



**International Convention on
the Elimination of All Forms
of Racial Discrimination**

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Committee on the Elimination of Racial Discrimination

**Reports submitted by States parties under
article 9 of the Convention**

**Twentieth and twenty-first periodic reports of States parties
due in 2013**

Denmark* **

[24 June 2013]

* This document contains the twentieth and twenty-first periodic reports of Denmark due on 8 January 2013, submitted in one document. For the eighteenth and nineteenth periodic reports and the summary records of the meetings at which the Committee considered this report, see documents CERD/C/DNK/18-19 and CERD/C/SR.2034 and 2035.

** In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been edited.

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I. General observations

1. The present report is the combined twentieth and twenty-first periodic report submitted by the Government of Denmark under article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination. The report is an update of Denmark's previous periodic reports to which reference is made, namely the combined eighteenth and nineteenth periodic report (CERD/C/DNK/18-19) (subsequently referred to as the "nineteenth periodic report") submitted on 7 July 2009. Reference is also made to the concluding observations of the Committee on the Elimination of All Forms of Racial Discrimination on that report (CERD/C/DNK/18-19). Reference is further made to the information provided by the Government of Denmark on the consideration of the concluding observations of the Committee submitted on 24 August 2011 (CERD/C/DNK/CO/18-19/Add.1). For the purposes of the present report, when reference is made to "the concluding observations" without any further specification, this shall refer to Committee's concluding observations to Denmark's nineteenth period report.
2. The present report covers the period July 2009-April 2013. Where there have been no relevant legislative, judicial or administrative changes during this period, reference is made to the nineteenth or other previous periodic reports.
3. Specific reports on the situation in Greenland and the Faeroe Islands are set out separately in annexes I and II, respectively. Information regarding the recommendation in paragraph 17 of the Committee's concluding observations to the nineteenth periodic report is provided in annex I (Greenland).
4. The present report has been compiled by the Ministry of Foreign Affairs on the basis of contributions from line ministries and agencies of the Government of Denmark as well as from the Governments of Greenland and the Faeroe Islands. Moreover, the Danish Institute for Human Rights has submitted its comments in connection with the preparation of the present report.

Public release

5. The report will, as every periodic report submitted to the United Nations Treaty Bodies by the Government of Denmark, be made available to the public on the official website of the Ministry of Foreign Affairs (www.um.dk). The concluding observations of the Committee will similarly be made available to the public when received and made subject of a press release.

Amendment to article 8, paragraph 6

6. In paragraph 23 of its concluding observations, the Committee recommended ratification of the amendments to article 8, paragraph 6, of the International Convention on the Elimination of All Forms of Racial Discrimination. The Government wishes to inform the Committee that the instrument of acceptance of the Government of Denmark of this amendment was deposited with the Secretary-General on 3 September 1993.

Denmark's core document

7. The Government has taken due note of the Committee's encouragement in paragraph 25 of its concluding observations to submit an updated version of Denmark's Core Document. However, the Government will await the outcome of the Inter-Governmental Treaty Body Strengthening Process before embarking upon a possible revision of the core document.

II. Information relating to articles 2 to 7 of the Convention**Article 2, paragraph 1****General measures to eliminate racial discrimination**

8. Denmark attaches great importance to combating intolerance and racism. Denmark has taken and will continuously take a number of measures to protect vulnerable groups in society from discrimination and hate crimes to combat racism, intolerance and xenophobia. Since Denmark's nineteenth periodic report, the Government has taken various steps to ensure the elimination of racial discrimination and to enhance integration. Some of these general measures are described below.

9. With reference to paragraph 21 of its concluding observations, the Government wishes to inform the Committee that Denmark remains fully committed to the principal objective of the 2001 Durban Conference which is the complete elimination of racism, racial discrimination, xenophobia and related intolerance. The Government considers the International Convention on the Elimination of All Forms of Racial Discrimination to be the universal foundation for efforts to prevent, combat and eradicate racism. Implementation efforts in this field are therefore targeted directly at implementing these treaty-based international obligations while being mindful of the Durban documents. In recent years, the Government has presented two action plans aimed at increasing tolerance in society; an action plan from 2009 aimed at preventing extremist views among young people and an action plan from 2010 aimed at promoting ethnic equality and respect for the individual. The major parts of the initiatives under the former Government's action plans have been implemented, while other initiatives have been adjusted according to the current Government's policies.

10. Since the nineteenth periodic report, the Government has revised the framework for the integration policy in Denmark. The current Government took office in October 2012. Improved integration of migrants and refugees is a core ambition of the Government. The Government sees integration as shared responsibility for several ministries with Ministry of Social Affairs and Integration being responsible for overall coordination. The aim of the Government's new policy is to ensure a holistic and inclusive approach to integration based on the needs of migrants as well as the needs of society and to ensure that integration policies stimulate inclusion and equal participation of all migrants and their descendants in the Danish society.

11. In November 2012, the Government launched its new vision for integration. The overall aim of the Governments' vision on integration is to create a holistic and inclusive approach to integration based on the needs of migrants as well as the needs of society and furthermore to ensure that integration policies truly stimulate inclusion and equal participation of all migrants in Danish society. The vision deals with seven main areas of concern:

- Management and monitoring of the integration effort (including the launch of a National Integration Barometer with indicators for successful integration);
- Reception and integration of newly arrived refugees and migrants;
- Ensuring a higher rate of employment of migrants and descendants;
- Furthering education – focusing on better achievements of migrants and descendants in schools and in the educational system;
- Strengthening active citizenship and social inclusion, equal opportunities and gender equality among migrants and descendants;
- Ensuring a more comprehensive integration effort in deprived housing areas;
- Preventing of marginalization and crime with regard to migrants and descendants.

12. Also, a total of 20 million Danish Kroner has been allocated for initiatives to promote civic citizenship and to combat ethnic discrimination (inter alia, support for municipalities, NGO's and integration-councils) in the period 2012-2015. A grant to support local and national initiatives to combat ethnic discrimination is expected to be launched in 2013.

Strategy against honour-related conflicts

13. Furthermore, as a follow-up to the Government platform: "A Denmark that Stands Together" (October 2011), the Government has launched a national strategy against honor-related conflicts. A total of DKK 24 million has been allocated for a period of 4 years in order to ensure that there will be a decrease of young people who are exposed to honour-related conflicts. The strategy was launched by the Minister for Social Affairs and Integration on 6 July 2012. The strategy is based upon the understanding that honor-related conflicts are not solely the problem for the individuals who are directly involved, but also a barrier to migrant integration on a broader scale. Thus, the strategy aims, inter alia, to provide young people with a better understanding of their fundamental rights as citizens in Denmark and to ensure that young people are able to use their fundamental rights. The strategy is among other things focused on cooperation among municipalities, other official institutions, and NGOs, education of professionals, support for the young people, attitude changes and awareness campaigns.

Action Plan for Corporate Social Responsibility 2012-2015

14. Since Denmark's nineteenth periodic report, the Government has implemented a second action plan for corporate social responsibility (Responsible Growth – Action Plan for Corporate Social Responsibility 2012-2015) to promote responsible growth. This action plan is founded on international principles and standards such as the United Nations Global Compact, the United Nations Guiding Principles on Business and Human Rights, the OECD's Guidelines for Multinational Enterprises and ISO 26000. These principles all have a common point of departure in international human rights.

15. The action plan presents a wide range of initiatives intended to promote responsible growth while ensuring protection and respect for human rights, and it thereby promotes the elimination of racial discrimination. Some initiatives have already been launched whereas others will be implemented in the next three years (2013-2015).

Financial Statements Act (Section 99a)

16. Since 2008, the Financial Statements Act, cf. Section 99a, has required the 1,100 largest Danish companies and all state-owned limited liability companies to report on CSR in their annual reports. In 2012, the Danish Parliament passed a bill ensuring that in the

future the same companies must also expressly state in their annual reports which measures they are taking to respect human rights, and to report if they do not have such measures in place. A survey on how the companies are performing in relations to Section 99a has been publicized annually.

Stop hate crimes (regional campaign)

17. In August 2010, the Copenhagen police together with the Danish Institute for Human Rights, the Municipality of Copenhagen and the Municipality of Frederiksberg launched a campaign called “Stop Hadforbrydelser” (stop hate crimes) in Copenhagen and Frederiksberg. The purpose of the campaign was to raise awareness about hate crimes and get victims and witnesses to report these types of crimes to the police.

18. The campaign included posters and stickers displayed in public places such as on busses and at the side of roads from 16 to 29 August 2010. The campaign also included artwork with a hate crime theme being displayed in Copenhagen and a campaign on Facebook. Shops in the centre of Copenhagen and in the area of Nørrebro were also invited to contribute to the campaign by displaying stickers on windows, front doors, etc.

19. The campaign also featured a website (www.stophadforbrydelser.dk) with information about how to report a hate crime to the police. The website had information about the different types of hate crimes, the hate crime offenders and the victims of hate crimes. The website contained information in different languages about the victim’s right to have an attorney appointed in case of a trial against the offender. The content of the website has recently been moved to social media (Facebook).

20. In October 2012, The Ministry of Justice supported the continuance of the campaign. The new campaign consists of an outdoor campaign targeted at raising awareness and inciting people to report hate crimes. The campaign also involves an “information and campaign bus” which will make it possible to reach the young people and engage in dialogue with both victims and perpetrators.

Responsibility to protect

21. Discrimination based on factors such as race, religion and ethnicity has, also in recent history, led to mass atrocity crimes such as genocide and crimes against humanity. The international community has developed the principle of Responsibility to Protect as a means of preventing such crimes. For its part, Denmark has been very active in promoting and operationalizing R2P as an integrated part of its foreign policy. One example of this is the R2P Focal Point initiative, which was launched by the governments of Denmark and Ghana at a Ministerial Meeting in New York in September 2010. The Network serves as a platform for exchanging experiences among focal points – senior civil servants within national governments – with a view to strengthening national capacity for preventing mass atrocity crimes and cooperation among Member States.

22. With a view mainly to sharing best practices with other states, Denmark has also domestically taken steps to establish early warning mechanisms. For instance, The Danish Minister of Foreign Affairs appointed the Legal Advisor to the Danish Ministry of Foreign Affairs as the Danish Focal Point. In 2012, the Danish Focal Point initiated a government-wide evaluation of existing domestic and international policies for mass atrocity prevention with a view to adopting a national Danish Action Plan for the Strengthening of R2P. The Action Plan will be published in the course of 2013 and provides an opportunity to initiate strategic actions, identify priorities and resources, and determine responsibilities and timeframes at the national level. The process of developing a plan has increased awareness of R2P within the ministries and agencies participating in this process.

Article 2, paragraph 11 (c)**Effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations, which have the effect of creating or perpetuating racial discrimination wherever it exists****Incorporation into Danish law**

23. In paragraph 8 of its concluding observations, the Committee reiterated its recommendation that the Government reconsider its decision not to incorporate the International Convention on the Elimination of All Forms of Racial Discrimination in the domestic legal order.

24. As described in paragraphs 47-54 of the seventeenth periodic report as well as paragraphs 24-26 of the nineteenth periodic report, the Convention is a relevant and valid source of law in the Danish legal order. The chosen method of implementation does not hinder its practical application by the Danish courts.

25. The Government has, however, recently appointed an expert committee with the task of considering the possibility of incorporating a number of treaties, including the ICERD, into Danish law. The work of the expert committee has not yet been finalized.

The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

26. In paragraph 20 of its concluding observations, the Committee encouraged the Government to consider ratifying certain international treaties, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The number of persons living and working outside their countries of origin is estimated to have increased since 1975. Denmark has ratified all the ILO core conventions on workers' rights. These also apply to foreign nationals resident in Denmark. Denmark gives high priority to improving labour market integration of migrants, which is essential in the context of migrants' rights.

27. Denmark has noted that very few countries in Europe (Bosnia and Herzegovina, Turkey, Azerbaijan and the Republic of Albania) have currently ratified the mentioned Convention. The Convention has not been ratified by Denmark due to the uncertainty of the consequences in relation to existing legislation.

28. The expert committee referred to above has also been mandated to consider, inter alia, the possibility of adopting Protocol No. 12 of the European Convention on Human Rights that includes a general prohibition of discrimination. Further consideration as to the appropriateness of a general anti-discrimination legislation should await the result of the expert committee's work.

Article 2, paragraph 2

Special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms

29. Reference is made to the comments under article 2 (e) where it is further elaborated how Danish integration policies aim to contribute to the full and equal enjoyment of human rights for all migrants and descendants in Denmark.

30. The Government's integration policy is based on the idea that everyone residing in Denmark should enjoy equal rights and fundamental freedoms without discrimination. Danish legislation does not discriminate between various ethnic groups, and most rights and responsibilities are connected to residence and not nationality. The Danish welfare system is thus founded on principles of universal and equal access to health, education, housing, employment, and social services for all persons legally residing in Denmark irrespective of their national or ethnic background.

Roma Inclusion Strategy

31. In paragraph 10 of its concluding observations concerning the nineteenth periodic report, the Committee recommended the Government to take appropriate measures to establish the numbers and legal status of the Roma in the country, and to ensure that Roma and travellers in the country are, inter alia, afforded protection from discrimination.

32. Respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities are core values in Denmark. Therefore the Roma in Denmark enjoy the same fundamental rights and protection as other Danish citizens or other residents with foreign backgrounds legally residing in Denmark. The responsibility for integration of the individual person rests with the local levels of society in the municipalities. The Government has conducted a substantive sharing of information on Roma integration and this dissemination of knowledge on best practices and agreed principles for Roma inclusion to the municipal level is a continuous process.

33. The Danish national Roma Inclusion Strategy, as presented to the European Commission in 2011, is integrated in the general set of policy measures. The Danish integration policy as well as the Danish welfare system is based on the idea that everyone residing legally in Denmark, irrespective of their ethnic background, should enjoy equal rights and fundamental freedoms without any discrimination within the areas concerning education, employment, housing and health care. A national Roma contact point is established in Denmark to coordinate efforts within national and international levels.

34. In the Roma Inclusion Strategy it is mentioned that statistical data on Roma in Denmark is not available, as the ethnic origin of persons is not registered in Denmark. For instance, the National Danish Civil Registration System (CRS) only contains basic personal data, i.e. name, address, marital status, nationality, etc., about every person legally residing in Denmark. The data content of the CRS does not include ethnicity. There are no future plans to include data concerning ethnicity in the CRS since the registration of ethnicity is not considered in accordance with the purpose of the CRS.

35. Reference is further made to paragraphs 32-35 of Denmark's nineteenth periodic report.

Article 3

Prohibition against racial segregation

36. Reference is in particular made to the information provided in the present report under article 5 (e) (iii) and article 5 (e) (v) as regards measures to prevent as much as possible the segregation of groups and individuals protected under the Convention in the areas of housing and education.

Article 4

Prohibition against promotion or incitement to racial hatred and discrimination

Recommendation to limit the powers of the Director of Public Prosecutions

37. In paragraph 9 of its concluding observations, the Committee expressed its concern over the powers of the Director of Public Prosecutions to stop investigations, withdraw charges or discontinue cases, and recommended the establishment of an independent and multicultural oversight body to assess and oversee the decisions taken by the Director of Public Prosecutions. Furthermore the Committee urged the Government to resist calls to repeal Section 266 b of the Danish Criminal Code.

38. It should be noted that the Danish rules of criminal procedure build upon a “principle of opportunism” and not legality. This implies that it is for the prosecution service to decide whether or not to prosecute a person, whom the police have initially charged with committing a criminal offence.

