FOR CITIZENSHIP

Source: The Ministry of Immigration and Integration



CITIZENSHIP FOR STATELESS PERSONS

In 2017 the UN Committee on the Rights of the Child recommended granting all stateless children born in Denmark Danish citizenship at birth.

SOCIAL AFFAIRS

A MILESTONE FOR CHILDREN'S RIGHTS

The responsibility for human rights violations had not lapsed. This was the verdict of the High Court of Eastern Denmark in June 2017 when Slagelse Municipality was required to pay compensation to three sisters who were subjected to abuse by their foster father. Despite the fact that the municipality received a number of serious warnings that the girls were being abused, no action was taken. This is the first time a municipality has been held responsible for failing to safeguard the human rights of children. The Danish Institute for Human Rights supported the three women's case and regards the judgment as a crucial milestone for children's rights.

The Danish Parliament and the Danish Government have subsequently amended the legislation such that cases concerning sexual abuse of children, and claims for compensation against authorities for failure to discharge their duty in cases of child abuse, can no longer lapse and become unenforceable.

This year's annual award from the Council for Human Rights went to Poul-Erik Rasmussen, who received the prize on behalf of other former residents at the children's home Godhavn. Poul-Erik Rasmussen has brought a case against the Danish state demanding an apology for the abuse they were subjected to at the home in the 1960s. In November 2017 the High Court of Eastern Denmark made it clear that the case had lapsed, but following a legislative amendment it has been possible to reopen the case.

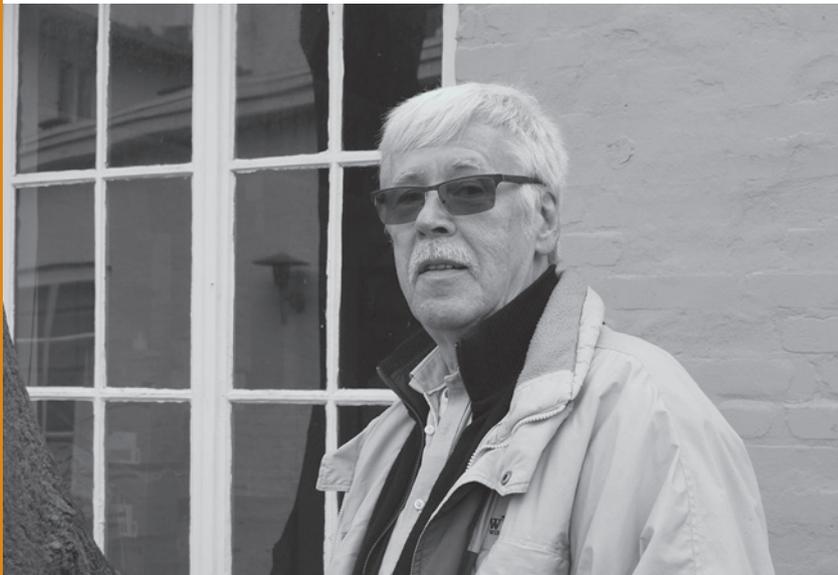
SETTLEMENT REACHED WITH UPPER SECONDARY SCHOOL

In March 2017 the Danish Institute for Human Rights and Langkaer Upper Secondary School reached a settlement in a case concerning the school's dividing up of its pupils. When it came to light that the school was dividing up its pupils according to ethnicity, the Institute brought the case before the Board of Equal Treatment in order to establish whether this was legal. The school management conceded the Institute's claim that the division of the pupils amounted to illegal discrimination.

In 2017 the UN Committee on the Rights of the Child examined in more detail Denmark's efforts to comply with the United Nations Convention on the Rights of the Child. The Committee subsequently recommended that Denmark provide more comprehensive information on the prohibition of violence against children in the home.

