

# Franet National contribution to the Fundamental Rights Report 2020

Denmark

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## Contents

<b>Franet country study: policy and legal highlights 2019.....</b>	<b>3</b>
<b>Chapter 1. Equality and non-discrimination .....</b>	<b>5</b>
<b>Chapter 2. Racism, xenophobia and related intolerance.....</b>	<b>9</b>
<b>Chapter 3. Roma integration.....</b>	<b>12</b>
<b>Chapter 4. Asylum, visas, migration, borders and integration .....</b>	<b>13</b>
<b>Chapter 5. Information society, data protection .....</b>	<b>23</b>
<b>Chapter 6. Rights of the child .....</b>	<b>33</b>
<b>Chapter 7. Access to justice including crime victims.....</b>	<b>39</b>
<b>Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities .....</b>	<b>46</b>
<b>Annex 1 – Promising Practices .....</b>	<b>48</b>
<b>Annex 2 – Case law .....</b>	<b>60</b>

## Franet country study: policy and legal highlights 2019

<b>Issues in the fundamental rights institutional landscape</b>	No important development in 2019.
<b>EU Charter of Fundamental Rights</b>	<b>Supreme Court application of Charter:</b> The Supreme Court made direct reference to the Charter in two illustrative cases. The <a href="#">first case dealt with the question of permanent expulsion vis-à-vis Article 7 of the Charter</a> in which the Supreme Court held that expulsion would not violate Article 7. The <a href="#">second case dealt with an extradition order to Latvia vis-à-vis Article 4 of the Charter</a> and the Supreme Court held that extradition could not be denied pursuant to the provision.
<b>Equality and non-discrimination</b>	<p><b>Mandatory handshake:</b> On 1 January 2019, an amendment to the <a href="#">Danish Aliens Act</a> came into force. It obligates foreigners who are about to receive Danish citizenship to attend a ceremony with a requirement of a handshake.</p> <p><b>Discrimination on the grounds of gender identity:</b> The Nordic Council of Ministers announced on 17 September 2019 that they have set aside a <a href="#">pool of financial resources to map the state of LGBTI+ in the Nordic region</a> and will work for developing new policies in the area.</p>
<b>Racism, xenophobia &amp; Roma integration</b>	<b>Equal access to the labour market:</b> In 2018, the Danish government allocated 95 million DKK (approximately 12,7 million EUR) to <a href="#">initiatives strengthening the integration of migrant women into the labour market</a> .
<b>Asylum &amp; migration</b>	<b>Special procedures:</b> According to the <a href="#">Danish Aliens Act</a> , unaccompanied children who enter Denmark and apply for asylum are given a personal representative. The children have the right to apply for asylum on the same grounds as adult asylum seekers, but they also have special opportunities to be granted other residence permits in cases where they are denied asylum. If the children are denied asylum and do not meet the criteria for another residence permit, they are returned to the country of origin under special procedures.
<b>Data protection and digital society</b>	<p><b>Criticism from Oversight Board:</b> The <a href="#">Intelligence Oversight Board</a> criticised that for the past four years, the Security and Intelligence Service had obtained surveillance information on persons residing in Denmark from the Defence Intelligence Service without court orders which are a requirement by law.</p> <p><b>Tool enabling semi-automated decision-making:</b> Legislation entered into force making it possible for job centres to use a <a href="#">digital tool, which will perform statistical analysis of citizen's risk of becoming long-term unemployed</a> based on sensitive personal data such as ethnic origin.</p>
<b>Rights of the child</b>	<b>New Board:</b> The <a href="#">Act on Combatting Juvenile Delinquency</a> entered into force on 1 January 2019. The purpose of the Act is to combat juvenile delinquency by, inter alia, establishing a Juvenile Delinquency Board competent to order targeted individual preventive measures for children aged 10 to 17 years.
<b>Access to justice,</b>	<b>Victims' rights:</b> <a href="#">Failure to deliver qualified interpretation services</a> has been a long-standing issue with likely implications for victims of crime.

<p><b>including victims of crime</b></p>	<p><b>Violence against women:</b> On 25 April 2019, the Ministry of Justice requested the Council for the Danish Criminal Code to make a <a href="#">review of section 216 of the Criminal Code regarding rape</a>. The Council shall inter alia give proposals as to how section 216 can ensure that sexual acts must build on mutual voluntariness.</p> <p><b>Psychological Abuse:</b> On 1 April 2019, a <a href="#">new section was inserted in the Danish Criminal Code that specifically criminalizes psychological abuse</a> with up to three years of imprisonment.</p>
<p><b>Convention on the Rights of Persons with Disability</b></p>	<p><b>Agreement on reasonable accommodation:</b> In the <a href="#">agreement on the economy of the Danish Municipalities in the year 2020</a> between KL – Local Government and the Danish government, it has been decided to introduce the right to reasonable accommodation to the Act on a Ban against Discrimination on the Grounds of Disability in the areas of day care of children and public schools.</p>

# Chapter 1. Equality and non-discrimination

## 1. Legal and policy developments in 2019 relevant to combating discrimination based on gender identity, religion or belief, disability, age or sexual orientation

### Legal and policy developments in regard to discrimination on the grounds of gender identity:

The Nordic Council of Ministers (*Nordisk Ministerråd*) announced on 17 September 2019 that the LGBTI+ area will be a key issue going forward and that the Nordic Council of Ministers will work for developing new policies within the LGBTI+ area in the Nordic countries.<sup>1</sup> Further, there will be set aside a specific pool of financial resources to map the current state of LGBTI+ in the Nordic region. The initiative will establish an actual area of responsibility, that is supposed to ensure the Nordic region as one of the pioneers in the area.

The Danish Immigration Authority (*Udlændingestyrelsen*) is in the process of making guidelines for LGBTI+ in asylum centres.<sup>2</sup> The guidelines will include a specially appointed member of staff dedicated to care for issues related to, inter alia, religion and asylum seekers of LGBTI+ orientation. This is a positive step and recognizes both that asylum seekers of LGBTI+ orientation may have fled their country because of their sexual orientation or that they might need extra attention in dealing with LGBTI+ relevant issues.

### Legal and policy developments in regard to discrimination on the grounds of religion or belief:

On 20 December 2018, the Danish Aliens Act (*Udlændingeloven*), which came into force on 1 January 2019, was amended.<sup>3</sup> This now obligates foreigners who are about to receive Danish citizenship to attend a specific ceremony. The ceremony requires applicants to both sign a document that further obligates them to follow the Danish constitution, as well as shaking hands with the local mayor. The Danish Institute for Human Rights underlined in its consultation response during the public consultation of the draft bill, that the relevant ministry should examine what legitimate purposes the symbolic handshake requirement pursues and why the requirement is necessary to achieve the purpose.<sup>4</sup>

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<sup>1</sup> Denmark, The Ministry of Environment and Food (*Miljø- og Fødevarerministeriet*), 'Nordisk Ministerråd gør LGBTI-personers rettigheder til et fælles mål', 17 September 2019, available in Danish at: <https://mfvm.dk/nyheder/nyhed/nyhed/nordisk-ministerraad-goer-lgbti-personers-rettigheder-til-et-faelles-maal/>

<sup>2</sup> The Danish Institute for Human Rights (*Institut for Menneskerettigheder*) (2019), Høringssvar vedrørende udkast til vejledning til operatørerne om indkvartering af LGBTI-personer, public consultation memo, 19 August 2019, available in Danish at: [https://menneskeret.dk/sites/menneskeret.dk/files/08\\_august\\_19/19-08-2019\\_hoeringssvar\\_vedr.\\_hoering\\_over\\_udkast\\_til\\_vejledning\\_til\\_operatoererne\\_om\\_indkvartering\\_af\\_lgbti-personer.pdf](https://menneskeret.dk/sites/menneskeret.dk/files/08_august_19/19-08-2019_hoeringssvar_vedr._hoering_over_udkast_til_vejledning_til_operatoererne_om_indkvartering_af_lgbti-personer.pdf)

<sup>3</sup> Denmark, Act no. 1735 of 27 December 2018 amending the Danish Aliens Act (Requiring a handshake at a ceremony in order to obtain Danish citizenship) (*Lov nr. 1735 af 27 December 2018 om Lov om ændring af lov om dansk indfødsret og lov om danskuddannelse til voksne udlændinge m.fl.*), available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=206283>

<sup>4</sup> The Danish Institute for Human Rights (*Institut for Menneskerettigheder*) (2018), Høring over udkast til forslag til lov om ændring af lov om dansk indfødsret og lov om danskuddannelse til voksne udlændinge m.fl., Legal Response from The Danish Institute for Human Rights, 5. oktober 2018, available in Danish at: [https://menneskeret.dk/sites/menneskeret.dk/files/afgoerelsesdatabase\\_2018/08-10-](https://menneskeret.dk/sites/menneskeret.dk/files/afgoerelsesdatabase_2018/08-10-)

### Legal and policy developments in regard to discrimination on the grounds of sexual orientation:

The Danish Ministry of Education (*Undervisningsministeriet*), the Danish Film Institute (*Det Danske Filminstitut*) and LGBT Denmark (*LGBT Danmark*) have developed educational material focusing on gender, body and sexuality.<sup>5</sup> The program is called LARM (*noise*) and is an acronym for equality, recognition, rights and citizenship (*ligestilling, anerkendelse, rettigheder og medborgerskab*). The material is supposed to allow pupils and teachers alike to tackle the issues of gender, body and sexuality as well as LGBTI+ rights and sexual orientation, with an increased focus on both minorities, family life and diversity in society and the classroom.

### Legal and policy developments in regard to discrimination on the grounds of disability:

Please see Chapter 8 on developments in the implementation of the Convention on the Rights of Persons with Disabilities.

## **2. Research findings, studies or surveys on either experiences of discrimination or rights awareness**

### Research findings, studies or surveys on either experiences of discrimination or rights awareness in regard to discrimination on the grounds of religion or belief:None.

### Research findings, studies or surveys on either experiences of discrimination or rights awareness in regard to discrimination on the grounds of gender identity and sexual orientation:

On 12 August 2019, a report by Als Research APS about the well-being of LGBTI+ persons in the labour market was published.<sup>6</sup> The report consisted of three questionnaires. Two were sent out to LGBTI+ communities and one was sent out to Human Resources employees. The report was conducted to clarify the circumstances for LGBTI+ persons in the work place and to examine the general well-being of LGBTI+ persons in the labour market. Whilst the research shows that a majority of LGBTI+ persons are open about their sexual orientation or gender identity (69 %) and are generally well (78 %), it also shows that a minority does not feel that they can be open about their sexual orientation (27 %). Furthermore, 8 % have experienced discrimination because of their sexual orientation. Gay men are doing best in general, whilst transgendered persons are especially exposed in this regard. The research also shows that only few work environments have a personnel policy that addresses sexual orientation or gender identity. The research shows that LGBTI+ persons who work in an environment where the personnel policy addresses sexual orientation or gender identity, generally feel more comfortable in being open about the topics of sexual orientation or gender identity.

On 13 August 2019, the Danish Institute for Human Rights (*Institut for Menneskerettigheder*) published a report on LGBTI+ school teachers in primary school, focusing on their well-being and openness about their sexual orientation or gender identity.<sup>7</sup> The report consisted of a questionnaire that was sent out

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[2018 2 hoeringssvar til udkast til forslag til lov om aendring af lov om dansk indfoedsret og lov om danskudnelse til voksne udlændinge m.fl.pdf](#)

<sup>5</sup> Beck Kronborg, A. (2019), 'Lav bare lidt LARM!', folkeskolen.dk, 6 March 2019, available in Danish at: <https://www.folkeskolen.dk/654646/lav-bare-lidt-larm>

<sup>6</sup> Als Research (2019), LGBT-personers trivsel på arbejdsmarkedet, 12 August 2019, available in Danish at: [https://mfvm.dk/fileadmin/user\\_upload/MFVM/Foedevare/LGBT-personer.pdf](https://mfvm.dk/fileadmin/user_upload/MFVM/Foedevare/LGBT-personer.pdf)

<sup>7</sup> The Danish Institute of Human Rights (*Institut for Menneskerettigheder*) (2019), LGBT+ Trivsel og åbenhed blandt lærere i grundskolen, 13 August 2019, available in Danish at: <https://www.humanrights.dk/publications/lgbt-well-being-openness-among-primary-school-teachers>

to 13,124 primary school teachers in Denmark. The report was conducted to clarify the circumstances of LGBTI+ in the work place and also to attempt to examine how the general well-being of LGBTI+ school teachers was in comparison to their cis-gendered and heterosexual colleagues. 6,588 school teachers (50,2 %) out of a sample of 13,124 teachers completed the questionnaire. 288 of those respondents self-identify as LGBTI+ and an additional 88 did not want to provide information about their sexual orientation. Furthermore, 22 of the teachers who identify as LGBTI+ have also participated in semi-structured qualitative interviews.

Some key findings of the research are:

- nine out of ten do not feel that they are treated worse than other teachers;
- nine out of ten always or most of the time enjoy going to work;
- six out of ten to a high degree feel included in social life at work;
- six out of ten feel that their colleagues and managers are completely open when it comes to questions of sexual orientation and gender identity;
- more than five out of ten feel that it is possible to talk openly about private life matters at work;
- more than six out of ten are completely open towards colleagues and managers about their sexual orientation or gender identity;
- less than three out of ten are completely open towards their pupils about their sexual orientation or gender identity;
- bisexuals are significantly less open about their sexual orientation than homosexuals.

Research findings, studies or survey on either experiences of discrimination or rights awareness in regard to discrimination on the grounds of disability:

On 12 August 2019, Aalborg University (*Aalborg Universitet*) published an analysis based on a vignette experiment with Danish employers using five different descriptions of a fictitious job applicant.<sup>8</sup> The purpose of the experiment was to investigate the willingness amongst employers to recruit qualified and motivated applicants with physical disabilities. The key finding of the research is that disability in itself seems to be disqualifying for an applicant in a hiring process, regardless of what additional information related to the applicant the employer receives. The research shows that employers' likelihood of hiring, drops significantly when they receive a description of an applicant in which information on the applicant using a wheelchair is added, compared to an other-wise identical description of an impliedly able-bodied applicant. The number of employers who most likely would

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<sup>8</sup> Bredgaard, T., Shamshiri-Petersen, D. and Krogh, C. (2019), 'Chefer sorterer kvalificerede handicappede fra' (working translation: 'Employers discard qualified applicants with disabilities'), 12 August 2019, Aalborg University (*Aalborg Universitet*), available in Danish at: [https://www.a4medier.dk/artikel/chefer-sorterer-kvalificerede-handicappede-fra?utm\\_campaign=Hver%20fjerde%20trans-%20bi-%20og%20homoseksuelle%20t%C3%B8r%20ikke%20v%C3%A6re%20C3%A5ben%20om%20deres%20seksualitet%20p%C3%A5%20arbejdspladsen%20%7C%20Claus%20Hjort%20med%20nyt%20angreb&utm\\_medium=email&utm\\_source=Newsletter](https://www.a4medier.dk/artikel/chefer-sorterer-kvalificerede-handicappede-fra?utm_campaign=Hver%20fjerde%20trans-%20bi-%20og%20homoseksuelle%20t%C3%B8r%20ikke%20v%C3%A6re%20C3%A5ben%20om%20deres%20seksualitet%20p%C3%A5%20arbejdspladsen%20%7C%20Claus%20Hjort%20med%20nyt%20angreb&utm_medium=email&utm_source=Newsletter)

hire a certain applicant falls from 70% to 22% when information is added about the applicant using a wheelchair which requires some accommodation at the workplace. Furthermore, the research shows that it increases the likelihood of hiring the disabled applicant slightly, from 22% to 30% of the employers, when information on economic compensation schemes is added. However, a recommendation from the public employment service does not motivate employers to take on the applicant, and adding information on the potential for increased workload does not discourage them further.