39. If the Government were to establish a body to assess and oversee the decisions taken by the Director of Public Prosecutions this would entail a departure from one of the most fundamental principles in Danish criminal procedure.

40. Regarding the Committee’s concern about the discontinuance of cases brought before the Director of Public Prosecutions, reference is made to Section 96(2) of the Danish Administration of Justice Act. It follows from this provision that a prosecutor must ensure not only that a guilty person is brought to justice, but also that prosecution of an innocent person does not take place. This is referred to as the principle of objectivity and it follows from this principle that an alleged offender should not be indicted, if – based on the evidence of the case – the prosecution service assesses that prosecution of the offender will not result in a conviction.

41. Against this background the Government has decided not to follow the Committee’s recommendation. The Government does, however, share the Committee’s view on the importance of effective prosecution of hate crime perpetrators. Consequently, the Government does not plan to repeal Section 266 b of the Criminal Code.

Continued efforts to combat racially motivated offences and hate speech

42. Since 2009, the Director of Public Prosecutions and the National Commissioner of Police have launched a number of initiatives to combat hate crime.

43. In a joint letter of 22 September 2011 to all Commissioners of Police and Regional Public Prosecutors, the Director of Public Prosecutions and the National Commissioner of Police emphasized the obligation of the police and prosecution service to ensure effective prosecution in hate crime cases. The police and prosecution service were also encouraged

to contribute to projects/campaigns concerning hate crime, e.g. information campaigns aimed at influencing public opinion on hate crime.

44. In 2011, the Director of Public Prosecutions also issued new guidelines (No. 2/2011 replacing Instruction No. 9/2006) concerning the investigation and prosecution of cases concerning violation of Section 266 b of the Criminal Code and the Act on Prohibition of Discrimination based on Race and cases in which Section 81, No. 6, of the Criminal Code might apply.

45. In relation to crimes committed with a racist motive, it should be noted that during 2011 and 2012 seminars on hate crime have been held in all police districts in Denmark. Police officers as well as prosecutors have attended the seminars that were developed by the Danish Security and Intelligence Service and The Danish Institute for Human Rights. The seminars dealt with topics such as international conventions, human rights, identification and registration of hate crimes and the Director of Public Prosecutions' guidelines concerning investigation and prosecution of hate crimes.

46. Furthermore, as of 2013 the Director of Public Prosecutions is offering an annual seminar on hate crimes. Prosecutors, lawyers and judges can participate in the seminar which focuses on the identification and prosecution of hate crimes. Also a human rights perspective on hate crimes will be part of the course.

47. Finally, it should be noted that hate crime is a special area of focus in the 2012-2015 strategy of the prosecution service, and that the prosecution of hate crimes is a subject that has been and will continue to be discussed in relevant forums within the prosecution service, e.g. in the Committee on offences against the person, where representatives of all police districts and the regional prosecutors' offices participate.

Criminal cases concerning racist statements (Section 266 b of the Criminal Code)

48. In 2011, the Director of Public Prosecutions issued new guidelines concerning the handling of cases of violation of Section 266 b of the Criminal Code (Instruction No. 2/2011 replacing Instruction No. 9/2006).

49. In order to ensure transparency and a uniform practice by the police and prosecution as to the application of Section 266 b in cases concerning hate speech, the new instruction contains detailed guidelines supplemented with relevant case law as to when an act as a general rule should be considered a violation of Section 266 b. New paragraphs discussing the freedom of expression relative to such cases as well as guidelines on the investigation and the sentence claimed in such cases have been inserted in the instruction.

50. The reporting scheme of Instruction No. 9/2006 concerning violations of Section 266 b is continued in the new instruction. Thus, all cases in which a preliminary charge for violation of Section 266 b has been raised must be submitted to the Director of Public Prosecutions (Rigsadvokaten) together with a recommendation on the question of prosecution. Thus, it is the Director of Public Prosecutions that determines whether or not to prosecute cases, where a preliminary charge has been raised.

51. If no preliminary charge has been raised and the Commissioner of Police (Politidirektøren) finds that a report of an alleged violation of Section 266 b should be dismissed or that there is no basis for continuing the investigation, the case must be submitted to the Regional Public Prosecutor (Statsadvokaten) together with a recommendation. Thus, it is the Regional Public Prosecutor that determines whether or not a report of an alleged violation of Section 266 b should be dismissed or the investigation discontinued. However, the Director of Public Prosecutions has to be notified of the decision of the Regional Public Prosecutor.

52. The purpose of the reporting scheme is to ensure a uniform charging practice nationally and supervise the processing of cases.

53. The final decisions of courts in cases involving a violation of Section 266 b are accessible at the website of the Director of Public Prosecutions (www.rigsadvokaten.dk). This register, which is updated on a regular basis, includes information concerning 76 rulings, including acquittals, ticket fines, etc., from 2000 to the latest update on 4 July 2012.

54. In Denmark's previous reports the statistics on cases concerning violations of Section 266 b of the Criminal Code were brought about by means of a manual count. Since the eighteenth and nineteenth periodic report a change of the police computer system has been introduced allowing for the electronic extraction of the wanted data. The statistics given below have been extracted electronically from the police computer systems (POLAS). Due to this change, earlier statistics and the statistics provided in the following tables will not be directly comparable.

55. Table 1 includes cases in which a preliminary charge for violation for Section 266 b of the Criminal Code has been raised.

Table 1

<i>Year</i>	<i>Number of charges</i>	<i>Number of indictments</i>	<i>Number of convictions</i>	<i>Number of ticket fines</i>	<i>Number of acquittals</i>
2007	15	6	8	1	4
2008	9	8	2	4	0
2009	15	6	4	0	0
2010	29	13	7	1	2
2011	28	19	5	2	1
2012	26	14	4	4	4
Total	122	66	30	12	11

56. Table 2 includes cases in which no preliminary charge for violation of Section 266 b of the Criminal Code has been raised.

Table 2

<i>Year</i>	<i>Number of cases in which investigations has not been commenced</i>	<i>Number of cases, in which investigations, that have been commenced, are stopped</i>	<i>Number of cases resulted in withdrawal of the charge (påtaleopgivelse)</i>
2007	3	3	9
2008	3	6	1
2009	1	5	3
2010	2	5	12
2011	4	7	17
2012	0	5	7
Total	13	31	49

57. It should be noted that e.g. the number of preliminary charges in a single year does not correspond to the number of indictments in the same year, since charges against a person indicted in 2010 might have been raised in 2009. Also, it should be noted that the data above is dynamic and that the numbers may change due to corrections or delayed updates of the data in the police computer system, new convictions, etc.

The Act on the Prohibition of Discrimination based on Race

58. The reporting scheme of Instruction No. 9/2006 concerning violations of the Act on the Prohibition of Discrimination based on Race is continued in the new guidelines set out in Instruction No. 2/2011.

59. Thus, in compliance with the scheme concerning violation of Section 266 b of the Criminal Code mentioned above, cases concerning violations of the Act on the Prohibition of Discrimination based on Race have to be submitted to the Director of Public Prosecutions.

60. From 2009-2012 the Director of Public Prosecutions has been notified of two convictions, one ticket fine and one acquittal in cases concerning violation of the Act on the Prohibition of Discrimination based on Race.

61. Recently, the Director of Public Prosecution has endorsed a recommendation to prosecute a pub-owner who refused admission of a man with Italian background.

Other crimes with a racist motivation (Section 81, No. 6, of the Criminal Code)

62. According to Section 81, No. 6, the courts should, when sentencing, consider it an aggravating circumstance if the act is motivated by the ethnic origin, religion, sexual orientation, etc., of others. Reference is made to paragraphs 64-66 of seventeenth period report.

63. As it is stated in the new Instruction No. 2/2011, it is a prerequisite for effective action against hate crimes that the police and prosecution are aware of any circumstances in criminal cases that may indicate that the offence was committed in full or in part because of the ethnic origin, religion, sexual orientation, etc., of the victim.

64. Thus, the purpose of the new guidelines in the instruction is to ensure that when such circumstances exist, the police will make such inquiries during the investigation as are necessary to clarify this aspect of the matter and that the prosecutor will plan the presentation of evidence in such cases so as to provide the requisite proof of aggravating circumstances as mentioned in Section 81, No. 6, of the Criminal Code.

65. In order to help the police identify the cases where application of Section 81, No. 6, of the Criminal Code might be relevant, the new instruction contains examples of circumstances that could indicate that the act was motivated by the ethnic origin, religious belief, sexual orientation, etc., of the victim (hate crime indicators).

66. According to the instruction an indication of a hate motive might for instance be information showing that the suspect had made (negative) statements concerning the victim's ethnic origin, religion, sexual orientation or the like immediately before, during or in continuation of the offence.

67. Another indication of a hate motive could be information showing that the suspect is affiliated or has sympathies with an organisation or association which is a proponent for instance of highly racist or homophobic views. It might also be an indication of a hate crime if the offence was aimed at or occurred at a site generally known as a meeting place for persons of a particular ethnic origin, religion or sexual orientation (e.g. a church, mosque or synagogue, or specific parks).

68. It follows from the instruction that the police – when such indicators are present – is under an obligation to investigate this aspect of the case and that prosecutors, if no attempt has been made to clarify any hate motive adequately, must return the case to the police for further investigation.

69. If the prosecutor finds the motive to be adequately clarified and the conditions for applying Section 81, No. 6 of the Criminal Code are considered met, Section 81, No. 6 of the Criminal Code must usually be cited in the indictment/the motion for a court hearing.

70. According to the new instruction, during the trial, the prosecutor must make sure to clarify any hate motive by interviewing witnesses and producing evidence with relevant information on that point. Additionally, the prosecutor must emphasize any hate motive as an aggravating circumstance in relation to sentencing during his or her closing speech. Finally, the prosecutor must invite the court to take an express position on the issue of application of Section 81, No. 6 of the Criminal Code in its judgment.

71. In April 2008, the Director of Public Prosecutions published a report on judgments, where the content of Section 81, No. 6, had been cited expressly as a circumstance that had had influence on the sentence or there was an assumption that the provision nevertheless had had influence on the sentencing. The report was based on a manual reporting scheme concerning decisions made in 2007. Reference is made to the description given in paragraphs 50-54 of nineteenth periodic report.

72. Currently it is not possible to extract information electronically from the police computer system on the number of cases in which Section 81, No. 6, was invoked. Consequently, it is not possible to provide further statistical information on the exact number of cases. However, the Director of Public Prosecutions is currently looking into the possibilities of using the data on criminal offences and incidents with a potential racist or religious motive that the Danish Security and Intelligence Service collects each year to determine the extent to which Section 81, No. 6, has been invoked by the prosecution and applied by the courts.

Findings in the yearly crime victim survey

73. As of 1 January 2008 the yearly crime victim survey (conducted by the Research Division in the Ministry of Justice in cooperation with the University of Copenhagen) on the risk of becoming a victim of certain crimes in Denmark, inter alia, violence, includes whether such an incident is seen as racially motivated. The most recent survey (from 2011) shows that 8 per cent of the victims of violence were quite sure that racism caused the offence while another 8 per cent thought that might have been the case, which is a statistically significant increase compared to 2008 and 2009. There is no gender difference regarding the risk of being a victim of a racial motivated violent act.

74. As for victims of robbery, 4 per cent claimed that the motive for the robbery was racism and 6 per cent found that likely. There have been no significant changes in these figures during the years.

75. Victims of hate crimes report the incidence to the police at the same frequency as other victims.

The Security and Intelligence Service's observations

76. As described in paragraph 45 of the nineteenth periodic report, the Danish Security and Intelligence Service gathers data from the police districts about, inter alia, crimes with a possible extremist motive.

77. The latest report was made public on 10 January 2013 and covers incidents in 2011. Compared to 2010 the report shows an increase in incidents with a racist motive (from 62 to 70). Compared to 2010 the report also shows an increase in incidents with a religious motive (from 10 to 24) and a political motive (from 37 to 78), as well as a drop in incidents with a sexual motive (from 30 to 23).

78. The report (in Danish only) can be found on the Danish Security and Intelligence Service's webpage (www.pet.dk).

Article 5

Guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law

Article 5 (a)

The right to equal treatment before tribunals

Statistics of the Decisions of the Refugee Appeals Board

79. In 2011, the Refugee Appeals Board granted 222 applicants refugee status under the 1951 Convention relating to the Status of Refugees and in 200 cases the applicants were granted subsidiary protection, 890 of the cases were dismissed.

80. In 2012, the Refugee Appeals Board granted 230 applicants refugee status under the 1951 Convention relating to the Status of Refugees and 180 of the applicants were granted subsidiary protection. 1,086 of the cases were dismissed.

Ethnic composition of the prison population

81. In paragraph 19 of its concluding observations concerning Denmark's eighteenth and nineteenth periodic report, the Committee urged the Danish Government to compile data on the ethnic composition of the prison population.

82. The Danish Department of Prison and Probation Service has compiled data (see annex III) on the ethnic composition of the population in Danish Prisons. The compiled data is disaggregated by geographical origin and age of both immigrants and descendants of immigrants in Danish Prisons and includes information on the ethnic composition of the prison population in various institutions (closed state prisons, open state prisons, local prisons, halfway houses, etc.). Furthermore, the compiled data includes information on the composition of the Danish prison population based on nationality/citizenship.

Article 5 (b)

The right to security of person and protection by the State against violence or bodily harm, whether inflicted by Government officials or by any individual group or institution

Victims of domestic violence

83. With reference to paragraphs 65-71 of the nineteenth periodic report and the concerns and recommendations in paragraph 13 of the Committee's concluding observations concerning Denmark's nineteenth periodic report, it should be noted that the Government further to the Government Platform presented an amendment to the Aliens' Act in January 2013 on the rules of revocation of residence permits issued on the basis of spousal reunification in cases where the foreigner concerned or the foreigner's child has been exposed to abuse, etc., by the spouse.

84. The amendment entails that the duration of the foreigner's residence in Denmark shall no longer be taken into consideration when deciding whether a foreigner in the above-mentioned situation can retain his or her residence permit.

85. With the proposed amendment a foreigner with a residence permit issued on the basis of marriage who due to domestic violence, etc., leaves the spouse will – depending on the foreigner's ties with Denmark – be able to retain his or her residence permit, regardless of the length of the foreigner's residence in Denmark, if the abuse is substantiated and is assessed to be the real cause of the cessation of cohabitation.

Victims of human trafficking

86. Denmark seeks to combat human trafficking through prevention strategies as well as through prosecution of the individuals responsible for the trafficking and by providing victims of trafficking with targeted support. As victims of trafficking are regarded as vulnerable, Denmark has developed an effective institutional system and implemented a large number of activities to support victims during their stay in Denmark.

87. Victims of trafficking are entitled to various services under the national Action Plan to Combat Trafficking in Human Beings during their stay in Denmark. This includes health services, psychological care, counselling and housing in shelters for battered women or in special safe houses for female victims of trafficking. The offers of aid and assistance are given to all victims, including asylum seekers and victims staying in Denmark on an illegal basis. Asylum seekers and irregular immigrants are supported by the Danish Immigration Service and the special assistance to victims of trafficking are given in addition to the ordinary support, which among other things include housing e.g. in asylum centres, where the personnel is trained to support vulnerable persons. Victims with legal stay in Denmark are supported by the Danish Centre against Human Trafficking.