CRIMINALISATION OF HOMELESSNESS

In the autumn of 2017 the Danish Government presented an action plan for tackling homeless-





SETBACKS

- Persons convicted of begging at particular locations can be punished with 14 days imprisonment the very first time they violate the law.
- Homeless persons who, according to the police, establish or reside in a camp which causes disturbance of public order can be punished with a fine or imprisonment for up to 18 months.
- Homeless persons who are punished for contravening the prohibition against camps which cause disturbance of public order may be made subject to a zonal ban for up to two years which encompasses entire municipalities.
- The qualifying period for child and youth benefit has been extended from two to six years.

ness which includes a number of good initiatives in this area. Nonetheless homeless persons experience that their rights have been limited in the past year. Several legislative amendments from 2017 may contribute to criminalising homelessness given that homeless and vulnerable persons can be penalised for actions which are a consequence of their social issues. Homeless persons now face longer prison terms for begging, a prohibition against “camps which cause disturbance of public order”, and zonal bans from entire municipalities for up to two years for contravening the camp prohibition.

POVERTY

In 2017 the UN Committee on the Rights of the Child recommended reintroducing the poverty threshold of 2013. At the same time the Committee recommended that Denmark



PROGRESS

- Statutes of limitations for criminal liability in cases concerning child abuse have been abolished.
- Statutes of limitations for public authorities' liability for damages in cases concerning abuse of children have been abolished with retroactive effect.
- The time limit of 72 hours for reporting cases of rape, incest and sexual abuse of children to the police if you want compensation has been abolished.
- Persons who are refused admission to, or ejected from, shelters or women's crisis centres now have the possibility of lodging a complaint.
- More foster families are now subject to social sector monitoring.

provide sufficient support to families on the lowest levels of social security benefits to ensure that no child has to live in poverty.

THIS YEAR'S PUBLICATIONS

- **Ekstrem social kontrol** (Extreme social control)
- **Hjemløse borgeres rettigheder i kommunerne** (Homeless citizens' rights in the Danish municipalities)
- **Retssikkerhed i kommunerne** (Rule of law in the Danish municipalities)
- **Digital kommunikation i kommunerne** (Digital communication in the Danish municipalities)

SOCIAL AFFAIRS – DISABILITY

PROHIBITION OF DISCRIMINATION

2017 started well for persons with disabilities when the Minister for Children and Social Affairs Mai Mercado announced that the Government would work to introduce a general prohibition of discrimination on the grounds of disability; a long overdue prohibition which our neighbours here in Scandinavia already have in place, and which Denmark is required to introduce pursuant to the UN Convention on the Rights of Persons with Disabilities.

Unfortunately Denmark will miss a historic opportunity to protect persons with disabilities against discrimination if the bill, which was in consultation in the autumn, is not

strengthened. It is particularly problematic that the proposal does not include a duty to make reasonable adjustments. In practice this means that individuals with disabilities will still not enjoy effective protection against discrimination. At the same time the bill does not propose to classify as discrimination those cases where businesses or public authorities fail to fulfil the existing requirements for accessibility for persons with disabilities.

THE RIGHT TO VOTE

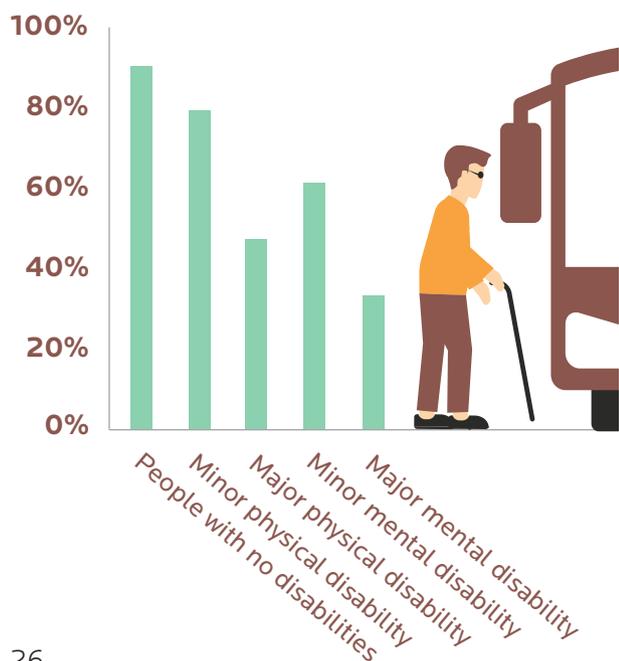
In January 2018 the Danish Supreme Court conceded the High Court of Eastern Denmark and the Danish Ministry of Justice's claim that the state can withdraw the right to vote from Danish citizens in cases of guardianship. This is the provisional outcome of a case in which four Danish citizens subject to so-called 'section 6 Guardianship' have raised a case against the Danish state because their right to vote in general elections has been withdrawn. The Danish Institute for Human Rights has supported the plaintiffs in this case. The plaintiffs are now bringing the case before the European Court of Human Rights.

