

## **Response from the Government of Denmark to the questionnaire in preparation of the Durban Review Conference**

### **1. Can you assess the implementation of the Durban Declaration and Programme of Action in your country?**

Denmark was among those nations who actively participated in the negotiations at the Durban World Conference in 2001 and agreed on the adoption of the final document. The Danish Government gives high priority to combating racism, discrimination and intolerance and promoting equal treatment.

In general, Danish society and Danish law ensure equal treatment, equal opportunities and equal rights for all inhabitants and groups. Notwithstanding this, surveys show that there are individuals and groups in Denmark that feel discriminated against.

The government has taken several initiatives of political and legal nature in the area of combating discrimination and promoting equal treatment. The initiatives, which are described in more detail under section 3, include a government action plan, project funding, funding of research on the scale and origins of discrimination etc., establishment of a Board on Equal Treatment and implementation of legislation against discrimination. The government will continue these efforts, among other things by launching an updated version of the government action plan to combat discrimination and promote equal treatment.

The Danish government considers the Durban Declaration and Programme of Action a good platform for action and sees no need for the elaboration of a new action plan. The upcoming Review Conference should focus its efforts on the gaps in implementation.

### **2. Can you assess contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance as well as initiatives in this regard with a view to eliminating them in your country?**

The Danish Police has developed reporting schemes and mechanisms to monitor cases involving possible discrimination and to ensure a uniform practice in these cases.

All cases in which preliminary charges have been raised for violation of section 266b of the Penal Code (concerning statements or other information, by which a group of persons are threatened, insulted or degraded on account of their race, colour, national or ethnic origin, religion or sexual inclination, see also below under section 3) have to be submitted to the Director of Public Prosecutions for determination of the final charges. In addition, the Director of Public Prosecutions has to be notified of reports to the police of violation of section 266b of the Penal Code in the cases where, at the recommendation of a Commissioner of Police, the Public Prosecutor refuses to commence investigations or stops investigations that have been commenced. Guidelines in this respect have been laid down in Instructions No. 9/2006 from the Director of Public Prosecutions.

For cases involving violation of section 266b, the final decisions of the courts are accessible at the website of the Director of Public Prosecutions ([www.rigsadvokaten.dk](http://www.rigsadvokaten.dk)) in an anonymous form. This register, which is updated on an ongoing basis, includes information concerning 45 rulings, including acquittals, concerned with violation of section 266b in the period from 2000 to the latest update on 20 December 2007.

In addition, the Danish Security and Intelligence Service receives reports from the police districts about criminal offences and incidents that may be believed to have a racist background and are directed at foreign nationals as well as offences with a possible racist/religious background. The purpose of this procedure is to enable the Security and Intelligence Service to assess if any signs may be detected of the commitment of more organised and systematic criminal activity rooted in racism and xenophobia.

In the scientific area, several studies have been conducted to assess the scale, level and nature of discrimination in Denmark.

For example, studies on discrimination on the grounds of race or ethnic origin seem to show that in some areas of society the level of experienced discrimination among ethnic minorities is decreasing while in other areas it may be on the rise.

**3. Please identify concrete measures and initiatives for combating and eliminating all manifestations of racism, racial discrimination, xenophobia and related intolerance in order to foster the effective implementation of the Durban Declaration and Programme of Action.**

**Action Plan to Promote Equal Treatment and Diversity and Combat Racism**

In November 2003, the Danish Government launched its “Action Plan to Promote Equal Treatment and Diversity and Combat Racism” as a direct offshoot of the Durban Conference.

The action plan comprises initiatives aimed at furthering dialogue and debate in civil society, to promote equal treatment and diversity, and to combat racism and build mutual understanding through improving perceptions of and communication between citizens regardless of ethnicity. Other initiatives in the action plan include support to local - often cultural – events promoting tolerance and diversity and initiatives strengthening political participation of ethnic minorities – e.g. through support to the local integration councils. Most of the initiatives under the action plan have now been implemented.

As a follow-up to the action plan 10 million DKK (approximately 1.350.000 Euro) have been allocated in 2007 – 2010 as grants to support local activities and projects to further equal treatment and combat discrimination. Financial support from these grants are given to projects promoting non-discriminatory opinion forming, education programmes on equal treatment and anti-discrimination etc.