## Chapter 2. Racism, xenophobia and related intolerance

### 1. Legal, policy developments and measures relating to the application of the Racial Equality Directive

The Board of Equal Treatment (*Ligebehandlingsnævnet*) hears cases of individual complaints related to discrimination including discrimination on grounds of race and ethnic origin. The Board of Equal Treatment may award compensation if it finds that discrimination has occurred.

In 2018, the Board received 327 complaints of which 290 in total were considered. A majority of the considered cases related to gender (86) and age (102), while only 36 of the cases related to race and ethnic origin. The 36 cases represent a small decrease in number of considered cases regarding race and origin compared to 2017, when 44 cases were considered. The figures for 2019 will be available early 2020.<sup>9</sup>

The National Integration Barometer (*Det Nationale Integrationsbarometer*) was launched in 2012 to measure the success of integration based on 9 different parameters, including one on equal treatment. The Integration Barometer shows that the number of immigrants and descendants that feel discriminated against due to their ethnic origin has increased from 45 % in 2012 to 48 % in 2018.<sup>10</sup> Regarding access to education the National Integration Barometer shows that the number of immigrants and descendants who have completed a secondary education has increased from 62 % in 2017 to 63 % in 2018. It is continually a smaller share compared to citizens of Danish origin, as 74 % of the citizens of Danish origin have completed secondary education in 2018.<sup>11</sup> These figures indicate an experience of discrimination occurred. However, the Ministry of Immigration and Integration informs that a further justification or assessment of that experience is not measured. The numbers for 2019 are not available yet.

The Ministry of Immigration and Integration states that in close cooperation with companies, labour unions, local communities and social partners, efforts focusing on the inclusion of immigrants into the labour market have been strengthened. From 1. quarter 2015 to 2. quarter 2019, the proportion of

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<sup>9</sup> Denmark, The Board of Equal Treatment (*Ligebehandlingsnævnet*), Annual report 2018 (*Ligebehandlingsnævnets årsberetning 2018*), pp. 1, 41, available in Danish at: <https://ast.dk/publikationer/ligebehandlingsnaevnets-arsberetning-2018>

<sup>10</sup> Denmark, The National Integration Barometer (*Det nationale integrationsbarometer*), available in Danish at: [https://integrationsbarometer.dk/barometer/sammenlign/?v=9d6044571f82&include\\_country%3Aboolean=on&indicators%3Alist=5N1](https://integrationsbarometer.dk/barometer/sammenlign/?v=9d6044571f82&include_country%3Aboolean=on&indicators%3Alist=5N1)

<sup>11</sup> Denmark, The National Integration Barometer (*Det nationale integrationsbarometer*), available in Danish at: [https://integrationsbarometer.dk/barometer/sammenlign/?v=9d6044571f82&include\\_country%3Aboolean=on&indicators%3Alist=2N1&indicators%3Alist=2N2&indicators%3Alist=2N3](https://integrationsbarometer.dk/barometer/sammenlign/?v=9d6044571f82&include_country%3Aboolean=on&indicators%3Alist=2N1&indicators%3Alist=2N2&indicators%3Alist=2N3)

refugees and family reunified to refugees who are employed after three years of stay in Denmark has increased from 21 % to 42 %.<sup>12</sup>

In 2018, the government allocated 95 million DKK which aims at ensuring a targeted and coordinated effort to improve the integration of immigrant women in the labour market. The initiative aims at tackling the challenges which prevent this group from entering the labour market. The initiative is implemented from 2019-2022.<sup>13</sup>

## **2. Legal, policy developments and measures relating to the application of the Framework Decision on Racism and Xenophobia**

The Danish National Police have had the responsibility of reporting on hate crimes registered by the police since 2015. The National Police publish an annual report with an overview of hate crimes across local police departments. The latest report regarding criminal offences registered as hate crimes by the police in 2018 shows a very small increase from 446 cases in 2017 to 449 cases in 2018. Of the 449 cases, 260 were related to race and ethnic origin and 112 cases were related to religion.<sup>14</sup>

The Ministry of Immigration and Integration states that as a part of the comprehensive effort to prevent extremism and radicalisation, preventive interventions toward all children and young people are intended to further the welfare, development and active citizenship of children and young people, as well as to prevent the development of risk behaviour that can lead to radicalisation or crime. In 2019, interventions aimed at providing children and young people with democratic skills, honing critical thinking and social competences were implemented. The Ministry of Immigration and Integration states that the initiatives include:

- Several projects with the aim of mobilizing young voices in the prevention of online radicalisation and hate speech has been financed in 2017-2019 as part of the National Action Plan for Preventing and Countering Extremism and Radicalization.
- An online teaching material that supports the dialogue on online behaviour for teachers at primary and secondary schools and youth clubs. The teaching material has a focus on critical thinking, fake news, propaganda, and conspiracy techniques.

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<sup>12</sup> Information provided by the Danish Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*) by e-mail of 11 November 2019.

<sup>13</sup> Information provided by the Danish Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*) by e-mail of 11 November 2019.

<sup>14</sup> Denmark, Rigspolitiet, 'Hadforbrydelser i 2018 – Rigspolitiet's årsrapport vedrørende hadforbrydelser', 24 September 2018, available in Danish at: <https://politi.dk/-/media/mediefiler/dokumenter/landsdaekkende/statistikker/hadforbrydelser/hadforbrydelser-2018.pdf?la=da&hash=4CF3317C7F828062A189F2049E2549F13ACB622E>

- As part of the 2019 online strategy of the Danish Center for Prevention of Extremism, the center has developed training sessions for professionals from the municipalities dealing with young people and prevention of extremism. The purpose of the training sessions is to provide the professionals with knowledge on online extremism and preventive efforts in this field. The training sessions will be carried out in the beginning of 2020.<sup>15</sup>

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<sup>15</sup> Information provided by the Danish Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*) by e-mail of 11 November 2019.

## Chapter 3. Roma integration

### 1. Measures and developments addressing Roma/Travellers segregation

According to the Ministry of Immigration and Integration there have been no specific initiatives in the field of Roma segregation in 2019. Denmark's strategy for Roma inclusion from December 2011 is based on the principles of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities as well as on the Danish welfare system, which 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.<sup>16</sup>

### 2. Policy and legal measures and developments directly or indirectly addressing Roma/Travellers inclusion

The Ministry of Immigration and Integration has not identified any policy and legal measures and developments directly or indirectly addressing inclusion of Roma/Travellers other than the above mentioned general approach.<sup>17</sup>

It is the Danish approach to promote Roma inclusion or integration through the general horizontal inclusion policies to secure that every citizen – irrespective of ethnic background – has equal access to welfare benefits, education, employment, housing, healthcare system etc. As Denmark promotes Roma inclusion through the integrated set of policy measures that characterize the Danish welfare society, there are no government measures that address Roma segregation and discrimination against Roma specifically.<sup>18</sup>

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<sup>16</sup> Information provided by the Danish Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*) by e-mail of 11 November 2019.

<sup>17</sup> Information provided by the Danish Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*) by e-mail of 11 November 2019.

<sup>18</sup> Information provided by the Danish Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*) by e-mail of 11 November 2019.

## Chapter 4. Asylum, visas, migration, borders and integration

### Unaccompanied children reaching the age of majority

Area of support	Description
<b>Residence permit</b> <b>Reception conditions Directive (article 6 and 7) and Qualification Directive (articles 24 and 31)</b>	<p><i>Please explain whether unaccompanied children (non-asylum seekers and asylum seekers) get temporary permits and if they expire when turning 18. Please elaborate on which type of permit is granted when they reach 18 years and under which conditions (e.g. being enrolled in education, or having an employment contract.)</i></p> <p><u>Unaccompanied children who are asylum seekers:</u></p> <p>Unaccompanied children who are asylum seekers get temporary residence permits when they are granted asylum in Denmark. The permit can vary between 1 and 5 years. Before the temporary permit expires, the unaccompanied child will have to apply for extension of the residence permit.</p> <p>When the child turns 18, there is the possibility of applying for permanent residence permit. If the child does not meet the criteria of being granted permanent residence permit, the child will continue to have its existing residence permit and will have to apply for extension of the temporary permit, just as prior to turning 18.<sup>19</sup></p> <p><u>Children who have applied for asylum, but do not meet the criteria:</u></p>

<sup>19</sup> Denmark, Consolidation Act no. 1022 of 2 October 2019, Section 11, subsection 1 and 2, also referred to as The Danish Aliens Act (*Lovbekendtgørelse nr. 1022 af 2. oktober 2019, bekendtgørelse af udlændingeloven*), available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=210545>

Unaccompanied children who apply for asylum, but do not meet the criteria of obtaining asylum and therefore are denied asylum, can be granted residence permit according to the Danish Aliens Act Section 9 C, subsection 3, no. 2.<sup>20</sup> This provision is relevant in cases where the child “will be without any family network or without any possibility of staying at a reception and care centre and will in fact be placed in an emergency situation upon a return to his country of origin or former country of residence”. It is only possible to apply for a residence permit according to Section 9 C, subsection 3, no. 2 if the unaccompanied child has been rejected for asylum.

It follows from Section 16 of the Administrative Order on foreigners’ access to the country that once the unaccompanied child turns 18, the permit will expire and the young adult will have to return to the home country, as Denmark will no longer have an obligation to protect the young adult pursuant to Section 9 C, subsection 3, no. 2.<sup>21</sup> However, it follows from the Aliens Act Section 9 C, subsection 1 that if Denmark’s international obligations demand it, the young adult has to be granted a temporary residence permit.<sup>22</sup> “International obligations” in this context is primarily The European Convention on Human Rights Article 3 and Article 8. In the preparatory works to the bill<sup>23</sup>, it is mentioned that residence permit is granted only under very special circumstances due to for example illness or severe disability.

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<sup>20</sup> Denmark, Consolidation Act no. 1022 of 2 October 2019, also referred to as The Danish Aliens Act (*Lovbekendtgørelse nr. 1022 af 2. oktober 2019, bekendtgørelse af udlændingeloven*), available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=210545>

<sup>21</sup> Denmark, Administrative order on foreigners’ access to the country, no. 587 of 7 May 2019, (*Bekendtgørelse om udlændinges adgang her til landet, nr. 587 af 7. maj 2019, artikel 16, stk. 16*) <https://www.retsinformation.dk/Forms/R0710.aspx?id=209101>

<sup>22</sup> Denmark, Consolidation Act no. 1022 of 2 October 2019 (*Lovbekendtgørelse nr. 1022 af 2.oktober 2019, bekendtgørelse om udlændingeloven*), available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=210545>

<sup>23</sup> Denmark, Act. No. 365 of 6 June 2002 Amending the Danish Aliens Act, (*Lov nr. 365 af 6 juni 2002*) available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=28895>

The residence permit under Section 9 C, subsection 1 can also be granted if the applicant has a strong connection to the Danish society (education, network etc.) and has a limited connection to the country of origin. The immigration authorities must consider in their assessment, whether the applicant was a child when the person entered Denmark.<sup>24</sup>

In the preparatory works to the bill, it is mentioned that permit under Section 9 C, subsection 1, is granted exceptionally under very special circumstances and is mostly relevant in cases of family reunification. But the Section is also applicable in situations when the unaccompanied child has turned 18 years old and applies for extension of the residence permit.<sup>25</sup> If Denmark, in this case, is no longer obliged to extend the residence permit, because an adult does not enjoy the same protection as a child, the young adult can exceptionally be granted a residence permit according to Section 9 C, subsection 1.

It follows from the Danish Aliens Act Section 9 C, subsection 6, that application for a residence permit after Section 9 C, subsection 1 is possible if the applicant has a legal stay in Denmark after relevant EU-law or has a residence permit in Denmark. If a person does not have a legal stay in Denmark, application to be granted a residence permit according to Section 9 C, subsection 1 is possible, if Denmark's international obligations demand it.<sup>26</sup> This is mostly relevant in cases of family reunification in relation to The European Convention on Human Rights article 8.

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<sup>24</sup> Denmark, Note on the practice of granting a residence permit under Section 9, subsection 1 of the Danish Aliens act, 23 June 2008 (*Notat om praksis for meddelelse af opholdstilladelse efter udlændingelovens § 9 c, stk. 1, ganske særlige grunde, den 23. Juni 2008.*) The previous Ministry of Immigration and Integration, Available in Danish at: [https://www.nyidanmark.dk/NR/rdonlyres/889FC42B-C05A-441A-8FD1-F6E71C9C768E/0/praksisnotatmeddelelse\\_om\\_opholdstilladelse\\_pgr9cstk1.pdf](https://www.nyidanmark.dk/NR/rdonlyres/889FC42B-C05A-441A-8FD1-F6E71C9C768E/0/praksisnotatmeddelelse_om_opholdstilladelse_pgr9cstk1.pdf)

<sup>25</sup> Denmark, Web Page of the Danish Immigration Service, available in English at: <https://www.nyidanmark.dk/en-GB/Applying/Asylum/Unaccompanied%20minor>

<sup>26</sup> Denmark, Act. No. 365 of 6 June 2002 Amending the Danish Aliens Act, (Lov nr. 365 af 6 juni 2002) available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=28895>

The Ministry of Immigration and Integration notes, that there are no rules regarding residence permits specifically for non-asylum-seeking unaccompanied children available in the Danish Aliens Act.