The Danish Parliament has, on the other hand, granted Danish citizens subject to guardianship the right to vote in municipal, regional and European elections. Thus, persons subject to 'section 6 Guardianship' were for the first time in the history of Denmark able to vote in the November 2017 municipal and regional elections.

ACCESSIBILITY TO BUSES AND TRAINS IN 2016

People with physical or mental disabilities who can travel by bus or train without difficulty

Source: VIVE and Statistics Denmark





SETBACKS

- The requirements for disabled access to stand-alone single-family homes have been significantly relaxed in building regulations.
- Municipalities have been granted expanded scope to terminate the leases of sheltered housing residents.
- Specially-secured accommodation units have been given the opportunity to completely prohibit internet access via mobile phones and computers for all their residents.

The 2017 elections also marked another important step forward for persons with disabilities when following a legislative amendment of July 2017, blind persons themselves were permitted to choose who they wanted to assist them with voting. This amendment means that blind persons are now able to vote confidentially, since they no longer need to state their voting preference out loud to an election official.

CHILDREN WITH DISABILITIES

In September 2017 the UN Committee on the Rights of the Child examined in more detail Denmark's efforts to comply with the United Nations Convention on the Rights of the Child. Among other things the Committee recommended that Denmark adopt a law against discrimination on the grounds of disability, reduce the degree of coercion used on minors in psychiatric treatment, promote inclusive teaching and access to public facilities such as schools and acknowledge that all deaf



PROGRESS

- Doctors and dentists can now administer compulsory treatment to permanently legally incapacitated patients such as patients with dementia, learning disabilities and brain injuries who are themselves unable to evaluate the consequences of refusing somatic treatment.
- Exemption from the duty to use Digital Post has now been rendered permanent.

children must be given the opportunity to learn and use sign language.

Danish municipalities make more mistakes in cases concerning sick children and children with disabilities than in other cases. This is indicated in a June 2017 report by the Ministry for Children and Social Affairs. The National Social Appeals Board instructed Danish municipalities to re-examine 46 percent of rulings concerning sick or disabled children for which appeals were lodged with the National Social Appeals Board in 2016.

THIS YEAR'S PUBLICATIONS

- Handicapbarometer.dk
- **Når børn med handicap ikke går i skole** (When children with disabilities don't go to school)
- **Digital kommunikation i kommunerne** (Digital communication in the Danish municipalities)

GENDER EQUALITY

SEXUAL HARASSMENT

The public debate on gender equality in 2017 has been coloured more than anything by the #MeToo movement in which women have come out on social media to recount their experiences of sexual assault. In Denmark new research documented the fact that many Danish workplaces have problems with sexual harassment and that only a very small number of cases are brought to light. A significant change is that, while the 2005 Equal Treatment for Men and Women Act is very clear in its definition of sexual harassment, the Danish Working Environment Authority's 2002 guidelines offer a more vague definition according to which the harassment must be sustained and physical before it can be classed as sexual harassment.

DISTRIBUTION OF POWER

Following the 2017 municipal election, the Institute calculates that 33% of new councillors are women. Four out of five municipalities have fewer than 40% women among elected officials. Thus gender equality remain a key challenge for municipal democracy over the coming four years.