88. Furthermore, special rules in the Danish Aliens Act apply to victims of trafficking, meaning asylum seekers or irregular immigrants whom are believed to have been exposed to trafficking. The purpose of this regulation is to provide aid and assistance to victims in order to help them recover and be strengthened personally, so they can escape the influence of the traffickers and will be able to start a life free of trafficking. Additionally, a recovery and reflection period of 30 days is granted to victims of trafficking, who do not have permission to stay in Denmark and therefore have to leave. If special reasons make it appropriate or if the victim accepts an offer of a prepared return, the reflection period can be prolonged – according to an amendment to the Aliens Act, which came into force on 3 May 2013 – up to a total of 120 days. The prepared return is an individually planned repatriation program offered to all victims. The program is based on a contract between the Danish Immigration Service and the International Organization for Migration (IOM). The program involves activities in Denmark during the reflection period, e.g. skills training courses, and upon return, e.g. schooling, assistance regarding small business start-up, subsistence allowance. The program aims at helping the victims to establish a basis for supporting themselves in order to make them less vulnerable to re-trafficking. As an element of the finance act for 2013, the period in which the victim receives assistance upon return to the home country is expanded from 3 to 6 months.

Article 5 (c)**Political rights, in particular the right to participate in elections, to vote and to stand for election**

89. According to the Danish Constitution, section 29, the franchise requirements to parliamentary elections are: Danish citizenship, permanent residence in the realm and the person must have attained the voting age prescribed by law (18 years). Persons under a guardianship order who have been deprived of their legal capacity are not entitled to vote, cf. section 6 of the Danish Guardianship Act. The same principles apply with regard to franchise requirements for national referendums. A person entitled to vote in parliamentary elections is also eligible for election to the Danish Parliament, unless the person in question has been convicted of an offence that in public opinion makes the candidate unworthy of being a member of the Danish Parliament.

90. Any person who has attained the age of 18 years and is resident in the local authority area can vote at elections to local and regional councils, cf. section 1 of the Danish Local and Regional Government Elections Act. However, persons who are not nationals of Denmark, another EU Member State, Iceland or Norway additionally have to reside in the realm for a period of three years prior to the election in order to be able to vote at local elections. Persons under a guardianship order who have been deprived of their legal capacity are not entitled to vote. A person entitled to vote in elections to local and regional councils is also eligible for election to such councils unless the person in question has been convicted of an offence that in public opinion makes the candidate unworthy of being a member of local and regional councils, cf. section 4 of the Danish Local and Regional Government Elections Act.

91. Franchise for the Danish elections to the European Parliament is held by persons who on the day of the election are entitled to vote at Danish parliamentary elections and are resident in Denmark, cf. section 2 of the Members of the European Parliament Elections Act. In addition, nationals of the other EU Member States who are resident in Denmark and persons registered with the Protocol Department of the Ministry of Foreign Affairs of Denmark (diplomats from EU member states in Denmark) may vote at elections to the European Parliament in Denmark. Persons under a guardianship order who have been deprived of their legal capacity are not entitled to vote.

Article 5 (d) (i)**The right to freedom of movement and residence within the border of the State**

92. Reference is made to paragraphs 87-92 of the nineteenth periodic report.

Duration of stays in the asylum centers

93. Reference is made to paragraphs 73-78 of the nineteenth periodic report.

94. In 2012, the Government entered a political agreement in collaboration with two parties, Enhedslisten (Red-Green Alliance) and Liberal Alliance. This political agreement will, once fully implemented, create a number of improvements for asylum seekers living in centers for asylum seekers. Legislation containing these improvements have been adopted by the Danish parliament and entered into force on 2 May 2013.

95. One of the main focuses of the agreement is supporting the voluntary repatriation of rejected asylum seekers whilst providing them with the means to start a new life in their respective home countries.

96. The current efforts to support rejected asylum seekers are strengthened with offers to support and assist the asylum seekers in their return and furthermore through a more determined use of measures designed to encourage rejected asylum seekers to return home voluntarily or face forced repatriation. A temporary scheme of economic support to asylum seekers, who wish return voluntarily to their country of origin, was launched on 18 December 2012. This temporary scheme applies for all nationalities except asylum seekers from countries where the asylum applications are considered manifestly unfounded. The economic support is 20.000 DKK to an adult and 10.000 DKK to a child if the application was received before 1 April 2013. If an application is received before 30 June 2013 the support will be 15.000 DKK to an adult and 7.000 DKK to a child. In addition adults can apply for 10.000 DKK in business support.

97. With the agreement asylum seekers are provided with the opportunity of housing and ordinary employment outside of the centers while their application is being processed.

98. This proposal aims to facilitate the integration process once the asylum seeker is granted asylum and ensure a better and more efficient access to employment or another basis for self-support. Moreover, if an asylum seeker does not meet the criteria for asylum, the idea behind the access to ordinary employment and housing is that it will make return easier by improving the asylum seekers' reintegration in the home-country.

99. The first improvement, the option for asylum seekers to live outside of the centers, is already in force, albeit to a very limited degree. With the political agreement, the option of private housing will be offered to a much a larger group of asylum seekers. This group includes asylum seekers who are able to provide for themselves (and their family) and those to whom relocation is considered particularly beneficial. The latter group focuses, in particular, on families with children. For families with children, who have had their application for asylum refused, the option of housing outside the centre is already available, but the time for offering private housing has been shortened from 18 months to 12 months after the family's application has been refused. This amendment has already been implemented.

100. For other asylum seekers, this housing option is now available when they have stayed in Denmark for six months, starting from the date the asylum application was handed in to the Danish Immigration Authorities. Thus, the proposal is a significant expansion of the number of asylum seekers who will be offered housing outside the centre for asylum seekers.

101. The second important improvement in the new arrangement is to provide asylum seekers with the possibility of seeking ordinary employment and work outside of the centre, in which they live. This is also offered when the asylum seeker has stayed in Denmark for six months, starting from the date the asylum application was handed in to the Danish Immigration Authorities.

102. Unaccompanied minor asylum seekers are also included in the agreement and will be offered the opportunity for housing and seeking ordinary employment outside the centre while their case is processed, if they have stayed in Denmark for six months, starting from the date the asylum application was submitted. Before allowing such employment and housing, it will be assessed whether the minor asylum seeker has the necessary maturity to undertake a job and provide for himself or herself.

103. As a general rule, to be offered housing and the option to seek employment outside the centre for asylum seekers, it is a requirement that the asylum seeker discloses all

relevant information necessary to decide his or her application for asylum. Families with children are exempted from this requirement.

Asylum seekers' right to engage in social, professional, educational and cultural activities

104. Reference is made to paragraphs 93-97 of the nineteenth periodic report.

105. In the political agreement made in collaboration with two parties, Enhedslisten and Liberal Alliance, the Government has also suggested a number of specific improvements in the access of asylum seekers to education and professional activities.

106. The Government will enhance focus on young/teenage asylum seekers' access to education and other professional and social activities, through increased funding to already existing programs.

107. The Government has also introduced that Danish language lessons are offered to asylum seekers living in centers to ensure a more rapid integration if granted asylum. For asylum seekers participating in a youth education programme, access to paid internships will be provided. The number of external adult education programmes has increased, thus enhancing access to education for asylum seekers.

108. As mentioned above, legislation containing these improvements entered into force on 2 May 2013.

Article 5 (d) (iii)

The right to nationality

The commission on statelessness

109. In August 2011, the Government established an independent investigatory commission to investigate and clarify the former administration of applications from persons protected by the United Nations Convention on the Reduction of Statelessness and the United Nations Convention on the Rights of the Child. The commission is expected to reach its conclusions by the end of 2014.

New political agreement

110. In May 2013, a new political agreement was adopted regarding the criteria for obtaining Danish nationality. The new criteria imply among other things equal rights to Danish nationality of children of marriage and children born outside marriage. This amendment has been made in the light of a recent judgment from the European Court of Human Rights concerning the Maltese rules on nationality. Furthermore, the new criteria lower the requirements concerning Danish language proficiency for applicants of Danish nationality and the period where applicants have to be self-supporting.

Article 5 (d) (iv)

The right to marriage and choice of spouse

Amended family reunification rules

111. With reference to the nineteenth periodic report and the concerns and recommendations in paragraphs 12 and 14 of the Committee's concluding observations, it should be noted that new rules on family reunification with a spouse or partner entered into

force on 15 May 2012. With the new rules the 100-point system for obtaining a permanent residence permit was revoked. Furthermore, the former rules on family reunification entailed a condition that the spouses' aggregate ties with Denmark must be stronger than their ties with any other country unless the spouse living in Denmark is a Danish national or has been residing in Denmark for more than 28 years. According to the new rules, this condition does not apply if the spouse or partner living in Denmark has held a Danish citizenship for over 26 years. The same applies if the spouse or partner in Denmark came to Denmark as a small child or was born and raised in Denmark and has been a legal resident in Denmark for more than 26 years.

Family reunification of children under the age of 15

112. In relation to family reunification of children under the age of 15, new rules entered into force on 20 June 2012. Previously, it was a requirement that the child was considered to have potential for successful integration. This condition applied to all children under the age of 15. According to the new rules, this condition only applies to children of more than 8 years of age.

Article 5 (d) (vii)

The right to freedom of thought, conscience and religion

New procedure for registration of child births

113. In 2010, a new act entered into force (BEK No. 1144 of 30/09/2010), which repealed the parents' obligation to inform the ministerial register of the birth of a child. Subsequently, the obligation now falls on the midwife who assisted in the birth of the child. The midwife informs the ministerial register which, for historical reasons, is administered by the National Church.

114. The parents neither come into contact with the Lutheran – Evangelical faith, nor are they confronted with any religious activity. At the registration of birth there is no obligation to provide any information regarding the religion of the parents or the child. Birth certificates concerning non-members of the National Church are provided as a neutral certificate without any reference to the National Church.

115. In Denmark the naming is separated from birth registration. The naming can be carried out by recognized religious communities, by baptism in the National Church or online or by mail delivery to the ministerial register. A birth certificate may also be issued by the authority or recognized religious community by which the child is named.

Article 5 (e) (i)

The right to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration

116. Reference is made to paragraphs 111-112 in the nineteenth periodic report. There have been no legislative changes to the Act on Prohibition Against Discrimination on the Labour Market, which prohibits discrimination on grounds of race and ethnic origin in the relationship between an employer and an employee since the last report concerning article 5 (e) (i) and (ii).

117. The Ministry of Employment follows the development in practice from the national courts in cases concerning the prohibition of differential treatment in the relation between an employer and an employee. There are no official statistics on the number of cases about employment discrimination at the courts, but the judgments are published and can be found in different databases.

118. The Government is continuously aware of the importance of disseminating knowledge of good practices regarding labour market inclusion of ethnic minorities and to include good practice in national policies. During 2013, a national Task Force of independent researchers and practitioners will identify local good practices which will be used to further policy development.

119. The Government has a constant focus on the prevention of discrimination and the right to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work and to just and favourable remuneration. All immigrants are – when settling or relocated in a municipality in Denmark – submitted to a 3 year introduction programme dependent on differences in their residence permit.

120. It is the Government's goal to increase the number of persons with other ethnic background than Danish in employment by 10,000 by the year 2020. The goal is ambitious and calls for multiple actions. General reforms concerning training/education and employment will contribute to accomplish the goal. From the mid-1990's and up until the financial crisis started in 2008, the difference in the unemployment rate among non-Western immigrants and their descendants has been constantly decreasing. The financial crisis also hit the immigrant population hard, and the employment rate of all immigrants with origin in developing countries, has decreased slightly from the peak level of 2008 where six out of ten were employed. Today, the employment rate among non-Western immigrants and their descendants is below 50 per cent while for persons of Danish origin it is above 70 per cent. The unemployment rate among non-Western immigrants and their descendants was 15.3 per cent by mid-2012 while it was 5.5 per cent for persons of Danish origin.

121. The lower employment rate among non-Western immigrants and their descendants corresponds to the number of non-Western immigrants and their descendants amongst persons receiving public benefits such as unemployment insurance, cash assistance programmes and early retirement pension. There has been an increase in total since July 2008 from approximately 67.000 persons receiving public benefits to 87.000 persons with non-Western origin by the end of 2012. A rather large group of citizens – particularly non-Western women without an income – is financially dependent on family and relatives. Some citizens from this group live in segregated communities without contact to the labour market and are therefore at risk of being isolated from the surrounding society.

122. Possible explanations to the lower employment rate among non-Western immigrants and their descendants include factors such as a general lack of proficiency in Danish, formal qualifications, vocational training and limited work experience and personal network. A large share of non-Western immigrants has either no training/education or a very low level of training/education from their home countries. Furthermore, lack of insight into the Danish society, educational system and labour market may play a role as regards the higher unemployment level for non-Western immigrants and their descendants. The latest monitoring of the existing integration programmes for newly arrived immigrants receiving cash assistance still shows that nearly 54 per cent of the newly arrived immigrants leave the integration programmes after 3 years and are self-supported through paid work (2010). Ethnic discrimination in the labour market may also be a contributing factor. A recent survey (CEM Institute – Voxmeters Integrationsstatus 2012) shows that the perceived discrimination among immigrants has increased from 2006 to 2011. The increase

is most significant as regards perceived discrimination at the workplace from colleagues and customers while the perceived discrimination in the job-seeking process is almost unchanged. Another study (The Relationship between Pre- and Post-migration Qualifications and their Impact on Employment Status, AKF Working paper, February 2012) shows that it is difficult for highly educated immigrants to find a job that matches the training/education obtained in their country of origin.

123. Yet other studies – from the Rockwool Foundation and the Confederation of Danish Industry (DI) – demonstrate that immigrants and descendants that complete a Danish education earn just as well as ethnic Danes. The IZA report No. 5632 “The Effects of Active Labour Market Policies for Immigrants receiving Social Assistance in Denmark” (2011) concludes that there are positive post-programme effects, and even positive in-programme effects from most labour market initiatives. The effects are largest for subsidized employment programmes, but effects are also large and significant for direct employment programmes and other programmes.

124. The Government is presently carrying out an extensive reform programme of the labour market policies in order to decrease the number of persons receiving public benefits through expansion of employment opportunities. It is a general focus of the Danish Government to strengthen a coordinated and cross-sectorial effort at the local level towards the unemployed in order to enlarge the workforce and diminish the number of persons that receive permanent cash benefits, such as early retirement pension, and to ensure that all people – also those without work – are entitled to receive cash benefits that allow them to uphold a minimum standard of living.

125. In December 2011, the lowest level of cash assistance for newly arrived immigrants and others who had been living outside Denmark for a period (the allowances known as “introduction benefit” and “start benefit”) was eliminated and replaced by the ordinary rate of cash assistance targeted at all unemployed without employment insurance.

126. In June 2012, the Government agreed upon a reform regarding early retirement pensions and flex jobs, which will contribute to enhance the number of jobs for immigrants and their descendants who currently constitute about 20 per cent of the target groups of this reform. The reform includes legislation stating that persons under 40 years of age as a basic rule will not be granted an early retirement pension. Instead they will be provided early, interdisciplinary and coordinated support based on individual requirements in order to enhance their labour market potentials. Also, any person who has attained the age of 40 years will be provided an early, interdisciplinary and coordinated support before they may be considered for early retirement pension. The interdisciplinary and coordinated support will involve professionals from local jobcentres, the health care system and social workers. It is important for the Danish government to keep persons active if, at all, they have some degree of working capacity. Persons should be helped to remain in employment and those that do not have the capacity must be helped to obtain competences via training and education.