It follows from the Danish Aliens Act Section 11, subsection 12 that a young adult, who is between 18 and 19 years old, and has worked or studied continuously since completing primary school, can be granted a permanent residence permit if he/she meets certain criteria.<sup>27</sup> Normally there is a criteria concerning employment when an applicant applies for a permanent residence permit, but in this case a young adult between 18 – 19 years old can be granted permanent residence permit and avoid the employment criteria, if the following criteria are met:

The applicant:

- has had at least 8 years of residence permit in Denmark
- has been studying or working continuously since completing primary school
- is between 18 – 19 years old
- has no overdue public debts
- makes a declaration of residence and self-support
- has not worked against clarification of the identity when applying for a residence permit (an example: if the applicant has presented a false identity)
- has not received any public assistance under the Act on Active Social Policy or the Integration Act for the last four years prior to submitting the application for a permanent residence permit and until a permanent residence permit may be granted
- has passed the Danish 2 language test or a Danish language test at a corresponding or higher level

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<sup>27</sup> Denmark, Consolidation Act no. 1022 of 2 October 2019 (*Lovbekendtgørelse nr. 1022 af 2.oktober 2019, bekendtgørelse om udlændingeloven*), available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=210545>



	<ul style="list-style-type: none"> <li>- has not been convicted of certain crimes</li> </ul>
<p><b>Guardianship (representative under Reception Conditions Directive Article 24.1)</b></p>	<p><i>Please elaborate on how the role of guardians is affected when the child reaches 18, and of any initiatives to expand the guardian’s support, for example transforming the guardian into a ‘mentor’ supporting the child until a certain age.</i></p> <p>The Ministry of Immigration and Integration notes that an unaccompanied child who applies for asylum is entitled to have a personal representative according to the Danish Aliens act.<sup>28</sup> When the child turns 18, the right to have a personal representative ends, which follows from the Danish Aliens Act Section 56, subsection 7, no. 2.</p> <p>However, in accordance with section 8 of the Public Administration Act an applicant has the right to be represented or assisted by another person. If both parties consent to it, a representative can therefore continue to represent or assist the child during the asylum procedure after the child turns 18.<sup>29</sup> Section 8 of the Public Administration Act therefore gives an opportunity for the child to continue to have a personal representative after the child turn 18 years old. The applicant is entitled to have a representative as long at the applicant is a party of the case - for example in asylum cases that can take several years to decide.</p>

<sup>28</sup> Denmark, Consolidation Act no. 1022 of 2 October 2019 Section 56 A, subsection 1. (*Lovbekendtgørelse nr. 1022 af 2. oktober 2019, bekendtgørelse af udlændingeloven, § 56a, stk. 1*), available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=210545>

<sup>29</sup> Denmark, Consolidation Act no. 433 of 22 April 2014 (*Lovbekendtgørelse nr. 433 af 22. april 2014, bekendtgørelse af forvaltningsloven*), available in Danish at: <https://www.retsinformation.dk/forms/r0710.aspx?id=161411>

<p><b>Accommodation</b></p> <p><b>Reception Conditions Directive</b></p> <p><b>Article 24.2</b></p>	<p><i>Please explain what children reaching 18 years are entitled to in terms of accommodation, for example extension of foster care programmes until the age of 21, only transfer to an adult accommodation, or other accommodation support</i></p> <p>According to the Aliens Act Section 42 A, subsection 7<sup>30</sup>, the Danish Immigration Service makes decisions concerning accommodation of aliens covered by subsections 1 and 2 read with subsection 3.</p> <p>Upon arrival unaccompanied children, who are asylum seekers, are placed in accommodation centres for unaccompanied children. When the child turns 18 years old, he/she is considered an adult and will be transferred to an adult accommodation centre.</p> <p><u>Private accommodation</u></p> <p>The Ministry of Integration and Immigration notes, that The Immigration Services does not facilitate private accommodation for aliens, however, if an unaccompanied child who is an asylum seeker has parents or close relatives living in Denmark, the child can apply to live with the parents or close relatives according to the Aliens Act section 42 L.</p> <p>An alien can also apply for private accommodation after turning 18 years old. An asylum seeker can be accommodated privately until the person has been granted residence permit or is returned.</p> <p>If the conditions for private accommodation are fulfilled, the Danish Immigration Service enters into a contract with the asylum seeker regarding the accommodation. The contract includes, as a condition, that the asylum seeker must cooperate to the assessment of the application for a residence permit under section 7 (asylum), and in case of refusal or waiver of the application for residence permit, the asylum seeker must cooperate on departing without undue delay.</p>
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<sup>30</sup> Denmark, Consolidation Act no. 1022 of 2 October 2019. (*Lovbekendtgørelse nr. 1022 af 2. oktober 2019, bekendtgørelse af udlændingeloven*), available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=210545>

	<p>The Danish Immigration Service (<i>Udlændingestyrelsen</i>) notes, that the contract is not a private law contract, but it contains and clarifies the terms and conditions of private accommodation specified in the Aliens Act. The asylum seeker confirms by signing the contract and thereby acknowledges that he/she is aware of and agrees with the conditions in the contract.</p> <p><u>Care programmes</u></p> <p>According to the Ministry of Integration and Immigration, an unaccompanied child who is placed in a care programme, will usually end its placement when the child turns 18 years old, which follows from Section 68 of the Consolidation Act on Social Services<sup>31</sup>, and the aged-out child will return to an adult accommodation centre. Any further assistance the adult asylum seeker may require after returning to the adult accommodation centre will be provided in the centre system, e.g. care facility in the centre system or social measures.</p> <p>Furthermore, the Ministry of Integration and Immigration notes that in exceptional circumstances the municipal council may decide to offer assistance if it is deemed to be of vital importance for the adult asylum seeker's need for support according to Section 76 of the Consolidation Act on Social Services.<sup>32</sup> This section is specifically directed towards adults at the age of 18 – 22 years old.</p>
<p><b>Return</b> <b>Return Directive, Article 10</b></p>	<p><i>Please explain whether there are any special measures to prepare unaccompanied children for a return procedure and whether young adults receive any form of free assistance during eventual return procedures</i></p> <p>The Ministry of Immigration and Integration notes, that the process of returning rejected asylum-seekers, including unaccompanied children, is currently handled by the North Zealand Police (<i>Nordsjællands politi</i>).</p> <p><u>Comments from the Danish National Police</u></p>

<sup>31</sup> Denmark, Consolidation Act on Social Services no. 798 of 7 August 2019 (*Lovbekendtgørelse nr. 798 af 7. august 2019, bekendtgørelse af lov om social service*) available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=209925>

<sup>32</sup> Denmark, Consolidation Act on Social Services no. 798 of 7 August 2019 (*Lovbekendtgørelse nr. 798 af 7. august 2019, bekendtgørelse af lov om social service*) available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=209925>

The Ministry of Immigration and Integration notes on behalf of the Danish National Police (*Rigspolitiet*), that before an unaccompanied child is supposed to be returned to the country of origin, the North Zealand Police has a 'pre-return' interview with the child. Before the supposed return, The Danish Immigration Service (*Udlændingestyrelsen*) or Red Cross appoint the representative/assessor who takes part in the interview. The representative is the same one who has already been appointed following the Danish Aliens Act Section 56 a Section 1 who will represent the child until the child leaves the country.<sup>33</sup> At the pre-return interview, the police will provide the unaccompanied child and the representative/assessor with guidance about the possibility of a so-called "prepared return" arranged by the Immigration Service.

Furthermore, the Danish National Police notes that if the unaccompanied child decides to participate in a prepared return, the Immigration Service will be notified, and the Immigration Service will prepare the actual return of the unaccompanied child with the relevant partners.

If the child does not want to participate in the return, the North Zealand Police will take the necessary steps to contact the child's family members in the country of return to clarify whether the family members are able to receive the unaccompanied child upon arrival. If the police are not able to identify any family members in the country of origin, the North Zealand Police will contact the representation of the country of origin in Denmark or the Danish Ministry of Foreign Affairs with the purpose of making arrangements with relevant authorities in the country of return to receive the unaccompanied child.

The Danish National Police also notes that the police assess the maturity of the unaccompanied child in order to establish whether the individual can be returned unaccompanied, or whether the individual must be accompanied. As a part of this assessment, the North Zealand Police i.e. puts emphasis on the age of the child, the child's own thoughts regarding the return and whether the unaccompanied child has taken any independent procedural steps without the assistance of the representative.

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<sup>33</sup> Denmark, Consolidation Act no. 1022 of 2 October 2019 Section 56 A, subsection 1. (*Lovbekendtgørelse nr. 1022 af 2. oktober 2019, bekendtgørelse af udlændingeloven, § 56a, stk. 7, no. 3*), available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=210545>

If the North Zealand Police assesses that the unaccompanied child is to be accompanied to the return country, the police will also assess whether this task can be carried out by anyone other than a police officer, e.g. the personal representative of the unaccompanied child or staff members from the individual's accommodation center.

When planning the return of an unaccompanied child, the North Zealand Police will inform the return country 1-2 weeks prior to the planned return. In this regard, the return country will receive information about arrival airport, date of return, time of arrival, flight number, information about the unaccompanied child's identity, information about possible health conditions, as well as whether the unaccompanied child is being returned unaccompanied or accompanied. If the unaccompanied child is returned accompanied, the return country will be informed about the identity of the representative accompanying the child. The notification is made in advance of the return, in order for the return country to take any necessary measures prior to receiving the unaccompanied child, e.g. establish contact to family members or to arrange the presence of government representatives at the airport at the time of arrival.

Additionally, the Danish National Police notes that everyone who has reached the age of majority are considered adults according to Danish National Law. As a result, the Danish Police has no separate return procedure in regard to young adults who reached the age of majority.

#### Comments from the Danish Immigration Service

The Ministry of Immigration and Integration notes on behalf of the Danish Immigration Service, that unaccompanied children, who wish to return voluntarily to their country of origin or country of legal residence, are offered an assisted voluntary return (AVR), which is an individually prepared offer that runs over a three-month period after the child has arrived in the return country.

The Danish Immigration Service notes that they collaborate with the International Organization for Migration (IOM), and the process is thus facilitated under the auspices of IOM in collaboration with IOM's country offices in the concerned countries.

	<p>In cooperation with the child and the child’s personal representative, IOM organizes the return and reintegration, including reception, housing, income generating activities and provision in the country of return. This includes an allowance and may entail health and psychosocial support, education, vocational training or financial assistance to start a small business.</p> <p>Unaccompanied children, who have turned 18, may also receive support in their country of origin or country of legal residence, provided they have accepted the offer of voluntary return prior to turning 18 and prior to departure.</p> <p><u>Comments from the Ministry of Immigration and Integration</u></p> <p>The Ministry of Immigration and Integration notes that they are able to provide additional reintegration support if certain requirements are met. In order for the child to receive the additional reintegration support it is necessary that the child is willing to have an assisted voluntary return (“prepared return”), provided by the Danish Immigration Service prior to turning 18 and prior to departure. Young adults who turned 18 may receive reintegration support if certain requirements are met.</p> <p>The reintegration program provided by the Ministry of Immigration and Integration contains support up to a maximum value of DKK 20,000 per person. The support is in-kind (i.e. does not include cash benefits) and is implemented in the country of origin or country of legal residence.</p> <p>The activities are selected in a dialogue between the returnee and the organization in the home country that manages the support program. The selection of reintegration activities is based on an assessment of what contributes best to the successful and sustainable reintegration of the returnee in the home country. Examples of activities supported through the reintegration programs are airport reception, transportation, temporary accommodation, training courses, job placement, assistance in starting a business, legal-, medical- and social assistance.</p>
<b>Others</b>	<i>e.g. special permissions to stay based on education or employment programme, etc.</i>

## Chapter 5. Information society, data protection

### 1. Activities developed and launched by national data protection supervisory authorities (SAs) to implement and enforce the GDPR

On 25 May 2019, the Danish Data Protection Agency (*Datatilsynet*) published a press release on the status of the GDPR in its first year. The Agency could report that from 25 May 2018 until 22 May 2019, the number of complaints (a total of 2,294) and questions (a total of 3,668) on data protection had risen with over 150 %.<sup>34</sup>

On 12 June 2019, the Agency published its annual report which stated inter alia that the Agency had spent considerable resources in 2018 on advising on the new data protection rules to the public and to private entities. The Agency had also spent resources on internal training and increased the number of employees in the supervision of key areas. The Agency highlighted that despite the many resources spent on the transition to the rules in the GDPR, the Agency had managed to carry out 147 inspections and had dealt with several major and principle cases concerning the processing of personal data by both public authorities and private companies.<sup>35</sup>

As of January 2020, the Agency has issued 23 guidelines on specific themes within the GDPR including on consent and risk analysis.<sup>36</sup>

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<sup>34</sup> Denmark, press release from the Danish Data Protection Authority (*Datatilsynet*), 25 May 2019 available in Danish: <https://www.datatilsynet.dk/presse-og-nyheder/nyhedsarkiv/2019/maj/databeskyttelsesforordningen-det-foerste-aar-i-tal/>

<sup>35</sup> Denmark, Annual Report 2018 of the Danish Data Protection Agency (*Datatilsynets årsberetning 2018*) available in Danish at: [https://www.datatilsynet.dk/media/7896/aarsberetning\\_2018.pdf](https://www.datatilsynet.dk/media/7896/aarsberetning_2018.pdf)

<sup>36</sup> See an overview of the guidelines on the webpage of the Authority: <https://www.datatilsynet.dk/generelt-om-databeskyttelse/vejledninger/>

## 2. Artificial intelligence and big data

MS	Actor*	Type*	Description	Are Ethical concerns mentioned? (yes/no)	Are Human Rights issues mentioned?(yes/no)	Reference
	Danish Intelligence Oversight Board	Annual report	In June 2019 the Danish Intelligence Oversight Board ( <i>Tilsynet med Efterretningstjenesterne</i> ) published its annual report on its findings regarding <i>inter alia</i> data collection and processing by the Danish Security and Intelligence Service ( <i>Politiets Efterretningstjeneste</i> ) and the Danish Defence Intelligence Service ( <i>Forsvarets Efterretningstjeneste</i> ). One of the Board's main findings were that for the past four years, the Security and Intelligence Service had obtained surveillance information on persons residing in Denmark from the Defence Intelligence Service without court orders which are a	No	No	Denmark, Annual report from the Danish Intelligence Oversight Board ( <i>årsrapport fra Tilsynet med Efterretningstjenesterne</i> ), June 2019: <a href="https://www.tet.dk/wp-content/uploads/2019/07/PET_2018.pdf">https://www.tet.dk/wp-content/uploads/2019/07/PET_2018.pdf</a>  Denmark, Response of the Minister of Justice to question no. 202 from the Legal Affairs Committee of the Danish Parliament from 8 April 2019 ( <i>Besvarelse af spørgsmål nr. 202 (Alm.del) fra Folketingets Retsudvalg</i> ) 5 November 2019 available in Danish at: <a href="https://www.ft.dk/samling/20182/almdel/reu/spm/202/svar/1603921/2099436.pdf">https://www.ft.dk/samling/20182/almdel/reu/spm/202/svar/1603921/2099436.pdf</a>



			<p>requirement by law. The Security and Intelligence Service had been given access to a very large amount of electronic data including correspondence without judicial assessment of whether the Service was entitled to the information. The Board criticised this practice and stated that it had been in contact with the two intelligence services and that the Security and Intelligence Service had changed its practice after being contacted by the Board.</p> <p>The Board's findings were followed up by a parliamentary question on how the Ministry of Justice would ensure that the two intelligence services would not share personal data illegally. The Minister of Justice answered <i>inter alia</i> that the findings in the annual report would be included in the evaluation of the Act on the Danish Security and Intelligence Service.</p>			
DK	Parliament	Legislation	On 27 March 2019, the Minister of Employment presented a draft bill to	No	Yes, mainly	Denmark, draft bill on the Active Employment Efforts Act ( <i>Lov om aktiv beskæftigelsesindsats</i> ), available in Danish