Also, the sphere of business management has seen very little progress in 2017. The Danish Business Authority concluded in 2017 that current statutory requirements have little effect on gender distribution in the management of the largest businesses. Accordingly the Authority has begun to issue far more improvement notices to businesses which fail to comply with the legal requirement for a policy to ensure that women enter management positions. The Authority has also announced that businesses which fail to comply with the law will henceforth receive fines.

VIOLENCE AGAINST WOMEN

In 2017 an independent committee of experts examined in more detail Denmark's efforts to comply with the Council of Europe Convention on preventing and combating violence against women, and domestic violence. The committee expressed strong criticism of the Danish state's use of language in the area of

At the close of 2017 the Danish Institute for Human Rights invited employers and trade unions to propose joint solutions to sexual harassment in the Danish workplace. The participants in the debate, which took place at Politikens Hus, included Lars Alexander Borke, The Danish Chamber of Commerce, Christian Groes, Roskilde University, Mads Fuglede, Denmark's Liberal Party, Nanna Højlund, the Danish Confederation of Trade Unions, Camilla Gregersen, the Danish Association of Masters and PhDs, and Anette Borchorst of Aalborg University.



ILLEGAL DISCRIMINATION IN DAYCARE INSTITUTIONS

In 2017 the Board of Equal Treatment conceded the claim of the Danish Institute for Human Rights that it constitutes illegal discrimination on the grounds of gender if a daycare institution prohibits male daycare staff from changing nappies and assisting with changes of clothing and toilet visits.

GENDER EQUALITY STATISTICS

In 2017 Statistics Denmark launched the first comprehensive statistical overview of gender equality in Denmark at dst.dk/equity.

violence. Denmark has introduced gender-neutral definitions of violence such as “violence in the family” and “reciprocal violence”. The committee of experts questioned whether, in opting for this use of language, Denmark meets its obligations both towards the Council of Europe and to the UN.

Furthermore the committee called for improved data collection with respect to gender-based violence and better access to counselling, psychosocial support and treatment for trauma. Finally the committee proposed that Denmark introduce a separate criminal code provision concerning psychological violence.

GENDER EQUALITY IN DAYCARE FACILITIES AND SCHOOLS

In June 2017 the Committee on Gender Equality in Daycare Facilities and Schools (our translation, ed.), which is appointed by the Danish Government, set out the greatest challenges for gender equality in public daycare facilities and schools. Together with a number of other stakeholders the Institute participated in the committee meetings, and the Institute looks forward to seeing the Government’s proposed solutions.



PROGRESS

- Transgender persons no longer need to undergo a psychiatric assessment prior to beginning treatment.
- Fathers, co-mothers and both adoptive parents now have the right to 14 weeks’ bereavement leave or compassionate leave when a child dies or is given away for adoption prior to the 32nd week following birth.
- Everyone – regardless of gender or sexuality – is now exempt from VAT on fertility treatment.
- The Danish High Court has emphasised that a legal change of gender shall have legal bearing, such that a person who prior to the conception of the child underwent a legal change of gender as a man may be registered as the child’s father.

THIS YEAR’S PUBLICATIONS

- **Hadefulde ytringer i den offentlige debat** (Hate speech in the public debate online)
- **Hadefulde ytringer i et nordisk perspektiv** (Hate speech in a Nordic perspective)
- **Hvad tjener du? Åbenhed om løn på arbejdspladsen** (What do you earn? Openness around salaries in the workplace)

EDUCATION

NEED FOR IMPROVED HUMAN RIGHTS EDUCATION

Just one in three school pupils in 6th to 10th grade believe they know anything, or know a lot, about their own rights. This is highlighted in a report produced by the Danish Institute for Human Rights and UNICEF Denmark. The Institute is urging an improvement in the quality of human rights education in primary and lower secondary schools, and in the autumn the UN Committee on the Rights of the Child encouraged Denmark to improve teaching on human rights at all levels of education.

FEWER BINDING LEARNING GOALS

In 2017 the Danish Government and the signatories to the Act on Primary and Lower Secondary Education decided to issue

teachers with fewer binding learning goals for their teaching. The upshot of this is that some of the earlier binding learning goals for human rights education have now become guiding. The Committee on the Rights of the Child recommended that Denmark does not implement this amendment.