127. In November 2012, the Government presented its integration policy “A strengthened integration policy”. It appears from this programme that the task of helping more immigrants gain employment must, first and foremost, be solved as an integrated part of ordinary municipal measures within the area. General reforms concerning training/education and employment will contribute to accomplish the goal.

128. In April 2013, the Government agreed on a reform of the active cash assistance programme which will largely affect the non-Western immigrants and their descendants as they constitute about 20 per cent of the persons receiving cash assistance. It is estimated in the outline for the Reform of the cash assistance programme that the long term impact will

be 4,000 former recipients of cash assistance in new jobs and an additionally 4,000 former recipients of cash assistance in training/education.

129. The reform of the cash assistance programme is specifically addressing the concern to secure a higher rate of vocational training and high school exams among immigrants and descendants with a non-Western background under the age of 30. The reform of the cash assistance program stress that persons younger than 30 years must complete a training or education programme. This is particularly relevant for young men of non-western origin as they are less likely to complete a youth educational program than their Danish peers. General actions will be taken as part of the reform for cash assistance, including new legislation that will support young people without training and education to achieve requirements at threshold level for high school and vocational training. This involves initiatives and integrated services that combine basic reading, writing, including tuition and mentoring, social and health-care support and on-the-job training.

130. The reform of the cash assistance programme also addresses the specific concern to secure the introduction and training of the most vulnerable non-Western refugees and immigrants older than 30 years, their spouses and reunified family members. General actions will be taken as part of the cash assistance reform, and specific development programmes will test and measure the impact of using integrated services, mentoring and case managers when addressing the complexity of problems for unemployed immigrants, including that of lack of language knowledge, vocational training and knowledge of work in combination with social isolation and health problems.

131. The Ministry of Employment continues to run campaigns, programmes and monitoring of the impact measures of the labour market policy for the most vulnerable groups. This also includes researching the level of education and employment among immigrants and their adult descendants from development countries.

132. In 2012, the Government invested 24.2 million Euro in a campaign programme "Brug for alle" ("Everybody is needed") targeted at testing models of integrated services addressing the complexity of problems faced by long term recipients of cash assistance. The programme will be evaluated at the end of 2013, including outcome estimations for immediate and long term impacts of the programmes objectives. Immigrants and descendants of non-western origin are included as part of the target group in the programme: approximately 25 per cent of the target group consisting of a total of 29,550 individuals have a non-western origin. Objectives include testing models in all Danish municipalities of cross-sectorial coordination of plans for integrated services to secure the return of long term recipients of cash assistance to an active life with a job. Status phase 1 (April 2013): approximately 75 per cent of total target group has been interviewed by case manager. Status phase 2 (April 2013): approximately 30 per cent of total target group has according to their plan been offered integrated service after meeting with a cross-sectorial team.

133. Additionally, the Government has invested approximately 1.2 million Euro in launching an initiative that will enhance the labour market skills of the group of immigrants – particularly non-Western women without an income – who are financially dependent on their family and relatives. The Ministry of Employment granted financial support to a number of long term projects (2 or 3 years) in 8 municipalities addressing the specific problems of reunification and isolation of spouses of immigrants from non-Western countries in local communities with no work experience and less contact to the welfare state. Spouses under acts of reunification (the majority are women) are often highly dependent on the husband's pay-check, unemployment benefit or cash assistance. The programme runs until 2016.

134. The Ministry of Employment also participates in operating a centre for ethnic entrepreneurship in Denmark – a programme which aims at improving conditions for the formation, survival and growth of companies owned by people of different ethnic origin. The programme is financed by the European Commission and national funding in cross-sectorial cooperation with six municipalities, the Danish regions and the Ministry of Business and Growth Denmark. The initiative has its point of departure in the 2007 Government Bill: “The society of possibilities”. The programme ends in 2013.

Article 5 (e) (iii)

The right to housing

Social housing

135. The social housing sector is one of the cornerstones in the Danish welfare system since it guarantees low-income families, people with minority background, mental illness and other vulnerable groups a decent place to live. Social housing is a possibility for all persons irrespective of ethnical background or income. As a main rule social housing is let to tenants through seniority based waiting lists and every individual is entitled to be put on the waiting lists. As of 1 January 2012, 22 per cent of the people living in a social housing dwelling were immigrants and their descendants from non-western countries.

136. In order to ensure social housing for all kinds of vulnerable persons, the local authorities have an unconditioned right to dispose of 25 per cent of all vacant dwellings in social housing to solve a range of social housing problems. Thus, the local authority can place any person or family who needs a place to live, in vacant social housing dwellings in the municipality.

137. The rent in the social housing family dwellings is relatively low due to public subsidy. Furthermore, low income families are entitled to individual housing benefits. In 2008, approximately 50.000 households with children in social housing units had 42 per cent of the rent covered by housing benefits.

138. The social housing sector is administered by the non-profit housing associations, which are under inspection by the local authorities. The local authorities grant subsidy to the building of social housing according to the local needs and structures. The total number of social housing units in Denmark is approximately 590.000, which amounts to approximately 20 per cent of the total number of housing units. Approximately 490.000 of them are family dwellings. The majority of the social housing units provide popular dwellings of high quality with a strong community and a well-developed neighbourhood democracy, which gives residents an influence on their neighbourhood.

Deprived neighbourhoods

139. Unfortunately some of the social housing residents are caught in vicious circles of social problems and a high rate of unemployment, etc. During the past years a social, ethnic and geographical division of the housing market has developed, and it remains a challenge to establish a mix of strong and vulnerable groups of persons in social housing. Nonetheless it is a political goal to obtain such a mix since it is considered a precondition for a positive development in the challenged social housing neighbourhoods. These particular neighbourhoods are characterized by a concentration of low-income families, often with social problems. Employment rates and educational attainment are low and some of the neighbourhoods face problems with crime and insecurity.

140. This is a problem for both children and adults. Some children lack role models in education and work, and the adults are isolated without employment and networks outside the neighbourhood. As a result, people living in such neighbourhoods may find it increasingly difficult to enjoy the same job or education opportunities as the remaining population.

141. The Government has identified 33 of these deprived neighbourhoods. According to the Act on Social Housing Etc. a deprived neighbourhood is defined as a social housing area with more than 1.000 inhabitants where two of the three following criteria are fulfilled: (1) more than 40 per cent of the inhabitants are unemployed, (2) more than 270 persons per 10.000 residents are convicted of a crime and (3) more than 50 per cent of the inhabitants are of non-Western origin.

142. In order to address the problems, the municipalities and neighbourhoods have certain options such as access to infrastructural improvements, demolition, renovation, social work and alternative letting rules (explained further below). The objective of the Government is to reduce the number of the challenged social housing neighbourhoods and turn deprived social housing units into attractive neighbourhoods.

The governmental policies fighting stigmatization of people living in the challenged social housing neighbourhoods

143. The Government is committed to integrating the isolated and challenged neighbourhoods into society. The aim is amongst others to ensure that persons with a minority background are not marginalized as an effect of their place of living.

144. The Government has various means to address the complexity of the problems ranging from physical interventions, strengthening of social mix of tenants, improving the inhabitants' ability to work and initiatives to combat crime. During the last years, different governments in Denmark have launched both strategies and area-based measures in order to fight the vicious circle which is the reality in some of the challenged neighbourhoods. Some of the measures are:

- Alternative letting rules – by criteria rather than the traditional waiting list;
- Social work in the deprived areas;
- Non-traditional functions in housing areas/rules about additional activities (for instance letting buildings to business enterprises);
- Refurbishing run-down buildings;
- Strategic demolition of buildings;
- Initiatives to improve the local schools;
- Strengthen the preventive work of both the police and the social workers, etc.

Many of the initiatives have been implemented in recent years.

145. One of the implemented initiatives aims at counteracting segregation and thus at securing improved integration of immigrant tenants who have a special need for social housing. The municipalities are not allowed to place such persons in a challenged neighbourhood. The municipality is thus obliged to allocate another appropriate dwelling, and only if this is not possible the special need for social housing may be covered by offering a dwelling in the challenged neighbourhood.

146. Alternative letting rules have the same objective of improving the integration of the neighbourhoods and secure equal opportunities for the citizens living here. The measure is to achieve a more average mix of tenants. A few examples follow:

- “*Flexible letting*”: Municipalities can decide to allow the social housing associations to let out flats by criteria instead of through a waiting list. That means that for example students or people in employment looking for housing will be prioritized on the waiting list.
- “*Combined letting*”: If a social housing area has a large number of unemployed residents, the municipality may apply the letting rule “combined letting” The municipality can decide to preclude people receiving social assistance from moving into a family dwelling in the area, even if they are at the top of the waiting list. The dwelling will instead be let to tenants who are active in the labour market. The precluded tenant will be offered a similar dwelling in an alternative social housing area where a larger share of the tenants is employed.

147. It is an important consideration in the law that the social beneficiary in question does not lose the opportunity of obtaining a public dwelling altogether. In some instances the municipality is thus obliged to allocate another appropriate substitute dwelling to the social beneficiary.

Article 5 (e) (iv)

The right to public health, medical care, social security and social services

148. All residents in Denmark are entitled to public health care benefits free of charge. This includes a right to hospitalisation and treatment by a general practitioner or specialist.

Right to interpretation in the health-care system

149. According to article 50 in the Danish Health Act, all residents with a right to free treatment at hospitals, by general practitioners or by specialists have a right to interpretation free of charge when a doctor finds that interpretation is necessary for the treatment. It is always the doctor who decides whether an interpreter should be present in order to provide the treatment. Doctors are obliged to inform the patient about the illness, the possibility of treatment, the side effects, etc., with a view to gaining the patient’s consent to the treatment – the so called “informed consent”. Therefore, the doctor must always ensure that the patient understands the information given. If interpretation is considered necessary, the doctor must call for an interpreter.

150. Children should not act as interpreters, for instance for their parents, in situations where it will be problematic due to the interests of the child or to the adult’s right to privacy in the communication with the doctor.

Children and young persons with special needs

151. According to the Danish health legislation, all primary health care nurses should pay attention to children and young persons with special needs, including families with a non-Danish ethnic background, if there are signs of failure to thrive – a term which in Danish, besides health and growth parameters, includes social and personal circumstances. For all children under one year of age, the nurse offers home-visits as well as extra visits if there is concern as to the child’s health and development and if circumstances within the family demands extra attention. The primary health care nurse cooperates with the general practitioner and the social welfare department. During the period in which children and young person attend school, the primary health-care nurse offers regular health dialogues with all children and in this setting extra attention is given to children with special needs.

Ethnic minorities and HIV/AIDS

152. In Denmark, all persons have equal access to prevention, treatment, care and support in relation to HIV/AIDS. An important element of the Danish AIDS policy is to avoid any form of discrimination. Information and motivation are essential elements in the AIDS-policy. The number of diagnosed new HIV-cases has stabilised in Denmark in recent years and today amounts to about 250 cases a year. In 2011, there were 267 new cases out of which 89 involved immigrants.

153. The Danish AIDS Foundation's department "Cross Over/the Project and Knowledge Unit" has as its task to enter into dialogue with various community-based immigrant organisations and through a partnership-based approach define, develop and implement HIV/AIDS-related activities. The Unit supports the collaborating partners with both health and professional aspects and financial assistance, while the community-based organisations contribute with their knowledge on specific, cultural and linguistic matters related to all the phases of the activities. The participatory approach has highly increased the HIV/AIDS-preventive activities in the ethnic communities. The ethnic minority organisations and associations have in general responded positively to placing HIV/AIDS issues on the agenda in the communities and have thus contributed significantly to the change from top-down preventive efforts to a more participatory approach.

154. In general, there is an increasing focus within the health system to upgrade the effort targeting ethnic minorities. In 2005, a network for health professionals and representatives from different NGO's working with ethnic minority groups was thus initiated. In the last three years, special attention has been paid to people living in Denmark, including immigrants, who are HIV-positive without knowing their own diagnose as they have never been tested. In the larger cities, centres have been established to serve the immigrant community with HIV-testing and counselling outside clinical settings and performed by peers.

Social security and social services

155. The Danish social security system is residence-based and tax-financed. Some benefits, such as social pensions and family allowances are partly linked to nationality. This nationality requirement is waived by international agreements. The right to social services, such as elderly care and disability aid and benefits, is subject to legal residence in Denmark and is not linked to nationality. This also means that persons who are subject to Danish legislation during residence in another EU Member State are still regarded as lawfully staying in Denmark in relation to entitlement to benefits.

Article 5 (e) (v)

The right to education and training

Primary and lower secondary school (Folkeskolen)

156. Equal opportunities for all children irrespective of their ethnic background continue to be a key goal within the education system. In order to help children with an ethnic minority background realise this goal and succeed within the education system, Denmark has taken a number of measures, which are described in paragraphs 152-158 and 179-190 of the nineteenth periodic report.

157. These efforts seek to provide adequate support to bilingual pupils to help them overcome any language barriers to full and equal participation in the school system. From the age of 3 years and until approximately 6 years children with a need of support in

developing their proficiency in Danish are offered targeted language development activities. In primary and lower secondary school, bilingual children in need of language support have the right to receive instruction in Danish as a second language, which is a subject that can be taught in separate lessons, as part of the instruction in other subjects or as a combination.

158. Despite these efforts, children with an ethnic minority background on average continue to have lower academic results than their peers with a majority background. For example in PISA (the Programme for International Student Assessment of the OECD) from 2009, children with an immigrant background performed on average 70 points lower in reading than children with a majority background, and 38 per cent of children with an immigrant background have reading results below level 2. This indicates that they will face significant difficulties in completing a youth education. Socioeconomic background plays a major role in the children's PISA results, as this factor explains between 1/3 and 1/2 the performance difference between the two groups. The efforts of schools in addressing the challenges of children with an immigrant background seem to have positive effects, as second generation immigrants and first generation immigrants who come to Denmark before the age of 6 years perform significantly better than immigrants who arrive in country at the age of 6 years or later.

159. Still, the results are a cause for concern and the Ministry of Children and Education is continually striving to identify areas where the efforts need to be further strengthened. For example, after carrying out several national evaluations of the efforts, the Government decided to take part in the OECD thematic review "Migrant Education". The project entailed producing a country report for Denmark that analysed the efforts of the Danish school systems and suggested improvements in order to better meet the needs of minority students.

General measures to improve the quality of education

160. The evaluations and studies carried out identify a number of challenges and areas where further efforts are required, including better support for the implementation of the framework for language development, making better use of the resources of ethnic minority parents, greater consistency of support for minority pupils and stronger support for an appreciative approach towards diversity. A number of initiatives have been taken to address these needs.

161. The most important element in the effort for improving the results of ethnic minority children is the overall quality of the school system. In order to strengthen this vital part of society, the Government has recently presented a proposal for reform of the public primary and lower secondary school (Folkeskolen). The central aims are, inter alia, creating a school that better helps all students achieve their full potential and to reduce the impact of social background on academic results. In addition, the reform has emphasis on creating a more inclusive school with room for everyone, ethnic minority children included. In the area of guidance in relation to choice of education, training and career, a reform from 2009 has meant that the resources in the guidance system is targeted towards young people who have or risk having difficulties choosing, enrolling in or completing a youth education. This ensures that the young people with the greatest needs, including vulnerable ethnic minority youths, benefit the most from the guidance system.

Specific interventions for ethnic minorities

162. In addition to the overall measures to improve the school system, a number of initiatives have been taken that specifically aim at addressing the challenges faced by ethnic minority children.