		<p>Parliament for a new Act on Active Employment Efforts. Pursuant to Section 8 (2) of the draft bill, the Minister of Employment can issue rules on the usage of a nationwide “digital clarification and dialogue tool” that can be used by job centers and unemployment funds.</p> <p>In the preparatory works to the draft bill, it was stated that the digital tool will contain data of an objective nature, for example about the citizen's education and work experience, drop-out history in relation to education and age, ethnic origin etc., as well as questions of a subjective nature, for example about the citizen's motivation, skills and expectations. The objective data will be obtained from the registers of the Ministry of Employment and from registers from other public authorities.</p> <p>The tool will – based on this set of data – perform a statistical analysis of the citizen's risk of becoming long-term unemployed</p>	<p>GDPR Article 4 and 22.</p>	<p>at: <a href="https://www.ft.dk/samling/20181/lovforslag/L209/som_f_remsat.htm">https://www.ft.dk/samling/20181/lovforslag/L209/som_f_remsat.htm</a></p> <p>Denmark, Consultation response from the Danish Data Protection Agency (<i>Datatilsynet</i>) on the draft bill on the Active Employment Efforts Act, available in Danish at: <a href="https://www.datatilsynet.dk/media/7904/fornyset-udtalelse-til-star.pdf">https://www.datatilsynet.dk/media/7904/fornyset-udtalelse-til-star.pdf</a></p> <p>Denmark, The Danish Parliament (<i>Folketinget</i>), 2019-20, Minister for Employment (<i>Beskæftigelsesministeren</i>), Answer to § 20 –question S 293, 19 November 2019 available in Danish at: <a href="https://www.ft.dk/samling/20191/spoergsmaal/s294/svar/1608877/2107912.pdf">https://www.ft.dk/samling/20191/spoergsmaal/s294/svar/1608877/2107912.pdf</a></p>
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			<p>The tool will entail the processing of both non-sensitive personal data pursuant to GDPR Article 6 as well as the processing sensitive personal data pursuant to GDPR Article 9.</p> <p>The tool may result in a form of processing of personal data that constitutes 'profiling', as in GDPR Article 4 (4).</p> <p>The preparatory works states that GDPR Article 22 on automated individual decision-making, including profiling will not be applicable as the tool will only support the decision-making of the case handler.</p> <p>The Act was made final 30 April 2019 and subsequently both the Minister of Employment and the Danish Data Protection Agency stated that the tool complied with the requirements of GDPR.</p>			
DK	Parliamentary	Parliamentary questions	In October and November 2019, questions regarding police use of facial recognition technology were raised in media and Parliament. The reason for this was that the Chief	No	Yes, but no specific human rights	Denmark, The Danish Parliament ( <i>Folketinget</i> ), 2019-20, Minister for Justice ( <i>Justitsministeren</i> ), Answer to § 20 – question S 190 about facial recognition, ( <i>Svar på § 20-spørgsmål S 190 Om ansigtsgenkendelse</i> ), 31 October 2019 available in Danish at:

			<p>Police Inspector of Copenhagen Police had stated in the media that the police could benefit from the use of facial recognition.<sup>37</sup></p> <p>This was followed by a number of Parliamentary questions posed to the Ministry of Justice regarding the use of facial recognition.</p> <p>So far, the Minister of Justice has stated that the use of facial recognition technology posed principle questions vis-à-vis improved possibilities of detecting crimes. The Minister has further stated that the possibility of introducing the technology for the police for crime investigation etc. will need to be discussed in Parliament.</p>	<p>are mention . See howeve r, answer to a Parliam entary Questio n by the Minister of Justice in 2018 more specifica lly on whether police use of facial recognit ion would</p>	<p><a href="https://www.ft.dk/samling/20191/spoergsmaal/s190/index.htm">https://www.ft.dk/samling/20191/spoergsmaal/s190/index.htm</a></p> <p>Denmark, The Danish Parliament (<i>Folketinget</i>), 2019-20, Minister for Justice (<i>Justitsministeren</i>), Answer to § 20 – question S 190 about facial recognition, (<i>Svar på § 20-spørgsmål S 230 Om ansigtsgenkendelse</i>), 6 November 2019 available in Danish at: <a href="https://www.ft.dk/samling/20191/spoergsmaal/s230/index.htm">https://www.ft.dk/samling/20191/spoergsmaal/s230/index.htm</a></p> <p>Denmark, The Danish Parliament (<i>Folketinget</i>), 2019-20, Minister for Justice (<i>Justitsministeren</i>), Answer to § 20 – question S 288 about facial recognition, (<i>Svar på § 20-spørgsmål S 230 Om ansigtsgenkendelse</i>), 20 November 2019 available in Danish at: <a href="https://www.ft.dk/samling/20191/spoergsmaal/s288/index.htm">https://www.ft.dk/samling/20191/spoergsmaal/s288/index.htm</a></p>
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<sup>37</sup> Denmark, article in the Danish newspaper, *Berlingske*, 23 October 2019 available in Danish at: <https://www.berlingske.dk/samfund/koebenhavns-politi-vi-vil-gerne-bruge-ansigtsgenkendelse-paa-borgerne>

					be compliant with the European Convention on Human Rights and the General Data Protection Regulation (EU) 2016/679. <sup>38</sup>	
DK	Government	National Strategy	In March 2019, the Danish Government published a national strategy on artificial intelligence which entails <i>inter alia</i> that Denmark should have a common ethical and human-centred basis for artificial	yes	yes, but no specific rights are	The strategy is available in English here: <a href="https://eng.em.dk/media/13081/305755-gb-version_4k.pdf">https://eng.em.dk/media/13081/305755-gb-version_4k.pdf</a>

<sup>38</sup> Denmark, The Danish Parliament (*Folketinget*), The Justice Committee (*Folketingets Retsudvalg*), talepapir til brug for besvarelsen af samrådspørgsmål AÅ – BA fra Folketingets Retsudvalg, 22 August 2018, available in Danish at: <https://www.ft.dk/samling/20171/almdel/reu/spm/1056/svar/1509576/1936892.pdf>

			<p>intelligence and that the public sector should use artificial intelligence in its exercise of authority.</p> <p>The strategy describes that whilst there are clear advantages in using AI, the use also poses a number of challenges, for example ethical issues of openness and transparency, because the technology allows for new ways of making decisions.</p> <p>According to the strategy, ethical principles will comprise the framework for development and use of AI. The strategy states that: "These principles will be supplemented with initiatives to strengthen cyber security, creating legal clarity as well as ensuring responsible and transparent use of artificial intelligence in the public sector."</p>		mentioned	
DK	Academia	Book	In 2019, the book "Digital forvaltning – Udvikling af sagsbehandlende løsninger" ("Digital administration – the development of case handling solutions") was published. It is the	Yes	Yes, primarily privacy but also	Digital Forvaltning – Udvikling af sagsbehandlende løsninger by Hanne Marie Motzfeldt and Azad Taheri Abkenar (ed.), Djøf Publishing, 2019: <a href="https://www.djoef-forlag.dk/book-info/digital-forvaltning">https://www.djoef-forlag.dk/book-info/digital-forvaltning</a>

			first academic book on the digitalisation of administrative law and the legal challenges – also considering human rights – which this may pose.		discrimination	
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\*For the actors, please pick from the following suggestions:

- Government/ Parliamentary
- DPA
- NGO/Other Non Profit
- Academia
- Domestic Courts
- Business
- Independent State Institution
- Other

\*\* for the type, please pick from the following suggestions:

- National Draft Acts / Adopted Acts
- report/study
- other projects

### 3. Data retention

In relation to the information available online under: <http://fra.europa.eu/en/theme/information-society-privacy-and-data-protection/data-retention> it can be added that the revision of the Danish data retention rules is still underway and no new rules have been introduced yet (despite original plans of introducing new rules during the fall of 2017). In November 2019, the Ministry of Justice sent out a draft legislative act for public consultation on the further postponement of the revision of the Danish data retention rules in light of the ongoing cases before the CJEU, C-520/18 (Belgium), and C-511/18 and C-512/18 (France).<sup>39</sup>

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<sup>39</sup> Denmark, Orientation from the Minister of Justice to Legal Affairs Committee of the Danish Parliament from 1 October 2019 (*Orientering om udskydelse af ændring af logningsreglerne, fra justitsministeren, bilag 7, Retsudvalget (REU) Alm. del*) available in Danish at: <https://www.ft.dk/samling/20191/almdel/reu/bilag/7/index.htm>



## Chapter 6. Rights of the child

### 1. Procedural safeguards for children who are suspects in criminal proceedings

Directive 2016/800 on procedural safeguards for children is covered by the Danish opt-out from the area of Justice and Home Affairs (JHA). However, certain national legislative changes have been introduced during 2019, concerning children who are suspected or accused in criminal cases, which may serve for comparative legal analysis:

<p><b>Legislative changes</b></p>	<p>On 1 February 2019, the revision of the administrative order on the treatment of 15-17 year olds who are placed in the institutions of the Prison and Probation Service (Kriminalforsorgen), entered into force.<sup>40</sup> Amongst other things, the Administrative order authorises the Prison and Probation Service to place individual inmates of 18 years and older in the closed youth section (at Søbysøgård Prison) and in the juvenile ward (at Jyderup Prison), if deemed in the best interest of 15-17 year olds.</p>
<p><b>Policy developments</b></p>	<p>The Act on Combatting Juvenile Delinquency (<i>lov om bekæmpelse af ungdomskriminalitet</i>) entered into force on 1 January 2019.<sup>41</sup> According Section 1 of the Act, the purpose is to combat juvenile delinquency by, inter alia, establishing a Juvenile Delinquency Board (the Board), that is competent to order targeted individual preventive measures for children and adolescents aged 10 to 17 years. Pursuant to Section 2 (1) of the law, the law is applicable to adolescents at the age of 15-17 years, <i>convicted</i> of serious or severe crimes. Whereas the law is applicable to children at the age of 10-14 years who are <i>suspected</i> of having committed serious or severe crimes, cf. section 2 (2). The Board can determine an immediate measures (<i>straksreaktioner</i>), cf. section 12. Moreover, the Board can determine an improvement plan (<i>forbedringsforløb</i>), cf. section 13.</p> <p>Decisions of the Board are general administrative decisions. It is expected that the Board will publish an annual report.<sup>42</sup> It is estimated that the Board will handle approximately 850 cases on a yearly basis, involving children 10-17 years old.<sup>43</sup> Since the entry into force of the Act</p>

<sup>40</sup> Denmark, Administrative order no. 103 of 30 January 2019 on the treatment of 15-17 year olds placed in the institutions of the Prison and Probation Service (*Kriminalforsorgen*) (*Bekendtgørelse om behandlingen af 15-17-årige, der anbringes i kriminalforsorgens institutioner*), available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=206380>

<sup>41</sup> Denmark, Act no. 1705 of 27 December 2018 on combatting juvenile delinquency (*lov om bekæmpelse af ungdomskriminalitet*), Ministry of Justice (*Justitsministeriet*), available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=206275>

<sup>42</sup> Denmark, preparatory works to section 8, page 62, Act no. 1705 of 27 December 2018 on combatting juvenile delinquency (*lov om bekæmpelse af ungdomskriminalitet*), Ministry of Justice (*Justitsministeriet*): [https://www.ft.dk/ripdf/samling/20181/lovforslag/l84/20181\\_l84\\_som\\_fremsat.pdf](https://www.ft.dk/ripdf/samling/20181/lovforslag/l84/20181_l84_som_fremsat.pdf).

<sup>43</sup> Denmark, Parliamentary reply from the Minister of Justice (*Justitsministeren*), 5 December 2018, available in Danish at: <https://www.ft.dk/samling/20181/lovforslag/l84/spm/26/svar/1537702/1982624/index.htm>

	<p>and as of 22 August 2019, the Board has not made any decisions in relation to 10-year-olds.<sup>44</sup> In cases concerning 10-12 years-olds, the Board has so far mainly decided on improvement program (<i>forbedringsforløb</i>) such as a stay in a youth club, educational support, counselling, designation of a permanent contact person. In three of the cases concerning 12-year-olds, decisions were made to place the child outside the home at a placement as part of the improvement program. In two of the cases, the child was placed prior to the Board's decision.<sup>45</sup></p> <p>According to the preparatory works to the Act establishing the Juvenile Delinquency Board, an evaluation is envisioned to take place once the Board has worked for a suitable period of time.<sup>46</sup></p> <p>On 25<sup>th</sup> of March 2019, the children's office within the Danish Parliamentary Ombudsman (<i>Ombudsmanden</i>) announced its thematic focus in 2019 is on minors placed in social care. More specifically the focus will be on: physical use of force, teaching and contact to relatives.<sup>47</sup></p> <p>Information provided by the Ministry of Justice (<i>Justitsministeriet</i>) by email of 11 November 2019.</p>
<p><b>Other measures or initiatives</b></p>	<p>The Ministry of Justice (<i>Justitsministeriet</i>) draws attention to the Danish opt-out concerning Justice and Home Affairs. In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark has not adopted Directive 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings, and is not bound by it or subject to its application.<sup>48</sup></p> <p>The Danish National Police (<i>Rigspolitiet</i>) has stated that the Police Academy is very attentive to police students being taught the proper handling of all citizens who are arrested or provisionally charged in a criminal case, etc., including children and young people. Police students are from the outset of their education taught the handling of cases involving children and adolescents under the age of 18. In this context, they are taught, i.e. in the provisions of the Administration of Justice Act, the Criminal Code and social legislation on coercive measures. The training is also based on the Director of Public Prosecutor's (<i>Rigsadvokaten</i>) guidance note on handling cases against young offenders. The police's handling of children and adolescents was also included in the Police Academy's education material in 2016, and the Police are continuously adjusting the education so that it is up to date. For example, the education is currently based on, the Director of Public Prosecutor's latest edition of the guidance note on handling cases against young offenders from June 7, 2019.<sup>49</sup></p> <p>With regard to the development of training of judges, The Danish Court Administration (<i>Domstolsstyrelsen</i>) stated that it is presumed that the judge leading the case in the Juvenile Delinquency Board has completed</p>

	<p>supplementary training in handling cases with children 10-14 years old. In 2019, the court administration has held 3 two-day training seminars for a total of 91 judges.<sup>50</sup></p> <p>The Director of Public Prosecutions (<i>Rigsadvokaten</i>) has stated that on January 1<sup>st</sup> 2019, Act no. 1705 entered into force establishing a new system handling youth offenders e.g. by the establishment of the Youth Delinquency Board. The Office of the Director of Public Prosecutions has issued guidelines on the handling of criminal cases concerning youth offenders between the age of 15 to 17 covered by the new legislation. Among other things in the legislative framework, the criminal cases regarding these youth offenders are handled in a “fast-track” procedure where the police and the Prosecution Service amongst them have 30 days to process the cases from a youth offender is charged with a crime and until the case is sent to court.<sup>51</sup></p>
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## 2. Legal and policy measures or initiatives developed about child internet safety

Danish Ministry of Culture (*Kulturministeriet*) and the Media Council for Children and Young People (*Medierådet for børn og unge*) and others have noted the following in relation to the adoption of the Audiovisual Media Services Directive:<sup>52</sup>

Denmark is in the process of implementing the Audiovisual Media Services Directive. In this regard and on the 5<sup>th</sup> of November 2019 the Danish Ministry of Culture initiated a public

<sup>44</sup> Denmark, Parliamentary reply from the Minister of Justice (*justitsministeren*), 22. August 2019, available in Danish at: <https://www.ft.dk/samling/20182/almdel/reu/spm/100/svar/1585040/2067929.pdf>

<sup>45</sup> Denmark, Parliamentary reply from the Minister of Justice (*justitsministeren*), available in Danish at: <https://www.ft.dk/samling/20182/almdel/reu/spm/100/svar/1585040/2067929.pdf>.