REPORTING CONCERNING RADICALISED PUPILS

School staff have a strict duty to inform the municipality if they believe that a pupil is in the process of becoming radicalised. The Institute considers that this duty to report may have negative consequences for pupils' freedom of expression and quality of education.

CHEATING IN EXAMS

In the autumn the Danish Government proposed that upper secondary schools be given the possibility of examining the contents of pupils' computers and their activities on social media. The Institute considered that this surveillance would go too far relative to its stated aim of tackling cheating in exams. Following this criticism the Government opted to withdraw the proposal.

REQUIREMENT FOR PRIVATE SCHOOLS

Following the introduction of stricter monitoring of private schools in 2017, the Danish Government has now proposed a permanent subsidy scheme for private schools. Both amendments raise a range of questions concerning the options as regards





PROGRESS

- Any educational institution which provides primary education and upper secondary education must now have a strategy in place to tackle bullying.
- Pupils and parents who experience that a school does not do enough to tackle bullying can now lodge a complaint.

to private schools' possibilities for continuing to run schools. It is particularly unclear what significance the amendment will have for independent schools linked to religious communities or to those which have a clear religious basis.

THIS YEAR'S PUBLICATIONS

- **Undervisning i menneskerettigheder på pædagoguddannelsen** (Human rights education as part of the bachelor degree programme in social education)
- **Undervisning i menneskerettigheder på socialrådgiveruddannelsen** (Human rights education as part of the bachelor degree programme in social work)
- **Nyt digitalt læringsmateriale til lærerstuderende om menneskerettighedernes universalitet** (New digital learning material for student teachers on the universality of human rights)

RELIGION

GREATER CLARITY

A new act regulating religious communities outside the Danish National Evangelical Lutheran Church was adopted in late 2017, marking a milestone in Danish legal history and the history of religion. The Danish Institute for Human Rights considers that a more coherent regulation will promote more successful functioning of these communities in Danish society.

However, the new act does not take into account that the UN Convention on the Rights of the Child stipulates that children must be given more of a say in matters related to their faith. The new act allows parents to decide, without the child's consent, whether or not the child should be a member of a religious community.

The right to religious freedom also includes non-religious associations. Therefore, the Institute recommends that the Danish Parliament takes steps to adopt an act on associations which espouse non-religious philosophies.



PROGRESS

- Religious communities outside the Danish National Evangelical Lutheran Church are regulated more coherently in new legislation.
- Municipal councils may allow a person to wear headdress on ID card photos if, for religious reasons, the person requests this.

HEALTH AND SENIOR CITIZENS

INTERPRETING SERVICES

The Danish Government has decided to set up a certification scheme for foreign language interpreters in the healthcare sector. For a number of years the Danish Institute for Human Rights has recommended such a scheme to improve the quality of interpreting services.

It has been decided that a user's fee will be introduced for interpreting services for people who have lived in Denmark for more than three years. The Institute fears that, if they are forced to pay for interpreters, patients who do not speak Danish well will not receive proper medical care, and that their children and other relatives are more likely to act as interpreters.

NATIONAL GENOME CENTRE

The Danish Government proposes that a national genome centre be established which will collect genetic information about Danish

citizens. In a legal brief, the Institute assessed that it is problematic that registration is carried out without prior consent of the citizen, and that citizens only have limited options for requesting that their genetic information not be used for purposes other than their own treatment.

SPECIAL FACILITIES AT PSYCHIATRIC WARDS

At the end of 2016 the Danish Government proposed that staff at a new type of social-psychiatric ward would be allowed to use more coercion on mentally ill patients. After criticism from the Institute and other organisations, the Government decided to withdraw the bill.



SETBACKS

- Inspections of municipal care centres are more likely to be announced rather than unannounced.
- Municipalities can make referrals to a special social-psychiatric ward conditional on the citizen giving up their place in a sheltered housing facility, thereby losing their home.