163. Since 2008, a task force for bilingual pupils have worked together with schools and municipalities to improve the schools' ability to meet the needs of bilingual children. The task force has offered advice and disseminated knowledge about good practise to all schools and municipalities, inter alia, through a campaign in cooperation with a national television broadcaster. It has also provided focused assistance to 5 municipalities through holistic plans on how to improve the proficiency of bilingual pupils, including local strategies and networking, development of best practice, knowledge sharing and the inclusion of parents as support in the pupil's learning. In 2012 it was decided to extend the activities until the end of 2015 to increase its capacity and extend the area of activity to include day care institutions and other care facilities. In addition to extending the general counselling activities of the task force regarding knowledge concrete tools and best practice, 20 municipalities will now be able to benefit from cooperation with the task force on the basis of a holistic agreement. The task force is placed within a central unit which gathers knowledge, policy and counselling regarding teaching bilingual pupils.

Language support to pre-school children

164. In the area of early childhood education and care, the legislative framework around language support was streamlined in 2010, laying down common rules for language assessment and support for all children – both bilingual and other children. In addition, a number of initiatives have been taken to improve the quality of the language support offer given to pre-school children, including:

- A tool for language assessment for children at the age of 3, 5 and a half and 6 years, which has been developed in cooperation between several ministries and Local Government Denmark, the association of Danish municipalities. The tool contributes to the process of elaborating a profile of the child's language competences to allow the staff to plan pedagogical targeted activities and lead a dialogue with the parents regarding the language development of their child;
- A large-scale in-service training programme where 6,000 pedagogical staff and key persons in the municipal administrations who work with language development were given research-based training based on how best to work with children and parents to support language development. DKK 34.5 million was allocated to the project and 96 out of 98 municipalities have taken part in the project;
- The Ministry for Children and Education has launched a research project aimed at strengthening the evidence base for the language development programmes for pre-school children aged 3 to 5 years. DKK 8 million has been allocated to the project which runs from 2012-2015. 7,680 children participate in the project;
- A research project with the aim of developing a programme based on dialogue reading for use by pedagogic staff in day care facilities to strengthen the language development of children with a particular focus on vulnerable mono- and bilingual children. DKK 16 million has been allocated to the project which runs from 2012-2015 and approximately 7,500 children take part in the intervention.

The public primary and lower secondary school (Folkeskolen)

165. In 2012, the Government launched an ambitious development programme to strengthen the proficiency of bilingual pupils. The programme runs over three years. During this period, 14 schools spread out over six municipalities will work intensively to make language a priority in education. DKK 42 million has been earmarked for the project. The task force for teaching bilingual children is overseeing the project.

166. Reference is made to paragraph 16 of the concluding observations in which the Committee recommends that Denmark provides a general educational policy on the subject of mother-tongue teaching and takes appropriate measures to assess whether people of other ethnic groups require mother-tongue teaching.

167. The Government platform states that the Government will prioritise mother-tongue teaching. A recent study funded by the School Council, which advises the Minister for Children and Education, examined the results of bilingual children in Denmark and Sweden with a view to determining, inter alia, the effect of the different approaches to mother-tongue teaching in the two countries. The study found a statistically significant – but small – positive correlation between mother-tongue teaching and academic results in some subjects, but due to the differences in approaches in the two countries and uncertainties in the data material, it was not possible to draw any firm conclusions regarding the effect of mother tongue teaching on academic results.

168. In order to follow up on the results of the study mentioned above (para. 36), the Government has recently decided to allocate DKK 29.5 million to an ambitious experimental programme designed to examine the effects of different teaching modules that aim to develop or build on the mother tongue of minority students. These interventions include:

- More traditional mother tongue instruction;
- A new approach to teaching that develops as well as makes use of mother tongue proficiency in minority languages in close cooperation with the instruction in other subjects in order to improve the students' learning in all subjects; and
- Other interventions aiming at increasing the linguistic and academic proficiency of students – particularly minority students – that do not include elements of instruction in minority languages.

169. As part of the programme, the results of different interventions on the academic proficiency and well-being of students will be monitored and compared in order to establish the effect of different approaches to improving the academic outcomes and well-being of minority students. Approximately 3,500 pupils from 210 schools will participate in the programme.

170. The Ministry of Children and Education has recently completed the development of national tests in Danish as a second language. The purpose of the tests is to map the competences and potential of bilingual children in relation to developing their proficiency in Danish in order to aid the teachers in supporting the language development of the child in the instruction in all subjects. The tests are IT-based and adapt to the level of proficiency of the individual pupil.

171. Danish legislation in many cases obliges public authorities and institutions to make use of interpreters when communicating with persons with limited proficiency in Danish. The Ministry of Children and Education provides information on appropriate use of interpreters through official guidelines and the task force for teaching bilingual children. It is the policy of the Ministry of Children and Education that children should never be used as interpreters.

Teacher training

172. In 2012, a political agreement was reached concerning a reform of teacher training. The reform will ensure that teachers in all subjects will be better prepared to meet the needs of bilingual pupils. Teaching bilingual pupils, including knowledge of teaching Danish as a second language, thus becomes one of four topics in the mandatory pedagogical subject with a separate learning goal forming part of the exam. Teaching bilingual children will

also be a cross-cutting theme in the other subjects. In addition, teacher training institutions will have the possibility of offering the students to acquire specialist competences in Danish as a second language.

The Retention Caravan

173. The Retention Caravan focuses on the transition between primary and lower secondary school and vocational education as well as the challenges faced by guidance centres, vocational schools and production schools in order to raise quality and improve retention rates. The overall goal is to prevent ethnic minority students from dropping out by ensuring equal opportunities in education for all young adults.

174. Current evaluations show good results in terms of lower drop-out rates in the participating schools. The evaluations emphasize that the positive results in particular rely on the three following approaches to retention:

- Making an effort to continuously focusing on improving effective teaching practices with a special focus on resource-oriented motivational pedagogy and language as a substantial path to learning;
- Making an effort to establish transparent practices for cross-boundary collaboration between school, parents, counsellors, the municipality and the local enterprises;
- Implementation of field consultants to stimulate the overall focus on inclusion and school development through a practice-oriented dialogue on strategic educational leadership and systematic training of professionals.

175. Inspired by the results of the Retention Caravan, DKK 43 million has been allocated to continue a taskforce based on the above consultative model with an overall focus on vocational schools. This is to be partnered with an evidence-based research. The goal is to prevent students from dropping out by focusing on young adults from homes with limited or no educational background and youth with minority background, including boys with minority background from homes with limited or no educational background by continuously focusing on teacher training and enhancement of the educational leadership.

Youth package 2, 2009

176. With the Government's youth programme, the so called "Youth Package 2" from 2009, efforts were strengthened to ensure that more young people remain in employment and employment training and ultimately contribute to a better educated workforce. Youth Package 2's initiative focuses on three areas: Primary school, transition and secondary education.

177. A recent evaluation of Youth Package 2 concludes that the package's initiatives have significantly reduced the number of young people who are neither enrolled in education, employment nor other activity

Article 5 (e) (vi)

The right to equal participation in cultural activities

178. The legislation and institutional infrastructure in the field of culture and the general objectives of Danish cultural policy are based on the principle of freedom of expression aimed at offering and encouraging everyone living in or visiting Denmark to take an active part in cultural life in its broadest sense.

179. Different policy measures have been taken to secure equal access to and participation in cultural activities for everyone living in Denmark.

180. The general measures are: decentralization, free entrance or discounts on tickets, information technologies and digitizing, copyright and collective licenses and audience development. The public funding system has secured that Denmark is geographically covered with a broad variety of cultural institutions such as museums, theatres, orchestras, venues, libraries, music schools for children and young people, facilitating access to culture for everybody.

The cultural policy measures apply to everyone living in Denmark irrespective of ethnic, religious, linguistic or other background

181. Besides these general measures, a number of initiatives focused on special groups and their access to and participation in cultural activities have also been taken, mainly: children and youth, the German minority and artists with immigrant or intercultural background. The initiatives regarding artists with immigrant or intercultural background have been taken by The National Arts Council to ensure that artists and art projects of immigrant backgrounds receive a special introduction to the possibilities of obtaining public grants for art and culture in Denmark.

182. In the National Arts Councils action plan 2011-2015 it has been outlined how the council will work with cultural diversity. Among other things, it is stated that "Cultural and artistic diversity is a collective name for a large number of good intentions which are important to the work of the National Arts Council: Cultural sustainability, freedom of expression and mutual respect, equal opportunities for all, irrespective of their sex, racial or ethnic origin, religion or belief, or social background".

183. The National Arts Council will focus on identifying and crossing social and cultural barriers experienced by the applicants, e.g. by expanding and developing the mentor mentoring scheme set up by the former art council on a trial basis. The Arts Council and its committees intend to discuss and specify their criteria for ensuring diversity and encourage applicants to challenge the aesthetic criteria of the Council with projects heading in new directions.

184. The mentoring scheme was created as part of the intercultural project of the Council in 2007-2011. The objective of the scheme has been to make visible a group of artists in Danish cultural life, who have not been able to gain a foothold on the Danish art scene for different reasons. The basis is a classical mentoring scheme where the aim is to realise and develop the mentee's abilities and skills. The mentor puts his/her experience, knowledge and insight at the disposal of the mentee and can thus be a resource, who helps the mentee in gaining a stronger foothold, gives professional response and not least shares his/her experience, network and contacts. Between 20 and 25 mentor agreements have until now been set up between an intercultural artist and an established artist. Within the framework of the mentoring scheme there have also been information meetings for intercultural artists and seminars for art and cultural institutions. The objective is to meet the need for information and mark interculturalism as an important catalyst for the development of Danish art life.

185. Besides the initiative of the National Arts Council, work is ongoing in the associations of general education, sports associations, at libraries and many other cultural institutions to ensure – in a determined and targeted way – that there are platforms for intercultural meetings between the different cultures that exist at all levels of Danish society.

Article 5 (f)

The right of access to any place or service

186. With regard to the Act on Prohibition against Discrimination on the basis of Race, etc., reference is made to the information provided under article 4 of the present report.

Article 6

Effective protection and remedies

187. Reference is made to the remarks in the present report under article 4.

Establishment of a mediation and complaints-handling institution for responsible business conduct

188. In November 2012, the mediation and complaints-handling institution for responsible business conduct was established by law. The institution will handle cases involving potential breaches of international CSR guidelines, including human rights violations, by Danish private or public companies, Danish authorities, Danish private or public organizations and their business associates. The institution is an independent body within the public administration. With the establishment of this institution Denmark has in accordance with its international obligations provided a national contact point that can deal with breaches on the OECD Guidelines for Multinational Enterprises.

189. Any person may bring a complaint before the mediation and complaints-handling institution on their own behalf, or that of a third party. In cases involving breaches of international CSR guidelines the institution can initiate dialogue between the involved parties for them to find a suitable solution. If the parties are unable to find a satisfactory solution to the breach, the institution can offer to mediate. The institution has a mandate to initiate its own investigations if it deems it necessary.

190. Furthermore, the institution will assist Danish companies in their endeavour to comply with international CSR guidelines by providing interpretations and guidance.

The Board of Equal Treatment

191. The Board of Equal Treatment which was established on 1 January 2009 considers cases within all fields of discrimination in the Danish anti-discrimination legislation. Reference is made to the nineteenth periodic report, paragraphs 167-172.

192. The Board makes a considerable effort to raise awareness about anti-discrimination in general. It should be noted that the secretariat of the Board of Equal Treatment regularly holds dialogue sessions with organizations and other stakeholders that have special interest in and knowledge of equality issues. The purpose of these meetings is to obtain knowledge about how the board can best communicate with the citizens who may have an issue of equal treatment to discuss. Also, the secretariat carries out educational presentations for organisations and trade unions.

193. In the period 2009-2012, the Board of Equal Treatment has considered a total of 109 cases concerning discrimination on ground of race or ethnic origin (2009: 22; 2010: 26; 2011: 43; 2012:18.). The Board decided in favour of the complainant in 9 out of the 109 cases in this period.

194. Regarding the recommendation in paragraph 18 of the concluding observations, reference is made to the information submitted by the Government on 24 August 2011 (CERD/C/DNK/CO/18-19/Add.1, paras. 14-15).

Article 7

Combating prejudices which lead to racial discrimination

Social studies education

195. Combating prejudices and promoting tolerance are central aims of compulsory education for primary and lower secondary pupils. Social studies education seeks to help the pupils understand that they, as well as others, are part of society and encourage qualified and committed democratic participation. One of three main areas in the subject is "social and cultural issues". One of the key elements of this area is to enable pupils to reflect on the significance of their own and other people's stereotypical perceptions of different groups and assess the importance of social and cultural differences for global co-existence.

196. An international comparative survey carried out by the International Civic and Citizenship Education Study (ICCS) in 2009 shows that 8th grade pupils from Denmark together with Finnish pupils have the best understanding of participatory democracy and citizenship for example in understanding intercultural issues and identifying problems and propose solutions to conflicts.

197. The Ministry of Children and Education is planning to publish a curriculum document containing guidelines concerning the cross-cutting international dimension of education, including tolerance, citizenship, human rights and other elements related to reducing racism and stereotyping and to promoting empathy and conflict resolution.

Ethnic recruitment strategy within the public administration

198. In the public administration there is a particular focus on ensuring that employment in the state is attractive for persons with diverse backgrounds. Since 2005, it has been a target that 4 per cent (as a minimum) of the workforce within the public administration must have another ethnic background than Danish.

199. The Agency for the Modernisation of Public Administration (Moderniseringsstyrelsen) has been monitoring recruitment of persons with another ethnic background than Danish in the state. From 2005 to 2012, the percentage of employed immigrants and their decedents from non-Western countries increased from 2 per cent to 3,2 per cent of the total number of employees within the State administration. The percentage of newly employed immigrants and their decedents from non-Western countries in 2012 was approximately 6 per cent.

Recruitment of ethnic minorities for the police

200. Since Denmark's nineteenth periodic report, the Danish police force has continued to work actively with recruitment of persons with ethnic backgrounds other than Danish. The latest initiatives include issuing a leaflet ("Police job – a future for your children?") in eight different languages in order to increase recruitment from minority groups. The leaflet targeted the parental generation in an attempt to remove some of the cultural barriers to becoming a police officer.

201. In paragraph 11 of its concluding observations concerning Denmark's report, the Committee urged the Government to adopt specific measures to establish the main reasons

why applicants from ethnic backgrounds other than Danish fail the police recruitment test and drop out of police colleges.

202. Students who drop out of the National Police College are all interviewed regardless of their ethnicity. The number of students from ethnic backgrounds other than Danish is so limited that it has not been possible to determine a clear trend nor reason for the drop out. The topic will continuously be followed closely.

<i>Number of applicants</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012*</i>
Total	2479	1.633	1.038	952
Estimated non-Western background	164	89	74	59
Non-Western background %	6,6	5,5	7,1	6,2

2012* to 30.10.2012.

<i>Newly employed</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>
Total	400	556	95	192
Estimated non-Western background	20	19	2	5
Non-Western background %	5	3,4	2,1	2,6

Drop out of the National Police College

<i>Employed year</i>	<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>
Dropped-out total	10	9	3	2

203. The National Commissioner's Office has recently participated in a research study conducted by the Danish Institute of Human Rights which focused, inter alia, on possible reasons why applicants from ethnic backgrounds other than Danish have a relatively higher failure rate than ethnic Danes in the police recruitment tests. The National Commissioner's Office will take these findings into account in the adjustment of the police recruitment test in 2013.