<sup>46</sup> Denmark, proposed draft act on combatting juvenile delinquency (*lov om bekæmpelse af ungdomskriminalitet*), Ministry of Justice (*Justitsministeriet*), page 74, available in Danish at: [https://www.ft.dk/ripdf/samling/20181/lovforslag/l84/20181\\_l84\\_som\\_fremsat.pdf](https://www.ft.dk/ripdf/samling/20181/lovforslag/l84/20181_l84_som_fremsat.pdf).

<sup>47</sup> Denmark, press release of 25 March 2019, the Parliamentary Ombudsman (*Ombudsmanden*), available in Danish at: [http://www.ombudsmanden.dk/find/nyheder/alle/fokus\\_paa\\_anbragte\\_mindre\\_boern\\_i\\_2019/](http://www.ombudsmanden.dk/find/nyheder/alle/fokus_paa_anbragte_mindre_boern_i_2019/).

<sup>48</sup> Denmark, The Ministry of Justice (*Justitsministeriet*) by email of 11<sup>th</sup> November 2019.

<sup>49</sup> Denmark, Director of Public Prosecutor’s (*Rigsadvokaten*), Guidance note on on handling cases against young offenders, June 7, 2019, available in Danish at: <https://vidensbasen.anklagemyndigheden.dk/h/6dfa19d8-18cc-47d6-b4c4-3bd07bc15ec0/VB/1c911c9c-fa0f-4746-89cd-5cbf906b5455?showExact=true>

<sup>50</sup> Denmark, The Ministry of Justice (*Justitsministeriet*) by email of 11<sup>th</sup> November 2019.

<sup>51</sup> Denmark, The Ministry of Justice (*Justitsministeriet*) by email of 11<sup>th</sup> November 2019.

<sup>52</sup> Denmark, The Ministry of Culture (*Kulturministeriet*) and the Media Council for Children and Young People (*Medierådet for Børn og Unge*) on 1<sup>st</sup> of November 2019.

consultation on the Danish government's proposal on the Act revising the Danish Radio and Television Broadcasting Act and Film Act with a view to implementing the Directive (including articles 6a and 28b).<sup>53</sup> The government's proposal on the Act is to be presented to the Danish Parliament in the beginning of February 2020 with a view to its adoption by July 1 2020.

The Directive's articles 6a and 28b are thereby expected to be implemented in the Danish Radio and Television Broadcasting Act and Film Act. Article 6a requires inter alia that media service providers shall use a system describing the potentially harmful nature of the content of an audiovisual media service. It is expected that such a system in Denmark will be based on age assessment.

#### Government policy and initiatives:

The Danish Police in Jutland is currently investigating a case of grooming, harassment, rape and sexual intercourse ('the grooming-case').<sup>54</sup> The Prosecution Service is expected to press charges within the first quarter of 2020.<sup>55</sup> Allegedly, the victims are a large number of teenage girls across the country.

The Initiative "Digital judgment and competencies through increased focus on information security throughout the education system" is part of the national strategy for cyber and information security (2018-2023).<sup>56</sup> The initiative includes several projects focusing on cyber security challenges throughout the education system, including children's digital rights:

Nationwide student competition for IT security and data protection (roll out in 2019/2020)

A new knowledge area on Cyber and Information Security (roll out in 2019), on emu.dk, the Ministry of Children and Education's (*Børne- og Undervisningsministeriet*) digital learning portal. Now teachers can find articles, tools and learning materials helping them teach cyber security.

IT Security and Data Protection Campaign: #Mindme - It's My Life - And My Data (2018).

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<sup>53</sup> Denmark, proposed draft act from The Ministry of Culture (*Kulturministeriet*), available in Danish at: <https://www.ft.dk/samling/20191/almdelel/KUU/bilag/31/2103512/index.htm>

<sup>54</sup> Denmark, the Danish Police (*politiet*), press release from 19. December 2019, available in Danish at: <https://politi.dk/syd-og-soenderjyllands-politi/nyhedsliste/omfattende-sag-om-grooming-og-kraenkelse-af-piger/2019/12/19>

<sup>55</sup> Denmark, Ekstra Bladet, available in Danish at: <https://ekstrabladet.dk/112/mand-lokkede-flere-boern-politiet-med-opfordring-til-foraeldre/7909823>

<sup>56</sup> Denmark, Ministry of Finance (*Finansministeriet*), Danish Cyber and Information Strategy (2018-2023), available in English at: [https://digst.dk/media/16943/danish\\_cyber\\_and\\_information\\_security\\_strategy\\_pdfa.pdf](https://digst.dk/media/16943/danish_cyber_and_information_security_strategy_pdfa.pdf)

Implementation of the GDPR and the follow-up legislation of the GDPR in the school area: National Agency for IT and Learning (*Styrelsen for IT og Læring, STIL*) prepares circular letters and regulations that clarify the tasks and responsibilities of the data municipalities and institutions when using children's personal data in STIL's IT systems. These circular letters and regulations will replace the many data processing agreements that the schools would otherwise have signed with STIL each in particular. This will therefore be an administrative relief.

Other government policy and initiatives:

New material at emu.dk on digital education based on Initiative 9.1 of the joint public digitization strategy (2016-2020). The material aims to help children and young people build digital skills and education through information campaigns and inspirational material for teaching.

A research project, where Technological Comprehension is tested as a part of the curriculum in 46 Danish primary schools, focusing on four competence areas: Digital empowerment, Digital design and design processes, Computational thinking and Technological knowledge and skills.

Danish initiatives and publications launched in 2019 in relation to child internet safety (from the Media Council for Children and Young People and others):

On Safer Internet Day 5 February 2019, the Danish Safer Internet Centre (*Sikker Internet Center Danmark*) (Media Council for Children and Young People, Save the Children and Centre for Digital Youth Care) raised awareness about young people's digital rights, by releasing the new online magazine 'GDPR-what?'. The aim is to make young people aware of their digital rights and provide young people with tools so they can take action based on these digital rights.

In March 2019, the Danish Media Council for Children and Young People launched a new free online resource for parent-teacher meetings called 'Digital Brilliant'. The resource has been developed as an online toolkit, with activities, which can be used by teachers and other professionals to facilitate a constructive and engaging dialogue about children's digital wellbeing.

'SHARED' is a project about preventing and reducing online sexual harassments among young people by strengthening young people's social-digital skills. As part of the project, the book

'SHARED - A Book for Young People About Online Sexual Harassments' was published in October 2019. It gives an insight into how online sharing without consent can affect the individual - and an entire youth generation. The material, aimed at the secondary school, also includes teaching material ('deSHAME') and courses for teachers and other professionals to equip these to be able to teach, support and advise young people in positive and safe digital behavior. The project owner is Danish Safer Internet Centre.

'The safe side' is a collaboration between the Danish foundation 'TrygFonden' and the Danish police, which aims to prevent digital crime and strengthen Danish digital security. In October 2019 a new, preventative initiative was launched with focus on primary schools, where police and social workers offers school visits to teach 7th grade children about image sharing, passwords and meeting with strangers online.

The Danish NGO Children's Welfare (*Børns Vilkår*) has, in cooperation with the Media Council for Children and Young people, completed a survey and analysis of the use of digital media among children in kindergarten and school. The focus is media literacy, e.g. school children and data ethics, seen from the children's perspective. The results from this survey: 'Media Literacy seen from the children's perspective' was launched early 2019. Reports can be found in Danish on [www.medieraadet.dk](http://www.medieraadet.dk).

The 2018 annual report by Save the Children (*Red Barnet*) provides insight into Save the Children's efforts in Denmark in 2018 to combat sexual abuse and violations against children and adolescents, especially in the areas where the Internet and digital communication play a role.<sup>57</sup> This with a view to make it safer for children and young people to be online and use the social media.

#### Legal measures:

On 25 September 2019, the Ministry of Justice re-proposed a draft act amending the Administration of Justice Act (*Retsplejeloven*). The draft proposal aims at strengthening the opportunities of the police for investigating crimes on the Internet by expanding the police's access to use agents in connection with investigating crime on the internet, including the investigation of child pornography.<sup>58</sup> The proposal was first presented by the former Minister of Justice on 13 March 2019, however the act lapsed as a result of the election in May 2019.<sup>59</sup>

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<sup>57</sup> Denmark, 2018 annual report by Save the Children (*Red Barnet*), published in 2019, available in Danish at: <https://redbarnet.dk/media/5305/2018-årsrapport-digital-red-barnet.pdf>.

<sup>58</sup> Denmark, proposed draft act from the Minister of Justice (*justitsministeren*), available in Danish at: <https://hoeringsportalen.dk/Hearing/Details/63242>

<sup>59</sup> Denmark, letter accompanying draft act amending the Administration of Justice Act (*Retsplejeloven*), available in Danish at: [https://prodstoragehoeringspo.blob.core.windows.net/1fd6da1c-2c9e-41c0-9a15-41d5934ddb4e/H%C3%B8ringsbrev%20\(005\).pdf](https://prodstoragehoeringspo.blob.core.windows.net/1fd6da1c-2c9e-41c0-9a15-41d5934ddb4e/H%C3%B8ringsbrev%20(005).pdf)

## Chapter 7. Access to justice including crime victims

### 1. Victims' Rights Directive

Please, provide information on legislative, policy or other type of measures adopted at national level in 2019 within the scope of the [Victims' Rights Directive](#). In particular, please provide information on any recent developments concerning rights of victims to participate in proceedings.

Directive 2012/29/EU on establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA is covered by the Danish opt-out from the area of Justice and Home Affairs (JHA). However, certain national policy changes have occurred during 2019 that have an implication on victims' rights which may serve for comparative legal analysis:

On 1 April 2019 a new company took over interpretation services for the Ministry of Justice and the Ministry of Immigration and Integration and their respective areas, including inter alia interpretations in criminal cases before the court and at the Danish police.<sup>60</sup> The company won a public procurement that runs for four years.

Lack of quality of and failure to deliver interpretation services carries general implications for the rule of law and may as such also carry implications directly for victims and their rights to interpretation or indirectly when amongst other a court case is postponed because an interpreter for either the accused or the victim was not available.

Interpretation before the courts has long been criticised for lacking in quality and the Danish Institute for Human Rights published a report dealing with the issues existing in 2015.<sup>61</sup> The report criticises this aspect of interpretation services as having a negative impact on rule of law and recommends an independent certification scheme, a public interpretation education on the most spoken refugee and migration languages and a requirement that institutions under the Ministry of Justice and the Danish courts use certified/educated interpreters when they exist. In 2018, The Auditor General (*Rigsrevisionen*)<sup>62</sup> published a study on the use of

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<sup>60</sup> The response of the Minister of Justice to question no. 248 from the Immigration and Integration Committee of The Danish Parliament from 11 January 2019 (Besvarelse af spørgsmål nr. 248 (Alm.del) fra Folketingets Udlændinge- og Integrationsudvalg af 11. januar 2019), available in Danish at: <https://www.ft.dk/samling/20181/alm.del/beu/spm/175/svar/1547166/1999760.pdf>

<sup>61</sup> Danish Institute for Human Rights, Interpretation in the Danish legal system, 2015 (*Institut for Menneskerettigheder, Tolkning i Retsvæsenet, 2015*), available in Danish at: <https://menneskeret.dk/udgivelser/tolkning-retsvaesenet>.

<sup>62</sup> The Key task of the Auditor General (*Rigsrevisionen*) is the annual financial audit of the government accounts, but Rigsrevisionen also carry out studies of specific policy areas, such as the quality of infrastructure and service delivery in the health sector. It scrutinizes the implementation, outputs and outcomes of policies – not the merits of policies.

interpretation services from public authorities. It concluded that public authorities had challenges in ensuring interpretation services of a satisfying quality.<sup>63</sup>

The problem with interpretation services thus existed before the new company took over. The new company has, however, exacerbated the existing concerns about lack of quality in interpretation and has caused another problem in relation to failure to deliver interpreters.<sup>64</sup> Since the new company took over there has been a debate about these issues in Parliament and on 12 September 2019, the Legal Affairs Committee invited the Danish Minister of Justice for consultation on how the Danish Government respond to the problems caused by the new company.<sup>65</sup> On 11 December 2019, the contract with the new company was dissolved due to inter alia grave breaches of the rules on data protection.<sup>66</sup> At the same time, The Danish National Police established a temporary list of interpreters, that police districts, courts and other public authorities have the possibility to pick relevant interpreters from. The Danish National Police also informed about indicative prices for interpretation services.<sup>67</sup>

## 2. Violence against women

Please, describe measures taken in your country in 2019 to address violence against women. In addition, identify negative developments or critical aspects in this area stemming from legislative, policy or other type of measures, e.g. with regard to victims' rights in relation to gender and sexual violence.

On 1 January 2019 an amendment to the Danish Criminal Code inter alia about unjustifiably using a GPS or another similar device to record the movement of another person came into force.<sup>68</sup> The amendment inserts a new Section 264 b in the Danish Criminal Code that

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<sup>63</sup> Denmark, the Auditor General (*Rigsrevisionen*), Study on the use of interpretation services from public authorities, March 2018, page 9-10 (*Rigsrevisionens beretning om myndighedernes brug af tolkeydelser, marts 2018, side 9-10*), available in Danish at: <http://www.rigsrevisionen.dk/media/2104794/sr1217.pdf>.

<sup>64</sup> Vikkelsø Slot, L. (2019), Opinion piece on serious problems with the quality and delivery of interpretation services is a threat to rule of law at the Danish courts, publicised in Politiken (a Danish newspaper), 25 August 2019 (*Alvorlige problemer med kvaliteten og leveringen af tolkeydelser er en trussel mod retssikkerheden ved de danske domstole, bragt i Politiken 25. august 2019*), available in Danish at: <https://menneskeret.dk/nyheder/mangelfuld-tolkning-truer-retssikkerheden-danske-retssale>.

<sup>65</sup> Public consultation in the Legal Affairs Committee regarding EasyTranslate on 12 September 2019 (*Åbent samråd i Folketingets Retsudvalg om EasyTranslate*), available in Danish at: <https://www.ft.dk/udvalg/udvalgene/reu/kalender/44308/samraad.htm>.

<sup>66</sup> The Danish National Police, press release, The Danish Police dissolves the contract with EasyTranslate, 11 December 2019 (*Rigspolitiet ophæver kontrakten med EasyTranslate, pressemeddelelse af 11. december 2019*), available in Danish at: <https://politi.dk/rigspolitiet/nyhedsliste/rigspolitiet-ophaever-kontrakten-med-easytranslate/2019/12/11>.

<sup>67</sup> The Danish National Police, press release, The Danish Police dissolves the contract with EasyTranslate, 11 December 2019 (*Rigspolitiet ophæver kontrakten med EasyTranslate, pressemeddelelse af 11. december 2019*), available in Danish at: <https://politi.dk/rigspolitiet/nyhedsliste/rigspolitiet-ophaever-kontrakten-med-easytranslate/2019/12/11>.