PROGRESS

- Doctors and dentists can now administer compulsory treatment to permanently legally incapacitated patients who are unable to evaluate the consequences of refusing somatic treatment.
- Exemption from the duty to use Digital Post has now been rendered permanent.
- Municipalities must now describe how they support relatives of vulnerable elderly persons.
- Special regulations applying to the elderly over the age of 75 when renewing their driver's licences, have been abolished.

GREENLAND

CHILD NEGLECT

In 2017 the UN Committee on the Rights of the Child made a number of recommendations aimed at strengthening children's rights in Greenland. The most important recommendations concerned Greenland's efforts to protect children from neglect and abuse.

At a thematic event in September 2017, the Council for Greenland's Justice Sector highlighted sexual abuse of children. The Danish Institute for Human Rights participated in the event where Greenlandic and Danish authorities, discussed the scope of the problem, and how the authorities can improve their collaboration.

ACCESS TO JUSTICE AND FAIR TRIAL

In March 2017 an open consultation in the Danish Parliament led to a debate on the challenges related to access to justice and fair trial in Greenland. The Institute recommended that a larger part of the legislation for Greenland which Danish authorities are responsible for be implemented as acts applying specifically to Greenland. At present, Danish acts often enter into force in Greenland by government decree after they have been adopted for Denmark in light of Danish, not Greenlandic, conditions and sometimes with so much delay that the legislation is on the verge of becoming obsolete in Denmark.

NEW REGULATIONS ON THE HUMAN RIGHTS COUNCIL

In order to strengthen the Human Rights Council of Greenland, the Government of Greenland has presented a new bill proposing a number of changes to the composition of



PROGRESS

- For the first time, a national defence counsel has been appointed for Greenland, tasked with training and giving advice to defence counsels in Greenland.
- A spokesperson institution for people with disabilities has been established in Greenland.
- The legislation provides better protection of children's right to due process in child placement cases.
- The legislation imposes stricter requirements for inspection of case processing and care services in municipalities.
- Case processing procedures at the Social Board of Appeal have been changed to increase efficiency.
- A bachelor's degree programme in law has been launched at Ilisimatusarfik – University of Greenland.

the Council, its tasks and procedures. During the consultation process, the Institute voiced several criticisms of the draft bill, because it did not safeguard the Council's independence from the Government.

THIS YEAR'S PUBLICATIONS

- **Lærerprofessionen og børns rettigheder i Grønland** (The teaching profession and children's rights in Greenland)
- **Menneskeret i fokus – beretning til Inatsisartut** (Human rights in focus - report to Inatsisartut)

THE COUNCIL FOR HUMAN RIGHTS REORGANISES

Four times a year the Council for Human Rights meets to evaluate the implementation of the activities of the Danish Institute for Human Rights. The Council consists of 52 representatives from civil society organisations and state authorities.

At the start of 2017, following a public consultation process, the board of the Institute nominated new board members, and in the autumn a new chairman was appointed. The members of the Council selected Søren Laursen, chairperson of LGBT Denmark, as the new chairman of the board. In this role he succeeded Andreas Kamm, the Danish Refugee Council's former Secretary General.

“To my mind it is important that we as human beings assume a joint responsibility for the development of our rights, and as such I am

delighted to have been selected by a group of such dedicated people as this council. Human rights comprise a solid foundation, but we must also maintain this foundation, and this is a task for society as a whole. And I know of no better place to do this than right here,” said Søren Laursen shortly after being elected.

In 2017 the Council has in particular discussed Denmark's presidency of the Council of Europe and the Danish Government's desire to break away from the European Court of Human Rights' dynamic interpretation. The Council has also discussed how to go about securing popular support for human rights.

A full list of members of the Council can be found at humanrights.dk/about-us/the-council-human-rights.

Søren Laursen was in 2017 elected as new chairman of the Council for Human Rights.