According to the Government Platform 2007 “Society of Opportunities”, an update of the action plan is foreseen.

### **European Year of Equal Opportunities for All 2007**

The Danish Government attached great importance to the European Year of Equal Opportunities for All 2007, and implemented a wide range of initiatives promoting diversity and reinforcing the fight against discrimination. Some initiatives continued ongoing work, while other initiatives were entirely new. A short description of some of the activities focusing on the elimination of racism and related intolerance follows below.

Special activities targeted at Denmark's school pupils as "diversity ambassadors" were launched. Material was prepared for teaching and feature weeks and speeches were held. The State Employer's Authority hosted a European conference on diversity.

The Ministry of Social Welfare and Gender Equality implemented a four-year attitude readjustment campaign on gender-related prejudices and gender-roles.

The Government has provided 3.500.000 DKK (approximately 461.973 Euro) in financial support to the campaign called "Show Racism the Red Card" which aims to promote diversity and equal treatment and to combat racism taking off in the sphere of football, but also with a broader aim than just football, as the campaign includes a range of initiatives aimed towards schools and companies. Professional football players are widely engaged in the campaign. The 3-year campaign began in spring 2006.

In February 2007, ten new projects were launched as part of the Government's "Diversity Programme". The purpose of the program is to encourage Danish companies to employ people with ethnic minority background and to enhance the companies' competences in the field of diversity management. Approximately 23 million DKK (approximately 3.115.000 Euro) have been allocated to the "Diversity Programme" running from 2006 through 2009.

The Ministry of Integration's campaign "We need all youngsters" aims to ensure that more young people of ethnic minority background start and complete vocational training thereby gaining qualifications needed in order to ensure successful labour market integration. The Campaign took off in 2002 and runs through 2010.

### **Democratic platform for young Danes with immigrant background**

According to the Government Platform 2007 "Society of Opportunities", a democratic platform will be created for young Danes with an immigrant background, with inspiration from the National Council of Ethnic Minorities. Furthermore, a website and a debate forum on democracy and radicalisation are to be set up. The implementation of the proposal shall contribute to encourage political awareness among young non-ethnic Danes of Denmark as a society based on liberty, broad-mindedness and democracy.

## **Legislation**

In May 2003, the Danish Government's Act on Ethnic Equal Treatment was adopted by the Danish Parliament. The Act aims to ensure a high level of protection against racial discrimination and to implement into Danish Law the non-employment aspects of the EU Racial Equality Directive.

The Act on Ethnic Equal Treatment includes a prohibition against discrimination on the grounds of racial and ethnic origin as regards access to social protection, including social security and health care, social benefits, education, access to and supply of goods and services, including housing, and membership of and access to services from organisations, whose members carry out a particular profession. The act also includes a prohibition against harassment on the grounds of race and ethnic origin.

In April 2004, by Act No. 253 amending the Act on Prohibition of Discrimination on the Labour Market etc., the employment aspects of the EU Racial Equality Directive were implemented into Danish law. According to the Act on Prohibition against Differential Treatment in the Labour Market, discrimination on the grounds of race, colour, religion or belief, political observance, sexual orientation, age, disability, or national, social or ethnic origin is forbidden. The act contains a ban on direct and indirect discrimination. Harassment and instructions to discriminate is also considered as discrimination according to the act. According to the act, an employer must not discriminate on the basis of the above mentioned criteria when hiring new employees, with respect to pay and employment conditions, and in cases of dismissal. The ban on discrimination also applies with respect to vocational guidance and training, retraining etc. and with respect to access to employment and self-employment. Furthermore, the act contains a ban on victimisation. Victims of discrimination may be awarded compensation. The principle of the shared burden of proof applies in cases of discrimination in the labour market.

In December 2007, the Minister of Employment presented a bill to Parliament in order to establish a Board on Equal Treatment. The task of the new board will be to make decisions on whether the ban on discrimination has been violated within all fields of discrimination covered by Danish anti-discrimination legislation. Danish anti-discrimination legislation covers the following grounds: race, social, national or ethnic origin, gender, colour of skin, religion or faith, political observation, sexual inclination, age and disability. The bill is foreseen to come into force on 1 January 2009.