Recruitment of ethnic minorities among prison officers

204. As described in paragraphs 203-205 of the seventeenth periodic report and in paragraphs 201-203 of the nineteenth periodic report, the Government has been offering preparatory school courses to persons of other ethnic backgrounds who want to train as prison officers. Since the nineteenth periodic report this scheme has been discontinued as it was no longer needed in order to attract sufficiently qualified applicants with other ethnic backgrounds.

Recruitment of ethnic minorities for the military

205. Albeit not aimed specifically at racial discrimination, the Ministry of Defence issued a Diversity Policy in April 2011. The policy aims at increasing diversity with regard to gender and ethnic minorities within the remit of the Ministry of Defence. The policy sets out 14 initiatives aimed at increasing diversity, including, inter alia, increased awareness of diversity on management levels, the drawing up of action plans at institutional level, strengthened cooperation with district councils on recruitment of ethnic minorities, and the use of especially appointed ambassadors from within the system to increase recruitment of ethnic minorities and women. The policy will be evaluated at the end of 2014.

Recruitment of ethnic minorities for the judiciary

206. The Court Administration (Domstolsstyrelsen) is in its own recruitment as well as in its instructions of the courts aware of The Agency for the Modernisation of Public Administration's general instructions and guidelines regarding initiatives intended to improve the recruitment of ethnic minorities in the state administration. Furthermore, the Court Administration pays close attention so as to ensure, that the heads of administration of the Danish courts pay attention to employing persons of other ethnic origins.

Annexes

Annex I **Reporting on Greenland**

Part I

1. Reference is made to the combined eighteenth and nineteenth periodic report (CERD/C/DNK/18-19), annex 1, "Reporting on Greenland".

Part II

Article 1

2. Reference is made to the nineteenth periodic report, paragraphs 6-21. The proposed new self-government has been established as of 21 June 2009 according to act No. 473 of 12 June 2009 on Greenland Self-Government.

3. In paragraph 20 of its concluding observation concerning Denmark's seventeenth periodic report, and in paragraph 17 of its concluding observations to Denmark's nineteenth period report, the Committee recommends that the State party pay particular attention to the way in which indigenous peoples identify themselves,. Both the Danish Government and the Greenland Self-Government refer to the declaration made by the Danish Government, acceded to by the Greenland Home Rule Government, in line with the Danish ratification of the ILO Convention No. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries. According to this declaration, section 1, Denmark has only one indigenous people in the sense of the Convention, namely the indigenous population in Greenland (the Inuit). Moreover, the Danish Supreme Court has consistent with the said declaration ruled that the Thule Tribe does not constitute a tribal people or a distinct indigenous people within or co-existing with the Greenlandic people as a whole (Supreme Court decision of 28 November 2003 case No. 489/1999 and 490/1999 – *the Thule Tribe (the Ummannaq settlement) vs. the prime minister of Denmark*, cf. ILO Convention No. 169 on Rights of Indigenous and Tribal Peoples, article 1, section 1, paragraph (a) and (b).

4. By 1 January 2013 the total population in Greenland amounted to 56,370; 89 per cent born in Greenland and 11 per cent – mostly Danes – born outside Greenland.

Article 2

5. Discrimination on the basis of race, etc., is punishable according to section 100 of the Greenland Criminal Code (Act No. 306 of 30 April 2008) which entered into force on 1 January 2010.

6. On 3 December 2012, the Parliament of Greenland passed Parliament Act No. 23 concerning the establishment of Greenland's Human Rights Council. The Council constituted itself on 4 March. The Council shall among other things promote the knowledge and capacity building concerning human rights (e.g. the principles concerning non-discrimination based on race) in cooperation with the Danish Institute for Human Rights – Denmark's National Human Rights Institution.

Article 3

7. The Danish Act No. 289 of 9 June 1971 on Prohibition against Discrimination on the Basis of Race applies to Greenland according to Royal Order No. 27 of 4 February 1972. No cases concerning violation of the act in the period 2009-2012 have been recorded.

8. The principles in the guidelines issued by the Director of Public Prosecution in Instruction No. 2/2011 as described in the present report under article 4, are followed by the Chief Constable of Greenland. No cases have been recorded in the period 2009-2012.

Article 5

9. The citizen's rights according to the Danish Constitution apply to Greenland.

10. According to section 20 of the Act on Self-Government, Greenlandic is Greenland's official language. The Greenland Parliament has passed Greenland Parliament Act No. 7 of 19 May 2010 on language policy. The act aims at establishing a clear framework for the language policy of the country, among other things a framework for integration as regards language.

11. In paragraph 17 of its concluding observations, the Committee urged the Government to take measures to address the problems faced by the "legally fatherless children" who, by virtue of having been born out of wedlock to Danish men in Greenland in the 1950s and 1960s, are negatively affected by various laws including the laws governing family life, land ownership and inheritance.

12. On 15 November 2012, the Danish Ministry of Social Affairs and Integration initiated a consultation procedure on a draft act aiming at remedying the legal situation for children born out of wedlock in Greenland before 1963 by making it possible for the individuals concerned to have the courts establish paternity to them. In general, such paternity shall have the same legal consequences as paternity established to children born out of wedlock after 1963. Following the election to the Greenland Parliament in March 2013, the Danish Ministry of Social Affairs and Integration has asked the new Government of Greenland for its approval of the draft act with the intention to introduce the draft act so that it will enter into force by 1 January 2014.

Article 7

13. The Greenland Parliament Act No. 8 of 21 May 2002 on primary and lower secondary education is based on a policy of integration between Greenlandic-speaking and Danish-speaking pupils. The principle of non-discrimination on the basis of race, etc., is a part of the curriculum.

14. The Government of Greenland and the Danish National Human Rights Institute have within the last couple of years launched information activities (seminars, distribution of information material, etc.) concerning human rights, among these the principles concerning non-discrimination as regards race.

Annex II

Reporting on the Faroe Islands

Part I

1. Reference is made to paragraphs 366-383 in Denmark's fourteenth periodic report (CERD/C/362/Add.1) concerning the Faroe Islands.
2. The Government of the Faroe Islands has sought an open and transparent process, involving government agencies, civil society and other stakeholders in the preparation of the present report.

Part II

Article 1

3. In 2013, the total population of the Faroe Islands was 48,197.¹ The national statistics do not distinguish between Danish citizens (i.e. Danes, Faroese and Greenlandic) and of the total population on the Faroe Islands 47,098 persons were registered as Danish citizens (97.4 per cent). In addition, 324 were from other Nordic countries (Iceland, Norway, Finland and Sweden), 434 came from other European countries, 246 came from countries in Asia, 72 came from the Americas, 91 came from African countries, and 8 were citizens of Pacific Islands.
4. In 2005 the Danish and the Faroese Governments agreed to modernize the legislation concerning Faroese Home Rule. For a further description, reference is made to the fifth periodic report of Denmark under the International Covenant on Civil and Political Rights (CCPR/C/DNK/5).

Article 2

5. Discrimination on the grounds of race, etc., is punishable according to section 266 B of the Faroese Criminal Code which is similar to the same section in the Danish Criminal Code. Reference is made to paragraphs 377-378 in the fourteenth periodic report.
6. In 2011, the Faroese Government adopted an action plan against domestic violence. The action plan lists eighteen specific initiatives aimed at preventing and combating domestic violence. The Faroese Government has budgeted for implementation of the action plan. A full time project coordinator has started implementing the action plan, which will be phased in over the next five years starting from 2012.
7. One aspect of the action plan includes initiatives aimed at foreign women living in the Faroe Islands. These women are considered to be a particular vulnerable group, because of their lack of social network and knowledge about the Faroese society.
8. The Crisis Centre in Tórshavn has noted that there are a relatively high number of foreign women who seek their assistance. According to the plan, information material shall be made to foreign women who are moving to the Faroes about their rights and

¹ Source: Statistics Faroe Islands. April 2013.

responsibilities according to Faroese law with emphasis on where they can turn to in case of domestic violence. Therefore, information for foreign women in various languages concerning their basic rights in Faroese society will be provided. Furthermore, should foreign women seek assistance from the Crisis Centre, there are funds to pay for interpreters. The action plan also includes funds to pay for psychological help as well as food and other supplies for all women who seek help at the centre. The major portion of the activities of the Crisis Centre is funded by the Government.

9. In 2011, a working group appointed by the Minister of the Interior published a report about integration of foreigners in the Faroe Islands. The objective of the report is to find the best way to integrate foreigners who obtain a residence- or work permit, so that they are able to become part of Faroese society as fast as possible on equal terms with native Faroese. To achieve this goal, it is important to offer language education as quick as possible and to offer some intensive education about the Faroese society, history and culture.

Article 3

10. The Danish Act No. 289 of 9 June 1971 on Prohibition against discrimination on the Basis of Race applies also to the Faroe Islands according to Royal Order No. 382 of 12 August 1972.

Article 4

11. The principles in the guidelines issued by the Director of Public Prosecutions in Instruction No. 2/2011 as described under article 4 above are followed by the Chief Constable of the Faroes. Thus cases concerning violation of Section 266 B of the Faroese Criminal Code, which are similar to that in the Danish Criminal Code and violation of the Act on the Prohibition of Discrimination based on Race will be submitted to the Director of Public Prosecutions. No cases have been recorded in the period 2009-2012.

Article 7

12. In the curriculum for the public primary, lower-secondary and upper-secondary school it is seen as a fundamental part in all aspects of the education system that the pupils learn to be able to respect every human being regardless of age, sex, ethnicity, religion, etc. The pupils learn to respect and understand the obligations and rights upon which democracy is built. The pupils also learn to respect that there are other cultures and societies which are built upon different values than those of the pupils and they have to learn to respect and understand views and needs of others different from themselves. These objectives for the pupils are written in each individual curriculum which implies that these issues also will be included when evaluating the proficiency of each pupil.

Annex III

Ethnic composition of the prison population

Table 3.13
Occupancy in state and local prisons and halfway houses, by nationality
(13 December 2011)

<i>Country</i>	<i>Persons</i>	<i>%</i>
Afghanistan	26	0.6
Albania	7	0.2
Algeria	15	0.4
Bosnia-Herzegovina	23	0.6
Bulgaria	6	0.1
Chile	8	0.2
Denmark	3,062	75.9
Yugoslavia (former)	33	0.8
France	9	0.2
The Gambia	9	0.2
Guinea-Bissau	6	0.1
The Netherlands	24	0.6
Iraq	47	1.2
Iran	31	0.8
Lebanon	15	0.4
Lithuania	56	1.4
Morocco	21	0.5
Montenegro	7	0.2
Nigeria	9	0.2
Norway	11	0.3
Pakistan	24	0.6
Poland	52	1.3
Romania	103	2.6
Russia	6	0.1
Senegal	14	0.3
Serbia	25	0.6
Somalia	73	1.8
Sri Lanka	7	0.2
Stateless	31	0.8
Stateless Palestinians	15	0.4
The United Kingdom	13	0.3
Sweden	20	0.5
Tunisia	9	0.2
Turkey	56	1.4
Germany	8	0.2

<i>Country</i>	<i>Persons</i>	<i>%</i>
Unknown	8	0.2
Vietnam	7	0.2
Other countries	137	3.4
Total	4,033	100.0

Note: "Other countries" are countries from which fewer than 6 persons are inmates of a Danish institution.

Table 3.20

Ethnic affiliation of inmates and clients

	<i>Immigrants (%)</i>	<i>Descendants (%)</i>	<i>Danish origin (%)</i>	<i>Foreigners (%)</i>	<i>Total (%)</i>	<i>Total Persons</i>
Closed state prisons	19.2	7.6	62.5	10.7	100	896
Open state prisons	13.9	5.7	79.3	1.1	100	1,500
Local prisons	14.0	3.2	60.7	22.2	100	1,142
Copenhagen Prisons	20.6	11.5	38.4	29.4	100	557
Halfway houses	11.7	4.3	84.0	-	100	162
Probation Service (clients under supervision)	14.1	5.2	80.6	0.2	100	9,391
29 November 2011	14.7	5.5	75.9	4.0	100	13,648
2 November 2010	14.5	4.8	77.4	3.2	100	13,273
10 November 2009	14.5	5.0	77.2	3.4	100	12,293
4 November 2008	14.6	3.9	78.3	3.1	100	11,572
6 November 2007	14.3	3.5	80.0	2.2	100	11,184
7 November 2006	13.2	3.2	80.9	2.6	100	12,573
4 November 2005	12.9	3.1	82.2	1.8	100	12,906
4 May 2004	12.3	3.3	82.6	1.8	100	12,148

Note: *Immigrants* were born abroad. Neither parent is a Danish national born in Denmark.

Where no data is available on either parent and the person was born abroad, the person is considered to be an immigrant.

Descendants were born in Denmark. Neither parent is a Danish national born in Denmark. Where no data is available on either parent and the person is a foreign national, the person is considered to be a descendant.

When one parent or both parents born in Denmark are awarded Danish nationality, their children will no longer be classified as descendants. However, if parents born in Denmark maintain their foreign nationality, their children will be classified as descendants.

Regardless of their place of birth, *persons of Danish origin* are persons with at least one parent who is a Danish national born in Denmark.

Foreigners are persons who have no civil registration number or ties with Denmark, meaning persons who were not residents of the country at their apprehension. They may be tourists, asylum seekers or persons staying illegally in Denmark who have been charged with or convicted of Criminal Code violations.

Table 3.21
Ethnic affiliation and age distribution of inmates and clients.
Calculated on a particular date in 2010 and 2011

	2 November 2010				29 November 2011			
	<i>Immigrants (%)</i>	<i>Descendants (%)</i>	<i>Danish origin (%)</i>	<i>Total (%)</i>	<i>Immigrants (%)</i>	<i>Descendants (%)</i>	<i>Danish origin (%)</i>	<i>Total (%)</i>
14-19	8	33	9	10	6	28	8	9
20-24	21	34	19	20	21	37	20	21
25-29	17	15	14	14	17	17	14	14
30-34	13	11	13	13	13	11	12	12
35-39	10	6	12	12	11	5	12	12
40-44	11	1	11	10	10	1	11	10
45-49	10	0	9	9	10	0	10	10
50-54	5	0	5	5	6	-	6	5
55-59	2	0	3	3	2	0	4	3
60+	2	0	4	3	2	0	4	3
Total (%)	100	100	100	100	100	100	100	100
Total (persons)	1,931	640	10,278	12,849	2001	745	10,357	13,103

Note: Foreigners are not included, and therefore the total figures deviate from those of Table 3.20.