<sup>68</sup> Denmark, Act no. 1719 of 27 December 2018 to amend inter alia the Criminal Code (Violation of peace and defamation etc.) (*Lov nr. 1719 af 27. december 2018 om ændring af bl.a. straffeloven (Freds- og ærekrænkelser m.v.)*), available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=206274>.



specifically penalizes such an unjustifiable use with up to six months in prison. It follows from the preparatory works to the legislative act that surveillance of a girl- or boyfriend, partner, spouse etc. generally will be unjustified under section 264 b.<sup>69</sup> This initiative is part of the 2019-2022 action plan for combating interpersonal psychological and physical violence.

On 1 January 2019, an amendment to the law on Equal Treatment of Men and Women regarding access to employment etc. (*Ligebehandlingsloven*) to improve the protection on sexual harassment and to higher the compensation in cases of sexual harassment came into force.<sup>70</sup> This improvement follows in the wake of the worldwide #MeToo-campaign. The amendments in general are a positive change in the work against sexual harassment. However, in its response during the public consultation of the draft bill, the Danish Institute for Human Rights underlined firstly that the compensation should be raised further and secondly, that there should be an obligation to prevent sexual harassment for the employees.<sup>71</sup>

On January 2019, a panel of experts gave its first recommendations on how the efforts against rape in Denmark can be strengthened. The panel was established by the previous Danish Minister of Justice on 4 October 2018 and the purpose of the panel is to assess to evaluate the handling of cases on rape in Denmark with a focus on victims of rape being treated in the best possible way by public authorities.<sup>72</sup>

The panel initially gave three recommendations regarding the strengthening of the Danish authorities' awareness of patterns from victims suffering from trauma, ensuring obligatory minimum procedural steps to be taken by the Danish police and introduction of the possibility for video interrogation of the victim.<sup>73</sup> Regarding the first recommendation, the Ministry of Justice have initiated the work along with three psychologists from Danish universities, and expect to be finished around the new year. Regarding the second recommendation, The Danish National Police have created guidelines on the treatment by the police of cases on rape and rape-like conditions. Regarding the third recommendation, the Ministry of Justice, The Danish National Police and The Director of Public Prosecution are exploring the possibilities for

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<sup>69</sup> Denmark, Preparatory works to Act no. 1719 of 27 December 2018 to amend inter alia the Criminal Code (Violation of peace and defamation etc.), page 15, (*Ifølge bemærkningerne til lov nr. 1719 af 27. december 2018 om ændring af bl.a. straffeloven (Freds- og ærekrænkelser m.v.)*) jf. Folketingstidende 2018-19, A, L 20 som fremsat, side 15, available in Danish at: [https://www.ft.dk/ripdf/samling/20181/lovforslag/l20/20181\\_l20\\_som\\_fremsat.pdf](https://www.ft.dk/ripdf/samling/20181/lovforslag/l20/20181_l20_som_fremsat.pdf)

<sup>70</sup> Denmark, Act no. 1709 of 27 December 2018 to amend the law on Equal Treatment of Men and Women as regards Access to Employment etc. (Enhanced focus on sexual harassment and the compensation in cases of sexual harassment) (*Lov nr. 1709 af 27. december 2018 om ændring af lov om ligebehandling af mænd og kvinder med hensyn til beskæftigelse mv. (Styrket fokus på forbuddet mod seksuel chikane samt forhøjelse af godtgørelsesniveauet i sager om seksuel chikane)*), available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=206295>.

<sup>71</sup> The Danish Institute for Human Rights (*Institut for Menneskerettigheder*) (2018), Høring om lovforslag om ændring af lov om ligebehandling af mænd og kvinder med hensyn til beskæftigelse mv. (*Ligebehandlingsloven*), Legal Response from The Danish Institute for Human Rights, 21 September 2018, available in Danish at: [https://menneskeret.dk/sites/menneskeret.dk/files/09\\_september\\_18/hoeringsvar\\_vedr.\\_udkast\\_til\\_lovforslag\\_om\\_aendring\\_af\\_ligebehandling\\_af\\_maend\\_og\\_kvinder\\_mht.\\_beskaeftigelse\\_mv.ligebehandlingsloven.pdf](https://menneskeret.dk/sites/menneskeret.dk/files/09_september_18/hoeringsvar_vedr._udkast_til_lovforslag_om_aendring_af_ligebehandling_af_maend_og_kvinder_mht._beskaeftigelse_mv.ligebehandlingsloven.pdf).

<sup>72</sup> Denmark, Ministry of Justice (*Justitsministeriet*), press release, 4 October 2018, (*Justitsministeriet, pressemeddelelse, 4. oktober 2018*), available in Danish at: <http://www.justitsministeriet.dk/nyt-og-presse/pressemeddelelser/2018/justitsministeren-nedsaetter-ekspertpanel-om-voldtaegt-og-vil>.

<sup>73</sup> The response of the Minister of Justice to question no. 448 from the Legal Affairs Committee of the Danish Parliament from 8 April 2019 (*Besvarelse af spørgsmål nr. 448 (Alm.del) fra Folketingets Retsudvalg fra 8. april 2019*), available in Danish at: <https://www.ft.dk/samling/20181/alm.del/reu/spm/448/svar/1572626/2042407/index.htm>.

offering video interrogation of the first actual interrogation of the victim along with possibilities for using the video as evidence in court.<sup>74</sup>

On November 2019, the panel of experts gave its final four recommendations. The panel gave recommendations regarding the assessment of experiences from other countries of a trauma-informed practice by the authorities, namely using a trauma-focused approach to interrogation, encouraging the Ministry of Children and Education to update the current material on sexual education to include terms such as consent and voluntariness, the initiation of an information campaign on use of language, culture, consent and voluntariness and the creation of a special corps of legal representatives that are given specific and targeted education and an improved remuneration.<sup>75</sup>

The Ministry of Justice and the panel of experts hosted a workshop on the topic in the beginning of February 2019.<sup>76</sup>

On 16 December 2016<sup>77</sup> and again on 4 October 2018, Members of Parliament from The Red-Green Alliance (*Enhedslisten*) submitted proposals regarding a new definition of rape in the Criminal Code based on consent.<sup>78</sup> Both proposals were rejected by a majority in Parliament.<sup>7980</sup>

On 14 March 2019, Members of Parliament now representing several parties submitted a similar proposal.<sup>81</sup> The reasons for the proposal was inter alia to bring Denmark closer to living

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<sup>74</sup> Denmark, Ministry of Justice, note om the work of the panel of experts and recommendations, 12 December 2019, (*Justitsministeriet, notits om ekspertpanelets arbejde og anbefalinger, 12. december 2019*), available in Danish at:

[https://www.justitsministeriet.dk/sites/default/files/media/Pressemeddelelser/pdf/2019/notits\\_om\\_ekspertpanelets\\_arbejde\\_og\\_anbefalinger.pdf](https://www.justitsministeriet.dk/sites/default/files/media/Pressemeddelelser/pdf/2019/notits_om_ekspertpanelets_arbejde_og_anbefalinger.pdf).

<sup>75</sup> Denmark, Ministry of Justice, press release, 20 December 2019, (*Justitsministeriet, pressemeddelelse, 20. december 2019*), available in Danish at: <https://www.justitsministeriet.dk/nyt-og-presse/pressemeddelelser/2019/ekspertpanel-vil-loefte-indsatsen-mod-voldtægt>.

<sup>76</sup> The response of the Minister of Justice to question no. 448 from the Legal Affairs Committee of the Danish Parliament from 8 April 2019 (*Besvarelse af spørgsmål nr. 448 (Alm.del) fra Folketingets Retsudvalg fra 8. april 2019*), available in Danish at: <https://www.ft.dk/samling/20181/almdele/reu/spm/448/svar/1572626/2042407/index.htm>.

<sup>77</sup> Denmark, Proposal no. B 40 proposed on 16 December 2016 on a new definition on rape in the Criminal Code based on a requirement of consent (*Forslag til folketingsbeslutning nr. B 40, Folketinget 2016-17, fremsat den 16. december 2016 om en ny definition af voldtægt i straffeloven baseret på krav om samtykke*), available in Danish at: [https://www.ft.dk/ripdf/samling/20161/beslutningsforslag/b40/20161\\_b40\\_som\\_fremsat.pdf](https://www.ft.dk/ripdf/samling/20161/beslutningsforslag/b40/20161_b40_som_fremsat.pdf).

<sup>78</sup> Denmark, Proposal no. B 12 proposed on 4 October 2018 on a new definition on rape in the Criminal Code based on consent (*Forslag til folketingsbeslutning nr. B 12, Folketinget 2018-19, fremsat den 4. oktober 2018 om en ny definition af voldtægt i straffeloven baseret på samtykke*), available in Danish at: [https://www.ft.dk/ripdf/samling/20161/beslutningsforslag/b40/20161\\_b40\\_som\\_fremsat.pdf](https://www.ft.dk/ripdf/samling/20161/beslutningsforslag/b40/20161_b40_som_fremsat.pdf).

<sup>79</sup> Denmark, report of 20 April 2017 on Proposal no. B 40 proposed on 16 December 2016 on a new definition on rape in the Criminal Code based on a requirement of consent, page 1, (*Betænkning af 20. april 2017 over forslag til folketingsbeslutning nr. B 40, Folketinget 2016-17, fremsat den 16. december 2016 om en ny definition af voldtægt i straffeloven baseret på krav om samtykke*), available in Danish at: [https://www.ft.dk/ripdf/samling/20161/beslutningsforslag/b40/20161\\_b40\\_betaenkning.pdf](https://www.ft.dk/ripdf/samling/20161/beslutningsforslag/b40/20161_b40_betaenkning.pdf).

<sup>80</sup> Denmark, report of 13 December 2018 on Proposal no. B 12 proposed on 4 October 2018 on a new definition on rape in the Criminal Code based on consent, page 1, (*Betænkning af 13. december 2018 over forslag til folketingsbeslutning nr. B 12, Folketinget 2018-19, fremsat den 4. oktober 2018 om en ny definition af voldtægt i straffeloven baseret på samtykke*), side 1, available in Danish at: [https://www.ft.dk/ripdf/samling/20181/beslutningsforslag/b12/20181\\_b12\\_betaenkning.pdf](https://www.ft.dk/ripdf/samling/20181/beslutningsforslag/b12/20181_b12_betaenkning.pdf).

<sup>81</sup> Denmark, Proposal no. B 146 proposed on 14 March 2019 on a new definition on rape in the Criminal Code based on consent (*Forslag til folketingsbeslutning nr. B 146, Folketinget 2018-19, fremsat den 14. marts 2019 om en ny*

up to its international obligations, amongst others the Istanbul Convention.<sup>8283</sup> The proposal was rejected by a majority in Parliament, but the majority welcomed the wish of the Minister of Justice to request the Council for the Danish Criminal Code (*Straffelovrådet*) to review the provision on rape in the Danish Criminal Code Section 216.<sup>8485</sup> On 25 April 2019, the Ministry of Justice requested the Council for the Danish Criminal Code within 6 months to make a review of section 216 of the Criminal Code regarding rape. The Council shall inter alia assess if the section sufficiently reflects that sexual acts must be voluntary and to give concrete proposals as to how section 216 can be formulated as to ensure that sexual acts must build on mutual voluntariness.<sup>86</sup>

On 16 January 2019, KVINFO (Denmark's Knowledge and Development Center for gender, gender equality and diversity and the gathering place for research, knowledge and information about the contemporary gender equality debate in the national and international area) published a news article on their webpage explaining what a provision on rape based on consent will entail.<sup>87</sup> In the article, Jørn Vestergaard, professor in Criminal law from Copenhagen University, explains that such a provision will inter alia not have as a consequence that the burden of proof shifts to the defendant in a criminal proceeding. It will continue to be The Prosecution Service that has to prove that the intercourse or similar was not voluntary for the victim.

On 2 May 2019, The Danish Institute for Human Rights published a report on a provision on rape based on consent.<sup>88</sup> It is the assessment of The Danish Institute for Human Rights that a provision on rape based on consent can strengthen human rights in cases of rape but it is

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*definition af voldtægt i straffeloven baseret på samtykke*), available in Danish at: [https://www.ft.dk/ripdf/samling/20181/beslutningsforslag/b146/20181\\_b146\\_som\\_fremsat.pdf](https://www.ft.dk/ripdf/samling/20181/beslutningsforslag/b146/20181_b146_som_fremsat.pdf).

<sup>82</sup> Denmark, The remarks to Proposal no. B 146 proposed on 14 March 2019 on a new definition on rape in the Criminal Code based on consent, page 2, (*Bemærkningerne til forslag til folketingsbeslutning nr. B 146, Folketinget 2018-19, fremsat den 14. marts 2019 om en ny definition af voldtægt i straffeloven baseret på samtykke*), side 2, available in Danish at: [https://www.ft.dk/ripdf/samling/20181/beslutningsforslag/b146/20181\\_b146\\_som\\_fremsat.pdf](https://www.ft.dk/ripdf/samling/20181/beslutningsforslag/b146/20181_b146_som_fremsat.pdf)

<sup>83</sup> Council of Europe Convention on preventing and combating violence against women and domestic violence, article 36.

<sup>84</sup> Denmark, report of 9 April 2019 on Proposal no. B 146 proposed on 14 March 2019 on a new definition on rape in the Criminal Code based on consent, page 1, (*Betænkning af 9. april 2019 over forslag til folketingsbeslutning nr. B 146, Folketinget 2018-19, fremsat den 14. marts 2019 om en ny definition af voldtægt i straffeloven baseret på samtykke*), side 1, available in Danish at: [https://www.ft.dk/ripdf/samling/20181/beslutningsforslag/b146/20181\\_b146\\_betaenkning.pdf](https://www.ft.dk/ripdf/samling/20181/beslutningsforslag/b146/20181_b146_betaenkning.pdf).

<sup>85</sup> Consolidated Act no. 976 on the Criminal Code of 17 September 2019 (*Lovbekendtgørelse nr. 976 af 17. September 2019 af straffeloven*), available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=209398>.

<sup>86</sup> The terms of reference for the Council for the Danish Criminal Code on a provision on rape in the Criminal Code that is based on voluntariness (*Straffelovrådets kommissorium om en frivillighedsbaseret voldtægtsbestemmelse i straffeloven*), available in Danish at: <https://www.ft.dk/samling/20181/almdel/reu/bilag/286/2050961.pdf>.

<sup>87</sup> KVINFO, An explanation of a provision on rape based on consent in the Criminal Code, news article of 16 January 2019 (KVINFO, Samtykkebaseret voldtægtslovgivning forklaret, nyhed af 16. januar 2019), available in Danish at: <https://kvinfo.dk/samtykkebaseret-voldtægtslovgivning-forklaret/>.