## **Criminal law and racist crimes**

Under section 266b of the Danish Penal Code, any person who publicly or with the intention of wider dissemination makes a statement or imparts other information, by which a group of persons is threatened, insulted or degraded on account of race, colour, national or ethnic origin, religion or sexual inclination, is liable to punishment with a fine or imprisonment. When the punishment is determined, it will be considered an aggravating circumstance if the conduct is in the nature of propaganda.

Moreover, it is prescribed by section 81 para. 6 of the Penal Code that in the determination of penalties it has to be considered an aggravating circumstance, generally, that an offence is rooted in other persons' ethnic

origin, religion, sexual inclination, etc. This provision was inserted into the Penal Code by Act No. 218 of 31 March 2004, which entered into force on 2 April 2004.

At the request of the Ministry of Justice, the Director of Public Prosecutions has set up a reporting requirement for decisions in cases concerned with crimes committed on the basis of the victim's race, colour, national or ethnic origin, religion or sexual inclination, applying section 81 para. 6 of the Penal Code, and will in the spring of 2008 submit a report to the Ministry on the application of this provision. The reporting requirement has been established in Instructions No. 9/2006 from the Director of Public Prosecutions.

According to the Act on the Prohibition of Discrimination based on Race etc., anyone who in the context of commercial or non-profit activity refuses to serve a person on the same terms as other persons due to that person's race, colour, national or ethnic origin, religion or sexual inclination, will be punished with a fine or imprisonment for any term up to six months. Similarly, anyone who for any such reason refuses to give a person access on the same terms as other persons to a place, performance, exhibition, social function, etc. that is open to the general public will be liable to the same punishment.

### **The Danish Educational System**

The Danish educational system aims at preventing racial discrimination through its overall goals and guidelines. The promotion of human rights, cultural diversity and the elimination of racism, racial discrimination, xenophobia and related intolerance is fundamental for the democratic development of society. These are important issues in several subjects in the Danish Primary and Secondary School, Technical Education and Social and Health Education. A fundamental feature of the educational system is the belief that democracy must be integrated in the daily teaching/learning experiences of children and students. The schools are obliged to integrate the fields mentioned above not only into the educational curriculum but into the activities of the school as a whole. The common objectives are integrated into the curricula of several compulsory subjects, notably history, social studies and religious studies.

### **4. How would your Government assess the effectiveness of the existing Durban follow-up mechanism and other relevant United Nations mechanisms dealing with the issue of racism, racial discrimination, xenophobia and related intolerance in order to enhance them?**

It is Denmark's opinion that the central purpose of implementing the Durban Declaration and Programme of Action – combating discrimination and racism and promoting equal treatment – must not be overshadowed by overly complicated or bureaucratic follow-up mechanisms. The structure of follow-up mechanisms should always be logical, simple, transparent and easily accessible. Overlaps, multiplication and duplication of measures should be avoided. If necessary, in order to achieve this, mechanisms may need to be streamlined and rationalized. At the upcoming Review Conference the work of the various mechanisms set up in the aftermath of the Durban Conference should thus be evaluated. Until then, all the existing mechanisms should concentrate their work on their contribution to the review process without taking any new initiatives.

**5. What are the steps taken by your Government to ratify and/or implement the International Convention on the Elimination of All Forms of Racial Discrimination and give proper consideration of the recommendations of the Committee on the Elimination of Racial Discrimination.**

Denmark ratified the International Convention of the Elimination of all forms of Racial Discrimination (ICERD) in 1971. Denmark delivered its 16th and 17th report to CERD in May 2005. The latest examination by the Committee took place in August 2006. The report and the Committee's concluding observations following the examination can be found on the website of OHCHR.

It is Denmark's opinion that the Convention is a useful and important instrument in combating all forms of discrimination and racism, and Denmark supports its central role in addressing contemporary forms of discrimination and the efforts for universal ratification of this instrument.

Denmark highly values the work of the Committee, and attaches great importance to the cooperation of all countries with the Committee. Denmark has a long tradition for strong support to monitoring-mechanisms. Follow-up on commitments and effective monitoring must be a priority issue. Compliance and accountability are pivotal in our common efforts to strengthen the global fight against racism and respect for human rights.

**6. Please identify and share good practices achieved in the fight against racism, racial discrimination, xenophobia and related intolerance in your country.**

Reference is made to the answers to Core Question 3 where several initiatives and good practices in Denmark are described.