Table 3.22
Ethnic affiliation of inmates and clients, by country of origin.
Calculated on 29 November 2011

<i>Country of origin</i>	<i>Immigrants</i>	<i>Descendants</i>	<i>Danish origin</i>	<i>Total</i>
Denmark	-	-	10,357	10,357
EU Member States	182	30	-	212
Of that number, from Poland	49	5	-	54
• Germany	35	5	-	40
• The United Kingdom	17	6	-	23
• Sweden	17	5	-	22
• Romania	12	1	-	13
• Lithuania	9	-	-	9
• Finland	3	4	-	7
• Latvia	6	-	-	6
• France	5	-	-	5
• Italy	5	-	-	5
• The Netherlands	5	-	-	5
• Spain	5	-	-	5
• Other EU Member States	14	4	-	18

<i>Country of origin</i>	<i>Immigrants</i>	<i>Descendants</i>	<i>Danish origin</i>	<i>Total</i>
Other European countries	495	282	-	777
Of that number, from Turkey	157	217	-	374
• Yugoslavia (former)	109	54	-	163
• Bosnia-Hercegovina	106	1	-	107
• Norway	19	5	-	24
• Iceland	17	-	-	17
• Russia	17	-	-	17
• Yugoslavia (former)	15	-	-	15
• Macedonia (FYROM)	12	3	-	15
• Armenia	7	-	-	7
• Soviet Union (former)	6	1	-	7
• Ukraine	6	1	-	7
• Kosovo	5	-	-	5
• Serbia and Montenegro	5	-	-	5
• European countries other than the above	14	-	-	14
Africa	416	107	-	523
Of that number, from Somalia	228	5	-	233
• Morocco	36	72	-	108
• Uganda	17	4	-	21
• Tunisia	15	5	-	20
• The Gambia	15	-	-	15
• Egypt	8	5	-	13
• Ethiopia	7	3	-	10
• Tanzania	8	2	-	10
• Sudan	8	1	-	9
• Algeria	5	3	-	8
• Burundi	8	-	-	8
• Nigeria	6	2	-	8
• Ghana	7	-	-	7
• Kenya	5	-	-	5
• Sierra Leone	5	-	-	5
• Other Africa	38	5	-	43
South and Central America	47	4	-	51
Of that number, from Brazil	10	-	-	10
• Cuba	7	1	-	8
• Other South and Central America	18	1	-	19

<i>Country of origin</i>	<i>Immigrants</i>	<i>Descendants</i>	<i>Danish origin</i>	<i>Total</i>
Asia	842	316	-	1,158
Of that number, from Lebanon	199	140	-	339
• Iraq	193	14	-	207
• Iran	137	18	-	155
• Pakistan	63	81	-	144
• Afghanistan	75	3	-	78
• Vietnam	39	3	-	42
• Sri Lanka	28	10	-	38
• Syria	24	13	-	37
• Jordan	13	18	-	31
• Kuwait	14	4	-	18
• India	9	5	-	14
• Thailand	14	-	-	14
• The Philippines	6	3	-	9
• Israel	6	1	-	7
• Middle East, country not disclosed	5	2	-	7
• China	5	-	-	5
• Other Asia	12	1	-	13
Oceania	-	1	-	1
Foreign country, country not disclosed	8	3	-	11
Stateless	5	2	-	7
Total	2001	745	10,357	13,103

Note: Foreigners are not included, and therefore the total figures deviate from those of Table 3.20.

Note: "Other" are countries from which fewer than 5 persons are inmates or clients.

Annex IV

Denmark's national Roma Inclusion Strategy

Ministry for Social Affairs and Integration
Copenhagen, December 2011

Presentation to the European Commission of Denmark's National Roma² Inclusion Strategy

Purpose

The purpose of this presentation is to inform the European Commission of the Danish approach to Roma inclusion.

On 5 April 2011, the Commission adopted its communication an EU Framework for National Roma Integration Strategies up to 2020 and hereby encouraging the Member States to develop or revise national strategies for Roma inclusion. The Commission called for a priority of the four areas of education, employment, health care and housing.

On 19 May 2011, the EPSCO Council adopted a set of Conclusions on the Commission's Communication. The member States expressed their commitment to the EU Framework for Roma inclusion and agreed, by the end of 2011, to work out national strategies for Roma inclusion by developing new strategies or by updating or revising existing integrated sets of policy measures.

It was stressed that the Member States' national approaches should be in proportion to the size and specific situation of their respective Roma populations.

Against this background, the Danish approach to Roma inclusion is presented below.

1) Description of the current situation for Roma in Denmark

The Respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities are core values in Denmark, as they are in the European Union as a whole.

Furthermore, the Danish welfare system is founded on principles of universal and equal access to health, education, housing, employment, and social services for all persons legally residing in Denmark irrespective of their ethnic background.

These principles are the foundation of Denmark's strategy for Roma Inclusion.

Roma population in Denmark

Statistical data on Roma in Denmark is not available, as the ethnic origin of persons is not registered in Denmark.

For instance The National Danish Civil Registration System (CRS) only contains basic, fundamental personal data i.e. name, address, marital status, nationality, etc., about every person, who is legally residing in Denmark. The data content of the CRS does not include ethnicity. There are no future plans to include data concerning ethnicity in the CRS, since the registration of ethnicity is not considered in accordance with the purpose of the CRS.

² The term "Roma" is used in line with the definition contained in the Commission's Communication (8727/11, footnote 1).

The Council of Europe estimates that persons of Roma background number 1,500 to 10,000 persons in Denmark. One source (The NGO Danish Refugee Council) estimates that 2,000 Roma are living in Denmark. The proportion of Roma in Denmark is less than 0.1 per cent of the total population according to the Commission's Communication on Roma Inclusion.

Most of the persons with Roma background in Denmark arrived in the 1960s and 1970s as migrant workers. As a result of the war in the Balkans in the 1990s, Denmark also received approximately 21,000 refugees from Ex-Yugoslavia, of which an unknown number have a Roma background. Denmark occasionally experiences seasonal influx of a small number of Roma with temporarily stay in the country from other EU Member States, but generally the number of persons with a Roma background in Denmark is estimated to have been relatively constant for the last ten years.

In Denmark, the Roma do not have status of a national minority. The main reason is the lack of continuous historical presence in Denmark of persons with a Roma background. Only temporary habitation can be evidenced in the historical records. Until the 1950s the Danish immigration legislation prohibited the Roma from settling in Denmark.

According to the Danish Roma website resource "www.romnet.dk", Roma in Denmark are concentrated in Elsinore (Helsingør) and Copenhagen, but small groups of Roma also reside in other towns across Denmark.

Since the 1960s, the municipality of Elsinore, North of Copenhagen, has accommodated a relatively large group of citizens with Roma background. The group is mostly identified based on municipal employees' professional knowledge of them. The Elsinore Municipality estimates that approximately 1,000 people with Roma background reside in the municipality. These persons have taken up permanent residence in Elsinore and have to a large extent been naturalised.

The Danish Government does recognise that the availability of more precise data on Roma (and other ethnic groups in Denmark) would possibly make it easier to target interventions aimed at improving the situation for particular ethnic groups and to evaluate the success rate of the interventions. But, on a balance, and given the fact that the Roma community in Denmark is considered to be relatively small and concentrated in a few locations, Denmark continues to hold that ethnic data should not be registered centrally. International law does not prohibit that ethnic data can be registered with the explicit consent of the persons involved. This means that ethnic data can be registered as a part of project-based activities at the local level allowing for appropriate explicit but not exclusive targeting of Roma issues.³

Social situation of Roma in Denmark

The Roma in Denmark come from different backgrounds, where many are fully integrated, but others, including some who have experienced the traumas of war in Ex-Yugoslavia and arrived most recently, are experiencing more difficulties with achieving an education and entering the labour market. There is a number of Roma in Denmark who receives income subsidies or has unsteady menial jobs such as cleaning.

Migrant workers from Eastern Europe are frequently working in the green sector (agriculture and gardening) and the construction sector. There might be Roma within these groups.

³ Explicit but not exclusive targeting is one of the "The 10 Common Basic Principles on Roma Inclusion" endorsed by the Council of Ministers in charge of Social Affairs on 8 June 2009.

The Roma live in different ways in Denmark. Some live several generations under one roof, but many also live alone or in nuclear families. Traditionally, people with a Roma background marry early, but in Denmark many have abandoned this tradition, perhaps because of the adverse effects on especially the girls' possibilities for getting an education.⁴

The municipality of Elsinore has identified a variety of social problems in the Roma group residing in the municipality, although no statistical data is available. For instance, the municipality assesses that Roma adults typically have lower education levels than the municipality's other citizens. Another example is the Roma children's comparatively higher absence from school, worse dental health and absence from school facilitated dental care. Furthermore, the municipality notes that the group has a weak connection to the municipalities' elderly care, and information on the group in the areas of psychiatry and disability is deficient.

Over the years, the municipality has attempted to address these issues from various approaches, some of which through exclusive targeting of interventions towards the Roma group (i.e. specific Roma classes in primary school and a Roma office in the Job Centre). These types of exclusive interventions have since been abandoned, because – despite the intention to help the Roma towards better inclusion – the schemes were deemed to contribute to further stigmatisation and lower levels of inclusion.

A Council of Europe Report from 2010 describes the situation for Roma in Denmark in the following way: “In Denmark, the practice of Roma-only classes in the city of Elsinore (where there is the biggest Roma community in the country – approximately 200 Roma families) was considered in 2004 unlawful under the Act for Public Schools. Although these classes have been closed down since 2005, NGO representatives report that in reality the segregation remains. In Elsinore, local authorities have decided to reduce financial allowances in cases where the children do not attend school. Following a decision of the city council, finding this practice unlawful, the law was amended to legalise the practice provided certain very narrow criteria are fulfilled. The teachers now receive training to be able to teach Danish as a second language. With the help of “morning-ladies” (consultants from the city council whose responsibility it is to pick up at home the children who do not appear at school), the local authorities hope to improve school attendance of Roma children. The local authorities have indicated to the rapporteur that there are so far no initiatives to preserve the Romani language.”⁵

The report goes on to quote ECRI regarding employment opportunities for Roma in Denmark: “ECRI noted widespread discrimination against Roma in Denmark in the employment sector, finding that many of them were relegated to menial jobs. In Elsinore, two social workers had been assigned by the labour market department to work specifically with Roma. Roma were always directed to them, notwithstanding the purpose of their enquiry. This measure – ostensibly aimed at providing better responses to the needs of the Roma – was not optional: it was compulsory for Roma to address themselves only to those two persons. This measure was therefore considered as discriminatory.”

As mentioned above, the concerns regarding discrimination through exclusive targeting have been addressed, as the municipality has moved away from exclusive targeting of Roma in its educational and social services delivery.

⁴ According to www.romnet.dk.

⁵ Report on The situation of Roma in Europe and relevant activities of the Council of Europe, Doc. 12174, 26 February 2010, Rapporteur: Mr József BERÉNYI, Slovak Republic, Group of the European People's Party.

Human Trafficking in Roma

The Danish Centre against Human Trafficking does not collect data on victims of human trafficking based on ethnicity, but only on nationality. But based on measuring in the period 2007-2010, the Danish Centre against Human Trafficking estimates that half of the prostitutes in the streets of Copenhagen from Romania are Roma. Prostitutes with a Roma background are also present at massage parlors outside Copenhagen. 19 women from Romania, Slovakia and the Czech Republic are identified as victims of trafficking. The Danish Centre against human trafficking is aware, that some of these women are Roma. In 10 cases with minors from Romania, Bulgaria and Slovakia with a Roma background, social workers found varying degrees of indicators of human trafficking.

2) National goals

The Roma population in Denmark is estimated to constitute less than 0.1 per cent of the total population, and therefore the Danish Government considers it relevant to pursue Roma inclusion through the set of integrated policy measures that characterise the Danish welfare society. Goals for active inclusion, education level, employment rate and health in Denmark apply to Roma as well as to other groups with a minority ethnic background in Denmark.

The Danish Government holds that equal opportunities are fundamental for the Danish society. The Danish integration policy is based on the idea that everyone residing legally in Denmark should enjoy equal rights and fundamental freedoms without any discrimination within the areas concerning education, employment, housing and health care.

The Danish Integration Act specifically states that the goal of the law is to ensure support to immigrants in being fully able to make use of their talents and resources in order to become participating and economically independent citizens on an equal footing with other citizens in Danish society.

The responsibility for services design and delivery lies at the municipal level. Past experiences have shown some difficulties in designing appropriate responses that explicitly, but not exclusively target Roma issues. The Danish Government will therefore set as a goal to contribute to sharing lessons learned from other EU member states and inform all municipalities of the 10 Common Basic Principles on Roma Inclusion and of the Commission's Roma inclusion strategy.

3) Action plan

The Danish Action Plan for Roma Inclusion has the following three components:

- Fully realising the integration tools available for the benefit of Roma inclusion
- Continuing and strengthening the efforts towards combating poverty and social exclusion in general
- Disseminating knowledge on best practices and agreed principles for Roma inclusion to the municipal level

Fully realising the integration tools available for active inclusion

Denmark has an extensive integration policy, which also includes Roma.

Under the Integration Act, an integration programme planned by the responsible local authority must be offered to newly arrived refugees and newly arrived immigrants reunited with a family member who are 18 years of age or more and covered by the Integration Act. The expected length of the integration programme is three years. The scope and contents of the integration programme for the individual immigrant are fixed in an integration contract. The integration contract lasts until the immigrant obtains a permanent residence permit.

The integration contract is to be prepared by the local authority in cooperation with the immigrant or refugee in question within a month from the date when the local authority takes over the integration responsibility for the person in question. The contract must be elaborated on the basis of an assessment of the individual's abilities and background and should aim towards introduction into the labour market or relevant education.

The local authority is obliged to offer Danish language courses within a month from taking over the integration responsibility for the person in question. Adult foreigners have a right of up to three years of Danish language education. The language courses are divided into modules with specific targets.

In May 2010, the Parliament adopted an amendment to the Integration Act *inter alia* implying the following elements:

- Widening the target group of the Integration Act and the public integration efforts. From 1 August 2010 the Integration Act covers all immigrants with a residence permit as well as nationals of the other Nordic countries and nationals of EU and EEA countries benefiting from the rules on free movement of persons in the EU.
- Establishment of a new basic course in Danish society and Danish culture and history
- Establishment of an introduction course (a lighter version of the introduction programme) aimed at immigrant workers, EU nationals, etc.

As part of the integration policy, a number of initiatives have been launched aimed at ensuring inclusion and participation of all people living in Denmark. An example of this is the Awareness-campaign "We need all youngsters" (co-financed by the European Social Fund), which has supported the establishment of groups of both young and parental role-models from ethnic minority backgrounds in order to further the encouragement of young people to start and complete education. Local groups of role-models in several municipalities in Denmark have been established. This includes groups of role-models based in Elsinore and Copenhagen – the two cities where the main part of the Roma population in Denmark reside.

Furthermore, it is stated in the new Government platform "A Denmark which stands united" from October 2011, that the Government will initiate a comprehensive effort to further the inclusion of all immigrants into Danish society. This includes a revised strategy to combat discrimination. The Government will carry out awareness-campaigns and support municipalities and private companies in the effort to combat all forms of discrimination. From 2012-2016 a total of 20 million Danish Kroner (approximately 2.7 million Euro) has been allocated to provide financial support for initiatives concerning promotion of active citizenship and combating of discrimination.

The Government considers that this approach to integration in general, is the relevant approach also for integration of people with a Roma background in Denmark.

Continuing and strengthening the efforts towards combating poverty and social exclusion in general

In Denmark, the primary instrument to combat social exclusion is the fully tax-financed welfare system. Consequently, the Danish approach already includes a wide range of initiatives and schemes that are regularly adapted and adjusted to minimize the citizens' risk of social exclusion.

All citizens residing legally in Denmark are entitled to receive social security benefits as well as social, health and educational services, regardless of their different social and ethnic

backgrounds. It is set out below, in section 4) Horizontal Aspects, how the general social inclusion policies of Denmark contribute to promoting Roma inclusion.