<sup>88</sup> The Danish Institute for Human Rights, Report of 2 Maj 2019 on assessing a provision on rape based on consent in the light of Denmark's human rights obligations (*Instit for Menneskerettigheder, Notat af 2. maj 2019 om vurderingen af samtykkebaseret voldtægtslovgivning i lyset af Danmarks menneskeretlige forpligtelser*), available in Danish at: <https://menneskeret.dk/udgivelser/samtykkebaseret-voldtægtslovgivning>.

critical that the law is drafted sufficiently comprehensible to ensure legal certainty for all concerned.<sup>89</sup>

In March 2019, the Danish Minister for Equality published an action plan for combating interpersonal psychological and physical violence.<sup>90</sup> The action plan runs from 2019-2022 and sets out several initiatives, including strengthening counselling and treatment for women or men that have experienced interpersonal violence, a national survey of the extent and degree of physical and psychological interpersonal violence in Denmark and registering the relationship between perpetrator and victim at the registries of the Danish police.

On 1 April 2019, an amendment to the Danish Criminal Code (*Straffeloven*) about psychological abuse (*psykisk vold*) came into force.<sup>91</sup> The amendment inserts a new section in the Danish Criminal Code that deals specifically with psychological abuse. The section defines the victim of psychological abuse as someone, that belongs to or is closely attached to another person's household or that have previously had such an attachment to the household, and that repetitively over a period exposes that other person for gross degrading, insulting or offensive behaviour, that qualifies as to unduly control that other person. The penalty for psychological abuse as defined in section 243 is up to three years imprisonment. Following the enactment of the legislative act, The Director of Public Prosecution published guidelines on handling cases regarding psychological abuse directed at the Danish police and the Prosecution Service.<sup>92</sup> The legislative change and the guidelines on handling cases regarding psychological abuse are part of the 2019-2022 action plan for combating interpersonal psychological and physical violence.

On 23 April 2019, an assessment on whether the initiative "Stop Stalking" from 2016 was adequate was sent to the Legal Affairs Committee of the Danish Parliament.<sup>93</sup> The assessment shows that cases involving stalking is now treated more uniformly in the police districts and that victims of stalking to a higher degree experience that the Danish police handles cases more professionally, efficiently and exhibits understanding of the victim's situation. However, in certain areas there is still room for improvement. The Ministry of Justice will initiate a dialogue with the Danish police, the Prosecution Service and relevant stakeholders on how the efforts

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<sup>89</sup> The Danish Institute for Human Rights, Policy Brief of 2 Maj 2019 on a provision on rape based on consent, page 1, (*Institut for Menneskerettigheder, Policy brief af 2. maj 2019 om samtykkebaseret voldtægtslovgivning*), side 1, available in Danish at: [https://menneskeret.dk/sites/menneskeret.dk/files/media/dokumenter/udgivelser/policy\\_briefs/policy\\_brief\\_om\\_samtykkebaseret\\_voldtægtslovgivning.pdf](https://menneskeret.dk/sites/menneskeret.dk/files/media/dokumenter/udgivelser/policy_briefs/policy_brief_om_samtykkebaseret_voldtægtslovgivning.pdf).

<sup>90</sup> Minister for Equality, action plan for combating interpersonal psychological and physical violence, Ministry of Foreign Affairs, 2019-2022 (*Minister for ligestilling, Handlingsplan til bekæmpelse af psykisk og fysisk vold i nære relationer, Udenrigsministeriet, 2019-2022*), available in Danish at: <https://www.ft.dk/samling/20181/almdel/LIU/bilag/58/2025429/index.htm>.

<sup>91</sup> Denmark, Act no. 329 of 30 March 2019 on amending the Criminal Code inserting an independent section on psychological abuse (*Lov nr. 329 af 30. marts 2019 om en selvstændig bestemmelse om psykisk vold*), available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=208457>.

<sup>92</sup> The Director of Public Prosecution, guidelines on psychological abuse, 1 April 2019 (*Rigsadvokatmeddelelsen om psykisk vold af 1. april 2019*), available in Danish at: <https://vidensbasen.anklagemyndigheden.dk/h/6dfa19d8-18cc-47d6-b4c4-3bd07bc15ec0/VB/14d4ab98-6f09-436e-85c7-5a8d514d48cc>.

<sup>93</sup> Note on assessment on the function of the initiative "Stop Stalking" to the Legal Affairs Committee of the Danish Parliament from 23 April 2019 (*Orientering om eftersyn af udspillet "Stop Stalking" til Folketingets Retsudvalg fra 23. april 2019*), available in Danish at: <https://www.ft.dk/samling/20181/almdel/REU/bilag/276/index.htm>.

on stalking can be further strengthened.<sup>94</sup> As part of the action plan for combating interpersonal psychological and physical violence from 2019-2022, the Danish Stalking Center (*Dansk Stalking Center*) has received funding to create a national outpatient offer on telephone counselling, social- and legal counselling and professional psychological treatment directed at both victims and perpetrators of stalking. Danish Stalking Center will also be able to further qualify professionals in inter alia the municipalities and the Danish police.<sup>95</sup>

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<sup>94</sup> Note on assessment on the function of the initiative “Stop Stalking” to the Legal Affairs Committee of the Danish Parliament from 23 April 2019 (*Orientering om eftersyn af udspillet “Stop Stalking” til Folketingets Retsudvalg fra 23. april 2019*), available in Danish at: <https://www.ft.dk/samling/20181/almudel/REU/bilag/276/index.htm>.

<sup>95</sup> Minister for Equality, action plan for combating interpersonal psychological and physical violence, Ministry of Foreign Affairs, 2019-2022, page 17 (*Minister for ligestilling, Handlingsplan til bekæmpelse af psykisk og fysisk vold i nære relationer, Udenrigsministeriet, 2019-2022, side 17*), available in Danish at: <https://www.ft.dk/samling/20181/almudel/LIU/bilag/58/2025429/index.htm>.

# Chapter 8. Developments in the implementation of the Convention on the Rights of Persons with Disabilities

## 1. CRPD policy & legal developments

Last year, on 1 July 2018, the Danish Act on a Ban against Discrimination on the Grounds of Disability went into force.<sup>96</sup> The Act introduced a general ban on discrimination on the grounds of disability outside the labour market<sup>97</sup> and entailed access to having a case regarding such discrimination heard by the Danish Board of Equal Treatment (*Ligebehandlingsnævnet*).<sup>98</sup> The preparatory works of the act make specific references to Danish compliance with Article 5 of the CRPD as well as recommendations from the UN Committee on the Rights of Persons with Disabilities and the Danish Institute for Human Rights (*Institut for Menneskerettigheder*).<sup>99</sup> Despite the fact that the obligation to provide reasonable accommodation is central to the protection against discrimination in the CRPD, the Act does not in its original form include an obligation to provide reasonable accommodation.<sup>100</sup>

However, in September 2019, in the agreement on the economy of the Danish municipalities in the year 2020 between KL - Local Government Denmark (*KL – Kommunernes Landsforening*) and the Danish government, it has been decided to introduce the right to reasonable accommodation in the Act in the areas of day care of children and public schools.<sup>101</sup>

## 2. CRPD monitoring at national level

### Key activities of the monitoring framework

In February 2019, the Danish Institute for Human Rights (*Institut for Menneskerettigheder*) submitted a report to the UN Committee on the Rights of Persons with Disabilities in order to assist the Committee in the preparation and adoption of the list of issues prior to submission of

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<sup>96</sup> Denmark, Act no 688 of 8 June 2018 on a Ban against Discrimination on the Grounds of Disability (*Lov nr. 688 af 8. juni mod forskelsbehandling på grund af handicap*), section 13, available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=201823>

<sup>97</sup> Denmark, Act no 688 of 8 June 2018 on a Ban against Discrimination on the Grounds of Disability (*Lov nr. 688 af 8. juni mod forskelsbehandling på grund af handicap*), section 2 and 5, available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=201823>

<sup>98</sup> Denmark, Act no 688 of 8 June 2018 on a Ban against Discrimination on the Grounds of Disability (*Lov nr. 688 af 8. juni mod forskelsbehandling på grund af handicap*), section 14, available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=201823>

<sup>99</sup> Denmark, Preparatory works for bill no 221 of 8 June 2018, on a Ban against Discrimination on the Grounds of Disability, (*bemærkninger til forslag til lov om forbud mod forskelsbehandling på grund af handicap*), available in Danish at: [https://www.ft.dk/ripdf/samling/20171/lovforslag/l221/20171\\_l221\\_som\\_fremsat.pdf](https://www.ft.dk/ripdf/samling/20171/lovforslag/l221/20171_l221_som_fremsat.pdf)

<sup>100</sup> Denmark, Act no 688 of 8 June 2018 on a Ban against Discrimination on the Grounds of Disability (*Lov nr. 688 af 8. juni mod forskelsbehandling på grund af handicap*), section 3, available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=201823>

<sup>101</sup> Denmark, the Danish government and KL - Local Government Denmark (*KL – Kommunernes Landsforening*), 'Aftale om kommunernes økonomi for 2020', 6 September 2019, available in Danish at: <https://www.regeringen.dk/media/7248/aftale-om-kommunernes-oekonomi-for-2020.pdf>

the 2<sup>nd</sup> and 3<sup>rd</sup> periodic reports of Denmark regarding national implementation of the CRPD.<sup>102</sup> The report contains suggested inquiries to the Committee on selected areas protected within the scope of the CRPD. Danish civil society organisations representing people with disabilities were consulted in the drafting of the report.

Changes relating to the structures established under Article 33 of the CRPD

There have been no key developments relating to the structures established under Article 33 of the convention. Following the Danish parliamentary election and the subsequent change of government in June 2019, there has been some alterations in how the Danish ministries are organized influencing the ministry which is the focal point within government for matters relating to the implementation of the CRPD, cf. Article 33(1). Please see the track changes in the table below.

Table: Structures set up for the implementation and monitoring of the CRPD

EUMS	Focal points within government for matters relating to the implementation of the CRPD – Article 33 (1)	Coordination mechanism – Article 33 (1)	Framework to promote, protect and monitor implementation of the CRPD – Article 33 (2)
DK	Ministry of Social Affairs and the Interior ( <i>Social- og Indenrigsministeriet</i> )	Inter-ministerial committee of civil servants on disability matters	<a href="#">Danish Institute for Human Rights</a> ( <i>Institut for Menneskerettigheder</i> ); <a href="#">Danish Disability Council</a> ( <i>Det Centrale Handicapråd</i> ); <a href="#">Danish Parliamentary Ombudsperson</a> ( <i>Folketingets Ombudsmand</i> )

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<sup>102</sup> The Danish Institute of Human Rights (*Institut for Menneskerettigheder*) (2019), Report to the UN Committee on the Rights of Persons with Disabilities prior to adoption of list of issues, 11 February 2019, available in English at: [https://menneskeret.dk/sites/menneskeret.dk/files/02\\_februar\\_19/report\\_to\\_the\\_un\\_committee\\_on\\_the\\_rights\\_of\\_persons\\_with\\_disabilities\\_prior\\_to\\_adoption\\_of\\_list\\_of\\_issues.pdf](https://menneskeret.dk/sites/menneskeret.dk/files/02_februar_19/report_to_the_un_committee_on_the_rights_of_persons_with_disabilities_prior_to_adoption_of_list_of_issues.pdf)

## Annex 1 – Promising Practices

Thematic area	<p><b>EQUALITY AND NON-DISCRIMINATION</b></p> <p>Please provide one example of a rights awareness campaign held in your country in 2019 relevant to equality and non-discrimination, preferably one conducted by a national equality body. Where no such campaign was held, please provide an example of a promising practice implemented in 2019 in your country (this could include innovative initiatives at local level) to combat discrimination on any one of the following grounds: religion or belief, disability, age, sexual orientation, gender identity or sex characteristics. Where relevant, always highlight any relevance or reference to multiple discrimination.</p>
Title (original language)	Københavns kommunes LGBTI+ politik 2019-2023 – en ligeværdig del af fællesskabet
Title (EN)	LGBTI+ policy plan in the municipality of Copenhagen 2019-2023 – an equal part of community
Organisation (original language)	Københavns kommune
Organisation (EN)	The municipality of Copenhagen
Government / Civil society	Government
Funding body	Government
Reference (incl. url, where available)	A policy plan including 50 initiatives to promote the conditions for LGBTI+ in Copenhagen: <a href="https://www.kk.dk/sites/default/files/edoc/Attachments/22176729-30484390-3.pdf">https://www.kk.dk/sites/default/files/edoc/Attachments/22176729-30484390-3.pdf</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	January 2019 – December 2023
Type of initiative	Administrative reform
Main target group	LGBTI+ persons living in Copenhagen
Indicate level of implementation: Local/Regional/National	Local
Brief description (max. 1000 chars)	<p>On 24 August 2017, the municipality of Copenhagen decided to develop a policy plan for LGBTI+ in Copenhagen. The policy plan must ensure equal rights for all citizens in the municipality of Copenhagen. In addition, an annual follow-up of the living conditions of LGBTI + citizens are ensured in the policy.</p> <p>The policy includes 50 initiatives to promote the conditions for LGBTI+ in Copenhagen. Some of the initiatives are mentioned below:</p> <ul style="list-style-type: none"> <li>- Information on diverse family structures and equal treatment in Denmark,</li> <li>- Focus on the inclusion of LGBTI + in the labour market,</li> <li>- Develop cultural and leisure solutions in interaction with LGBTI+,</li> <li>- Education of children about sexuality and gender identity,</li> <li>- Focus on elderly LGBTI+.</li> </ul>
Highlight any element of the actions that is	All elements of this policy plan could be transferred to other Member states.



transferable (max. 500 chars)	
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The policy plan is very specific in relation what the framework of the initiative contains as well as who is responsible for each initiative. It is the belief that these 50 initiatives in this way are sustainable.
Give reasons why you consider the practice as having concrete measurable impact	The municipality of Copenhagen will deliver results in this manner.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	The policy plan or at least some of the 50 initiatives can be implemented with few human and financial resources, if so required.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	Depending on the specific initiative, different beneficiaries and stakeholders are involved.
Explain, if applicable, how the practice provides for review and assessment.	Depending on the specific initiative, different review and assessments are relevant after the end period in December 2023.