NEW NETWORK FOR SUSTAINABILITY AND BUSINESS

A new Danish network was established in 2017 under the auspices of the UN Global Compact. It has the aim of placing sustainability at the heart of Danish businesses' core activities. The Global Compact is a UN initiative that sets out ten principles of corporate social responsibility. A representative from the Danish Institute for Human Rights has been elected to the board of the network. The Institute will in particular work to consolidate Danish businesses' efforts to promote human rights.

FINANCES

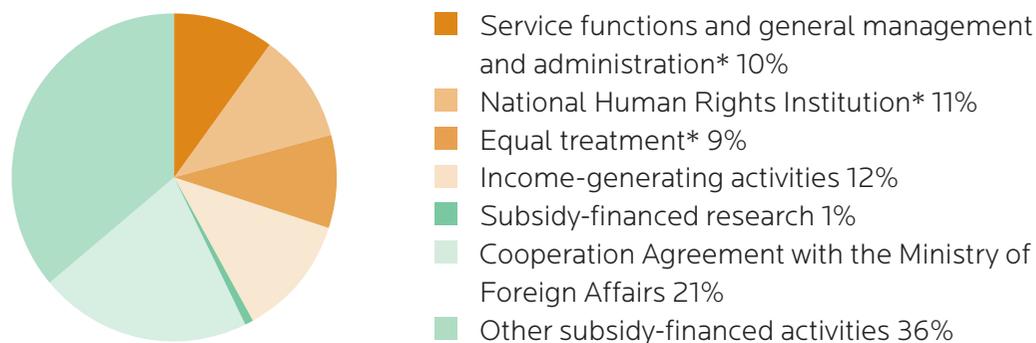
THE INSTITUTE'S INCOME FOR 2017

MILLION DKK

| | BUDGET | INCOME |
|--|--------------|--------------|
| Service functions and general management and administration* | 12.6 | 12.7 |
| National Human Rights Institution* | 14.8 | 14.8 |
| Equal treatment* | 11.2 | 11.2 |
| Income-generating activities | 16.5 | 16.2 |
| Subsidy-financed research | 2.3 | 1.7 |
| Cooperation Agreement with the Ministry of Foreign Affairs | 30.7 | 28.0 |
| Other subsidy-financed activities | 50.6 | 47.1 |
| | 138.7 | 131.7 |

The accounts show the actual level of activity for the year, while the budget is the Institute's best estimate of the relative size of the externally financed projects.

The deviation between the budget and the accounts for income-generating activities and other subsidy-financed activities is mainly due to the fact that not all projects are identified at the time preparing the budget for the coming year.



*Appropriation in the Finance Act

A POPULAR MEETING WITH HUMAN RIGHTS

At the annual People's Political Festival, Folkemødet, on Bornholm in 2017, the Danish Institute for Human Rights brought attention to the future of human rights, urging those present to 'Make Human Rights Great Again'. François Zimeray, the French ambassador to Denmark, was among the visitors to the Institute's tent during Folkemødet.



70 YEARS OF INTERNATIONAL HUMAN RIGHTS

On 10 December 2018, 70 years have passed since the UN Member States adopted the UN's Universal Declaration of Human Rights. Since then, the Declaration has been a guiding star for numerous resolutions, conventions, declarations and acts concerning the fundamental rights of the individual.

Through to December 2018, in cooperation with organisations, cities, businesses and private individuals, the UN will focus on the history of human rights and their impact on human lives.

For more information, see standup4humanrights.org.



— YEARS —

**UNIVERSAL
DECLARATION OF
HUMAN RIGHTS**

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DISABILITY BAROMETER

In 2017 the Danish Institute for Human Rights launched a new website, handicapbarometer.dk meaning 'disability barometer'. This is the first comprehensive and straightforward overview of equality for people with disabilities in Denmark ever to be produced. The statistics show that people with disabilities are worse off than the rest of the population in almost all aspects of life.

Handicapbarometer.dk gathers data from, among others, the Danish Center for Social Science Research (VIVE) and Statistics Denmark, and covers areas such as violence, accessibility, freedom, independence and education. The website will be updated regularly.

Explore the statistics for yourself on handicapbarometer.dk.