In addition to national funding for social inclusion, European funding is available. The European Union aims to promote an overall harmonious development by strengthening economic and social cohesion by reducing development disparities between the regions (Art. 158-162 EC Treaty). In this context, the European Commission has created two financial instruments: the Structural Funds and the Cohesion Fund. These funds part-finance regional and horizontal operations in the Member States via sector specific funds. The 2007-2013 EU Structural Fund Programmes supports increased growth and jobs for all regions and cities of the European Union with the three priority objectives:

- Convergence
- Regional competitiveness and employment
- European territorial cooperation.

The objectives are supported by cohesion instruments worth € 308 billion. As expenditure eligibility rules are now national rather than Community based, the Member States have markedly larger room for manoeuvre in implementing operational programmes supporting regional growth agendas and job stimulation.

Denmark utilizes this increased autonomy in the Danish Structural Fund Programmes 2007-2013. Herein, the Danish effort aims to meet the EU objectives by supporting the four central areas for growth:

- Development of human resources
- Utilization of new technology
- Establishment and development of new enterprises and innovation
- Knowledge sharing and knowledge building.

Any project encompassing these areas for growth can apply for financial support.⁶ Funds have not been earmarked for Roma inclusion projects, but projects with this scope could be eligible for support.

4) Horizontal aspects

In Denmark, there is no differentiation in the social programmes or in the social services in relation to ethnic background. As the Danish approach is to promote Roma inclusion through the general inclusion policies, this section highlights how the integrated sets of policy measures can benefit the Roma community in Denmark. The areas highlighted are education, employment, health care and housing in line with the priority areas mentioned in the Commission's Communication.

Education policy

According to the policy of the Danish Government, the majority of children should be included in ordinary school classes. The teaching should be organized in a way that considers the needs and qualifications of the individual pupils. This can be done by different types of graded teaching. Hence the objective of inclusion at the primary level includes pupils with Roma background.

⁶ Source: Programme for the European Social Fund in Denmark 2007-2013, Regional Competitiveness and Employment "More and Better Jobs", 27 March 2007.

The challenges related to the integration of Roma in the education system is managed on the basis of existing initiatives targeted at vulnerable groups, i.e. initiatives targeted at bilingual pupils. Studies show that bilingual pupils are performing comparably worse than ethnic Danish pupils (Source: PISA Ethnic 2009 shows that the qualifications of bilingual pupils are still not as good as those of ethnic Danish pupils. The difference between immigrant pupils and ethnic Danish pupils are approximately 70 PISA points in reading.). A special effort is required for the bilingual primary school pupils to motivate them for further education in secondary school. Therefore, the Government has used several new initiatives to boost the measures targeted at bilingual pupils.

Objectives of the public primary and lower secondary school

The public primary and lower secondary school (folkeskolen) has a democratic basis. This appears from the objects clause of the public primary school and is emphasized by the wording: "The activities of the school should therefore be characterized by intellectual liberty, equality and democracy". The public primary school teaches pupils to take part in society and take responsibility for society through rights and obligations.

The wording is reflected in the school subjects. This is especially the case in social studies, which are compulsory for pupils at the graduating level. This appears from the curriculum of the subject: It is a central part of the teaching to focus on the citizen in a democratic political system, including the rights and obligations of Danish citizens and the significance of the legal rights of the citizen in a democracy. Thus, the teaching covers the citizens' various economic, social, cultural and educational qualifications for being an active citizen.

The Elsinore case

Elsinore municipality has had special graduating classes for Roma pupils at primary level. However, the classes are now abandoned, and the Roma pupils in Elsinore municipality now attend ordinary classes at primary level. This is in line with the Danish Government's policy.

In Elsinore municipality, the main challenges regarding the Roma pupils relate to the graduating classes at primary level. These pupils are often absent, despite the fact that the municipality has carried out a special programme with the aim of getting the pupils to attend classes. For instance, each pupil has an individual action plan.

However, the schools still find it difficult to integrate the pupils into the ordinary classes. When relevant, the Roma pupils are offered additional classes 10 hours a week, but very few actually attend this form of teaching. The absence of the Roma pupils is reported to the local administrative authorities, if it serves the pupil's needs.

However, the Roma pupils in the introductory classes are doing better. Their absence is limited and their qualification levels are better. Furthermore, the co-operation between the school and the parents has been improved.

Employment policies for all

The Danish employment strategy for Danish citizens and ethnic minorities focus on active employment policies with the goal of helping people to obtain a job.

The Job Centres use the following measures:

- Job counselling
- Different types of wage-subsidies where the unemployed is obtaining new qualifications in enterprises

- Guidance and upgrading of skills and qualifications (for example Danish lessons for Roma and other non-ethnic Danes).

Apart from these general measures, the Danish Government has initiated a number of targeted initiatives to help disadvantaged groups, for instance ethnic minorities (including Roma), into the labour market:

A new chance for everyone

A national campaign – “A new chance for everyone” – was launched in 2006 for a period of two years with national targets for all 98 municipalities. The campaign encouraged municipalities to offer enrolment in employment-generating schemes for unemployed having received social benefits and who have not taken part in employment-generation schemes for more than 12 months. The government provided approximately 78 million Euro for the campaign.

The national unit for Ethnic Employment Measures

The national unit for Ethnic Employment Measures supports Job Centres with knowledge about how to help ethnic minorities, including Roma, to get a job. The Unit distributes good practices regarding labour market inclusion of ethnic minorities, including Roma, and helps the Job Centres develop tools and methods to enhance labour market integration.

200 new job consultants

With the 2006 political agreement on welfare, the municipalities were assigned 200 new job consultants and economic support of 40 million Euro over a period of four years. These job consultants work in the 15 municipalities with the highest number of ethnic minorities on social benefits. The job consultants help ethnic minorities, including Roma, into the labour market using a “hands on” approach.

Community Job Centre

Municipalities with housing estates classified as ghettos receive economic support to establish a Community Job Centre within the estates. The aim is to establish a close connection with the disadvantaged residents, including when relevant Roma, many of whom are unemployed and help them take up formal education, improve their qualifications or get a job.

Diversity recruitment in the national institutions

In order to ensure diversity in the recruitment to the national institutions, it is obligatory for the institutions to encourage all qualified candidates to apply for vacancies without prejudice to their gender, age, religious beliefs or ethnic background.

Adult vocational training

The adult vocational training programme provides short vocational training programmes for low skilled and skilled workers. The programmes primarily provide skills and competences directed towards specific sectors and job functions. The programmes are publicly financed and employed participants are entitled to receive a grant. The programmes are mainly provided for employed persons but unemployed can participate if the employment service agrees to pay.

Immigrants, including Roma, who reside legally in Denmark and refugees may follow courses specifically developed for this group or they may combine and supplement normal adult vocational training programmes with introductory short training courses and work

placement or courses in Danish. However, many immigrants and refugees with adequate Danish language skills participate in normal adult training programmes. About 10 per cent of the participants in these programmes are immigrants or descendants.

Healthcare

Individuals with residence in Denmark – defined as those registered with Danish social security – receive full access upon registration to health care services in accordance with the Danish Health Act. This includes – but is not limited to – hospital treatment, services in the primary health care sector, i.e. treatment by GP's and specialist practitioners, and municipal health services such as home nursing and dental care to children and youths under the age of 18.

Individuals staying in Denmark without residence have limited rights to hospital treatment. EU/EEA citizens and citizens of Switzerland, who have public/legal health insurance in another EU/EEA country or Switzerland, are in accordance with EU law entitled to public health care deemed medically necessary during a stay in Denmark on a similar basis as Danish citizens. Their co-ensured family members have similar rights regardless of their citizenship or nationality.

Individuals staying in Denmark without residence and without public/legal health insurance in another EU/EEA country or Switzerland (third party countries) are in accordance with the Health Act entitled to free emergency hospital care if they are involved in accidents, experience sudden illness or deterioration of chronic illnesses, need to give birth outside of term, etc., on the same basis as individuals with residence in Denmark. These provisions also apply to individuals from third party countries that are temporarily staying in Denmark, including those having a Roma background.

When the emergency need has subsided – subject to medical assessment in the individual case – the hospital will however continue treatment if it is deemed unreasonable to refer the patient to treatment in his/her home country under the specific circumstances, or if the patient cannot endure relocation to a hospital in the home country. Such medical assessments of emergency/non-emergency needs are made every day at Danish hospitals in many different contexts. The hospital charges fees for non-emergency treatment, but may choose to waive these fees if it is deemed reasonable to do so under the specific circumstances. The region in which the patient is staying makes the final decision in this case.

The access to healthcare in Denmark is defined not by ethnicity but by a medical assessment of the patient's current need for treatment. Assistance to persons with a Roma background is thus deemed to be fully feasible within the current framework for health care provision to individuals with permanent or temporary residence in Denmark.

Housing

In Denmark, all citizens regardless of income or special needs have access to good quality housing in the non-profit social housing sector. People with a Roma background who reside legally in Denmark are able to put themselves on a waiting list for social housing on the same terms as all other residents of Denmark or – if the person in need of housing has any special social needs – to be allocated a social dwelling pursuant to the rules on social housing allocation.

There are approx. 575,000 social dwellings in Denmark, which adds up to about 20 per cent of the total housing stock. Of these, approx. 500,000 dwellings are family dwellings. The remainder are dwellings for young people or dwellings for elderly or disabled people. The primary target group for social housing is people who do not have access to the private housing market, typically due to low incomes.

To prevent the social and ethnic segregation of residents in publicly subsidized housing, social housing is available to anyone who has put his or her name on the waiting list. As a general rule, the waiting list is administered by seniority; however, the local councils of the Danish municipalities have the right to nominate tenants for at least 25 per cent of a housing organisation's available dwellings for the purpose of solving social problems, and they are thus able to secure access to available dwellings for people with special needs.

The social sector is regulated and subsidized in such a way that rents are generally kept to a relatively low level. Additionally, people with particularly low incomes are eligible to receive individual housing benefits. In 2008, around 60 per cent of households in the social housing sector received housing benefits in the form of either "boligyldelse" (for old age pensioners or persons on early retirement) or "boligsikring" (for others, including nearly 51,000 households with children). On average, housing benefits cover 50 per cent of the recipient's rent, equivalent to approx. 1/3 of the total rent amount in the social sector.

As described, Denmark has a large social housing sector, which gives people in search of housing with any special needs the chance to find a place to live. Furthermore, financial support towards rent is available.

Finally, Danish legislation includes a provision on homelessness, and special-purpose dwellings are established for the most socially vulnerable citizens in the country. The right to make use of these offers likewise applies to all persons who reside legally in Denmark.

General social measures within Danish social policies

All general social measures are available to all persons residing legally in Denmark.

Elderly people

According to The Consolidation act on Social Services, all decisions concerning help to elderly people have to be taken as individual and concrete decisions by the municipality. Likewise, the fundamental principles of Danish home care are that it should be offered on the basis of individual needs and that it is free of charge – except temporary help which has an income dependent user charge. The goal of the help offered is to allow elderly people to stay in their own homes as long as possible and to prevent the individual from further loss of physical and mental health. Citizens who have reached the age of 75 have the right to receive a preventive house call at least once a year, unless they receive both personal and practical help. The aim of the house call service is to create a sense of security and well-being and also to give advice and guidance about activities and support services (both private and public). Today there are many different types of housing in Denmark: the family home, close-care accommodation and public and private nursing homes. As with home care services, it is the municipalities who determine whether a citizen is eligible to receive help which cannot be provided for in the private home and consequently should be offered to be referred to a type of dwelling more suitable for their needs.

People with disabilities

Many different services are available for people with disabilities. Disabled people may either be offered specific services or be compensated for significant additional expenses incurred as a consequence of their reduced functional capabilities (e.g. homecare, aids and consumer goods, day-care facilities, socio-educational services and permanent or temporary housing). The common aim is to ensure that disabled people achieve full participation in the community and are enabled to avoid isolation and social exclusion. The disability policy is based on the principles of equal treatment, compensation and sector responsibility.

Homeless citizens

All homeless citizens lawfully residing in Denmark has the right to temporary accommodation in shelters. The Ministry for Social Affairs and Integration has issued calls for proposals to establish emergency shelters in 2010, 2010/11 and will do so again in 2011/2012. The overall objective is to secure everyone – regardless of legal residence – a temporary stay in emergency shelters in the period November 2011-March 2012. In 2010/2011 some 340 places were established.

Social benefits

Roma with legal residence in Denmark or with a Danish citizenship has the same access to social benefits as others in the same situation.

According to the EU-legislation, people with a citizenship in an EU country have the right to receive social assistance in Denmark if they have been actively employment to an extent that implies that they are legally residing (as employee, self-employed, etc.). Additionally, it is a precondition that they are in situation unable to provide for themselves.

Receiving social assistance requires that a person has resided within the area of EU/EEA throughout the last 7 out of 8 years. A person has no right to receive social assistance throughout periods where he/she stays in the country as a tourist (up to 3 months for EU citizens) or if he/she arrives in the country in search of work. When a person receives social assistance he can apply for financial support from the municipality to elements like single expenses, health care, medication and accommodation subsidies. Additionally, legal residents in Denmark are covered by the legislation on earning the right to Danish social pension, etc.

Gender equality

Gender equality between women and men is an overall objective of Danish policy. Consecutive Danish governments have continuously worked to review and improve the quality of legislation and other legally binding rules to achieve gender equality between women and men.

Gender equality is regarded as a prerequisite for economic growth, democracy and welfare, and also as the basis for the full enjoyment of all human rights and fundamental freedoms in political, economic, social, cultural and civil spheres of life.

Today, women and men in Denmark share the same formal rights, obligations and opportunities in society. However, Denmark aims at securing de facto gender equality as well de jure. This is clearly stated in section 1 of the Danish Act on Gender Equality, which states that “The purpose of this Act is to promote gender equality, including equal integration, equal influence and equal opportunities in all functions in society on the basis of women’s and men’s equal status.”.

Human Trafficking

Persons of Roma background identified as victims of human trafficking are entitled to the same offers and support under the Action Plan to Combat Human Trafficking as every other victim of trafficking. The Danish Centre against human trafficking does not collect data on victims of human trafficking based on ethnicity, but only on nationality. Based on its findings, the Danish Centre against Human Trafficking recommends a continuous focus and establishment of measures in this area.

Refused entry and expulsion

An alien may be expelled or refused on the grounds of the individual's personal conduct, e.g. criminal behaviour or illegal residence. The ethnic origin of the individuals involved is not a criterion in the assessment of whether there are grounds for expulsion or refusal.

It follows from the travaux préparatoires for the Danish Aliens Act that any decision concerning expulsion of an alien must be in accordance with Denmark's international obligations, including the European Convention of Human Rights.

As a clear starting point it is prohibited under the European Convention of Human Rights to base a decision on a person's ethnic origin.

Thus, in deciding on expulsion or refusal of an alien, the Danish authorities pay no attention to the individual's ethnic origin.

5) Governance mechanisms

Civil society, social partners and other relevant stakeholders will be consulted in accordance with normal procedures regarding EU-issues. Any questions or remarks regarding the strategy will be duly considered (annex 1).

6) Monitoring the implementation of the strategies/policy measures and adjusting them in time

As Denmark has chosen to promote Roma inclusion through the integrated set of policy measures that characterise the Danish welfare society, no special monitoring mechanisms will be initiated.

Generally, the Danish integration policy is monitored and legislation is continuously modified and adjusted to meet the demands of the present society.

The responsibility for integration of the individual citizen rests with the local levels of society, and thus it is a municipal matter to provide the necessary services and benefits in each municipality.