Thematic area	<b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b> Please provide one example of a promising practice to address discriminatory ethnic profiling within law enforcement agencies and other relevant national authorities. Where no such practice exists, please provide one example of a promising practice related to combating racism, xenophobia and related intolerances.
Title (original language)	Fordomsfulde diplomater
Title (EN)	Prejudiced Diplomats
Organisation (original language)	Københavns Kommune, Det Jødiske Samfund og Mino Danmark
Organisation (EN)	Municipality of Copenhagen, The Jewish Community in Denmark and Mino Denmark
Government / Civil society	Municipality
Funding body	Municipality of Copenhagen
Reference (incl. url, where available)	In Danish: <a href="https://stemplet.kk.dk/artikel/fordomsfulde-diplomater">https://stemplet.kk.dk/artikel/fordomsfulde-diplomater</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	The promising practice, which is an ongoing initiative, started in 2016.
Type of initiative	Dialogue initiative

Main target group	The youth in Copenhagen in social housing, youth clubs, religious communities and youth education.
Indicate level of implementation: Local/Regional/National	Local (Copenhagen)
Brief description (max. 1000 chars)	The 'Prejudiced Diplomats' is a dialogue corps consisting of 20 young people with Jewish and Muslim background. They have all completed training in facilitation of dialogues about discrimination, xenophobia and prejudices. Through multiple dialogue exercises the corps facilitate a positive and open dialogue in which young people jointly discuss and nuance prejudices and conceptions about each other. As such, the 'Prejudiced Diplomats' promote mutual understanding and prevent prejudice and discrimination against Jews and Muslims in the Danish society. The dialogue corps can be booked by all youth organisations, institutions etc. in the Municipality of Copenhagen. In 2019, the corps has completed 15 dialogue sessions and additionally four are planned this year.
Highlight any element of the actions that is transferable (max. 500 chars)	The cooperation between local authorities and youth representatives from religious communities.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The members of the dialogue corps are trained with a set of tools that they can use in their day-to-day activities and work. Further, the dialogue exercises will foster greater knowledge and nuanced understanding of prejudices, racism and intolerance among the target group.
Give reasons why you consider the practice as having concrete measurable impact	The Municipality of Copenhagen measures the impact of the initiative by asking beneficiaries to complete an evaluation form. The evaluation report from 2018 shows that more than half of the beneficiaries have answered that they definitely will be more aware on prejudices and discrimination in the future, and more than 40 percent have answered that they definitely will stand up against prejudices and discrimination if they experience it.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	The challenge of intolerance and xenophobia between different religious and non-religious communities seems to be a transnational problem. Thus, an initiative like this can be transferred and implemented in other countries. It doesn't require many resources and should be rather straightforward to create similar initiatives where relevant youth representatives are trained in anti-discrimination and facilitation of dialogue activities.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The Jewish Community in Denmark and Mino Denmark have been extensively engaged as members of the project steering committee and have designed, planned and continuously developed the initiative. Further, the young people that are beneficiaries of the dialogue activities have completed evaluation forms and thus contributed to the continued development of the initiative.
Explain, if applicable, how the practice provides for review and assessment.	The young people that participate in the dialogue activities answer a survey after end session. As such, the Municipality of Copenhagen can measure and assess the impact and experience of the participants.

Thematic area	<p><b>ROMA INTEGRATION</b></p> <p>Please provide one example of promising practice in relation to addressing a Roma/Travellers segregation at either national, regional or local. These could be (not limited to) in the area of segregation in education, residential segregation, segregation in healthcare services or in employment.</p>
	No promising practice has been identified for this thematic area.

Thematic area	<p><b>Asylum, visas, migration borders and integration</b></p> <p>Please provide a promising practice on the support provided to unaccompanied children when reaching majority.</p>
Title or short description of promising practice in original language and in English	<p>The municipality of the city Hedensted (Hedensted Kommune) has several offers relevant for unaccompanied children and adolescents who have been recognized as refugees.</p> <p>The overall offer is called 'Youth Integration' (Ungeintegration) and is located beneath the integration department in the municipality.</p> <p>'Youth integration' offers housing and social measures to different groups of children depending on the age of the unaccompanied children. Two of the groups and housing facilities are called 'Melhedegaard' and 'The Square' (Torvet).</p> <p>'Melhedegaard' is housing unaccompanied children between 14 – 18 of age while 'The Square' works as a transition before the adolescents who, before or just after reaching the age of majority, move into their own place.</p> <p>Both places are part of 'Youth Integration' and work as 24-hour care centres where the children and adolescents live together with other children until they reach the age of majority. At 'Melhedegaard' the children are woken up every day at 7 am where they eat breakfast together before school at 8.30 am. After school they prepare homework, do sports and prepare dinner. Staff is present every day from 1 pm until 9 pm. In the weekend the staff is present 24 hours a day.</p>
Organisation (Government / Civil society) in charge of promising practise (original language/English )	The Municipality of Hedensted (Hedensted Kommune) .
Funding body	The Municipality of Hedensted. 'Youth Integration' has also have received financial support from foundations for diving projects, support from the Danish Nature Agency (Naturstyrelsen) for a nature project, support from the Children's Aid Day (Børnehjælpsdagen) and the Danish Red Cross. <sup>103</sup>
Reference (incl. url, where available)	<a href="https://ungeintegration.hedensted.dk/">https://ungeintegration.hedensted.dk/</a>
Indicate the start date of the promising	'Youth Integration' started in December 2012 and is still on going.

<sup>103</sup> The following information is provided by 'Youth Integration'. The Danish Institute for Human Rights contacted 'Youth Integration' on 3 September 2019 and received an e-mail reply on 27 September 2019 with detailed information related to funding, target group, success factors etc. that were not to be found on the web page.

practice and the finishing date if it has ceased to exist	
Main target group	Unaccompanied children, adolescents and children reaching majority who have all been recognized as refugees by the immigration authorities.
(around 1000 characters)	
Indicate level of implementation: Local/Regional/National	Local
Indicate success factors – why has the practice effectively promoted integration?	<p>The success factors are, among others, that the children and adolescents are living in a safe environment where trust, security and care are important values.</p> <p>‘Youth integration’ believes that their initiative promotes integration by teaching the children to take responsibility, be independent and show them how the Danish society works in different aspects. The most important task is to create good and present relations between staff and the children. The relationship between the staff and the children is therefore both personal and professional with the focus on the vulnerable children needing continuity in their everyday lives.</p> <p>The initiative is also very aware of the traumas and mental challenges the children are dealing with. An important aspect of the initiative is therefore psychology help from the municipality and a special focus on every children’s individual situation.</p>
If the initial funding of the initiative ended, how has the initiative been continued/followed-up?	
Explain, if applicable, how the practice is being reviewed and assessed.	<p>The development of the organization has continuously been adapted to the needs of the target group.</p> <p>The individual efforts in terms of staff, are evaluated every six months. Periodically, supervision has been held - both with internal and external supervisors.</p> <p>Many of the children who were a part of the initiative are now 18 and living for themselves. Most of them are either working or going to school.</p> <p>From the start of ‘Youth Integration’ in 2012, 113 unaccompanied children have been a part of the initiative.</p> <p>Based on an internal examination, the initiative states, that 85% of the 113 persons are in employment.</p>
Does the initiative apply to both asylum seekers and protection status holders – and/or support the transition from one to the other?	No, the initiative does not apply to both groups – the initiative only applies to recognized refugees who are unaccompanied children. However, there is a close collaboration and sharing of knowledge between the initiative and the asylum centres located close, to make sure, that the transition from being an asylum seeker to a refugee is safe and well prepared.
Does the initiative specifically support persons in need of international protection as they turn 18? If so, which type of support is provided?	Yes – together with the guardians, the initiative prepares the young people for the terms and requirements/challenges they face when they turn 18. The initiative has collaborated with Red Cross and their "Project

	18 + <sup>104</sup> in order to create more focus on the opportunities that exist in the local community, and what they can do for themselves and volunteers can help as they turn 18.
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Thematic area	<b>INFORMATION SOCIETY, DATA PROTECTION</b> Please provide one example of a promising practice in relation to one of the topic addressed in this Chapter
Title (original language)	Dataetisk Råd
Title (EN)	Data Ethical Council
Organisation (original language)	Uafhængigt Råd
Organisation (EN)	Independent Council
Government / Civil society	Government
Funding body	Government
Reference (incl. url, where available)	<a href="https://digst.dk/data/dataetisk-raad/">https://digst.dk/data/dataetisk-raad/</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	May 2019
Type of initiative	Establishment of an independent council on data ethics
Main target group	Government, Parliament and the public on issues relating to data ethics
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	In May 2019, a Data Ethics Council was established by the Government. The purpose of the Council is to voice their opinions and considerations regarding ethical questions on the advantages of using technology on the one side and the protection of fundamental rights, rule of law and societal values on the other side. The Council will inter alia provide guidance to the Parliament, Government and public institutions on data ethical issues; follow the development (and new use) of data and technology; and provide information and debate issues within data ethics.
Highlight any element of the actions that is transferable (max. 500 chars)	The action is transferable in its entirety
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The Council is meant to provide ongoing guidance on data ethics issues as they may arise during the implementation of new technologies or increased digitalisation in both public and private entities.
Give reasons why you consider the practice as having concrete measurable impact	The Council is to provide guidance on specific issues. However, the guidance of the Council will not be binding and is not legal advice but rather considerations on current and ongoing ethical issues in relation to (big) data.

<sup>104</sup> Denmark, Danish Red Cross and the youth department of Danish Red Cross published the report "18+ learning report" (*18+ Læringsrapport*), 8 March 2018:

[https://mitrodekors.dk/system/files/document\\_files/18%2BI%C3%A6ringsrapport\\_2018.pdf](https://mitrodekors.dk/system/files/document_files/18%2BI%C3%A6ringsrapport_2018.pdf)

Give reasons why you consider the practice as transferrable to other settings and/or Member States?	The Council deals with issues which are relevant in all EU Member States as a lot of the issues relate in particular to the GDPR but also to a certain extent to ethical issues similar to those which the EU's High-Level Expert Group on AI deals with in their Ethics Guidelines for Trustworthy Artificial Intelligence.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The Council will include different stakeholders such as public authorities, rights-holders and experts within the field in their work with establishing a set of data ethical guidelines.
Explain, if applicable, how the practice provides for review and assessment.	The practice does not in itself provide for review or assessment.

Thematic area	<b>RIGHTS OF THE CHILD</b> Please provide one example of a promising practice in relation to one of the topics addressed in this Chapter.
Title (original language)	Netværk for digital dannelse
Title (EN)	Network on Digital Culture
Organisation (original language)	Civil society network with NHRI participation and other independent state actors such as the Media Council for Children and Youth (Medierådet for Børn og Unge). The network consists of the Danish foundation 'TrygFonden', the museum Arken, Danish Libraries, Save the Children (Red Barnet), the Association of Danish Pupils (Danske Skoleelever), Children's Welfare (Børns Vilkår) and the Danish Institute for Human Rights among many others. The network is coordinated by Children's Welfare, which serves as the secretariat for the network.
Organisation (EN)	Civil Society
Government / Civil society	Civil Society
Funding body	As such the network is not directly funded by the Government. Thus, indirectly the network is funded by the Government as the secretariat Children's Welfare receives public funding for some of its activities but not for this particular activity.
Reference (incl. url, where available)	N/A
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Initiated in 2019, with two seminars conducted within the reporting period. The network is being developed and thus it is challenging to give full account of its potential.
Type of initiative	Civil society initiative within the digital sphere bringing together civil society actors such as museums and educational institutions and researchers and NGO's working on the promotion and protection on the rights of the child. The network will conduct seminars and have established working group consisting of civil society actors and with the involvement of the rights holders in question. On the 25th September 2019, the network conducted its second seminar on manipulation and exploitation. It brought together a large number of actors within the field. Seminars have been conducted as an attempt to gather actors for a discussion of the problem area selected (in September 2019 the seminar focused on manipulation and exploitation) as well as to deepen possibilities for cooperation within the network and among actors that could lead to political recommendations and applications for funding, etc. for concrete efforts in the field. The network has established three working groups on, respectively: 1) research and knowledge 2) legislation and technology 3) initiatives targeting children and youth (parents and professionals). The work concerns issues such as digital life and education, data protection, freedom of speech, freedom of information, protection of vulnerable children online (regarding e.g. abuse, risk of radicalization, misuse of data, bullying, free democratic space on line, participation, gambling addiction etc). The purpose of the working groups is to: develop concrete initiatives that can contribute to children and young people's digital education by: 1) Gathering the efforts within in the digital area to create maximum

	impact and avoid overlapping activities 2) Knowledge sharing and identifying needs for action - both structurally (e.g. legislation and education) and towards the individual (children, parents, professionals) 3) Concretising efforts and apply for funds (e.g. fund applications and collaboration with businesses).
Main target group	Children and youth
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The network was established in 2019 and conducted its second seminar on 25th of September with a view to develop concrete efforts to enhance the digital education of children and young people and protect their rights within the digital sphere in relation to challenges pertaining to manipulation and exploitation. The network is formed around the following three themes/working groups: 1) research and knowledge 2) legislation and tech 3) Interventions for children and young people
Highlight any element of the actions that is transferable (max. 500 chars)	Bringing together key national actors in the field with the aim of developing new initiatives to enhance the digital protection of children and youth.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	Three meetings, in the respective working groups of the network, are expected to take place in 2020. A structure for the network has been created and a secretariat appointed to support the work of the network and its working groups.
Give reasons why you consider the practice as having concrete measurable impact	Developments within digital sphere is moving much faster than political and legislative processes and mechanisms can grasp. Thus, protection of the rights of the child requires a coordinated approach, joint understanding as well as an interdisciplinary approach among actors to better understand the implications of children's digital life. Children need extra protection online. The network brings together these actors.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	N/A
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The network involves stakeholders, i.e. the Association of Danish Pupils (Danske Skoleelever), which is an organisation that works to enhance school democracy in Danish primary schools. Thus, the organisation represents the interests of children between 5 to 15 years old.
Explain, if applicable, how the practice provides for review and assessment.	N/A



Thematic area	<b>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS</b> Please provide one example of a promising practice in relation to one of the topic ad-dressed in this Chapter
Title (original language)	Straffelovrådet skal se på udformning af voldtægtsbestemmelse
Title (EN)	The Council for the Danish Criminal Code has been requested to review the provision on rape in the Danish Criminal Code
Organisation (original language)	Justitsministeriet
Organisation (EN)	The Ministry of Justice
Government / Civil society	Government
Funding body	The Ministry of Justice
Reference (incl. url, where available)	<a href="http://www.justitsministeriet.dk/nyt-og-presse/pressemeddelelser/2019/nye-medlemmer-til-straffelovraadet-er-udpeget/">http://www.justitsministeriet.dk/nyt-og-presse/pressemeddelelser/2019/nye-medlemmer-til-straffelovraadet-er-udpeget/</a> / <a href="https://www.ft.dk/samling/20181/almdel/reu/bilag/286/2050961.pdf">https://www.ft.dk/samling/20181/almdel/reu/bilag/286/2050961.pdf</a> .
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	On 25 April 2019, the Ministry of Justice requested the Council for the Danish Criminal Code within 6 months after initiating the task to make a review of section 216 of the Criminal Code regarding rape. The review is still ongoing.
Type of initiative	Requesting a council of experts to give advice to the Ministry of Justice in reviewing the Danish Criminal Code
Main target group	The Minister of Justice and the Ministry of Justice
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	New members of The Council for the Danish Criminal Code have been appointed in 2019. The members of the Council include two judges from the Supreme Court, including the president of the Court, two professors and high-ranking state officials. The Council has been requested to inter alia assess if the provision on rape clearly reflects that sexual acts must be voluntary and to give concrete proposals as to how section 216 can be formulated to as to ensure that any sexual act must build on mutual voluntariness.
Highlight any element of the actions that is transferable (max. 500 chars)	The decision to appoint new members and to request the Council for the Danish Criminal Code has a potential impact for the future use of the Council as the last time a request was formulated to the Council was in 2017. The request shows that the Council still has significance for the Ministry of Justice.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	See answer above.
Give reasons why you consider the practice as having concrete measurable impact	The Council for the Danish Criminal Code has been requested to inter alia assess if the provision on rape clearly reflects that sexual acts must be voluntary and to give concrete proposals as to how section 216 can be formulated to as to ensure that any sexual act must build on mutual voluntariness. The Council normally gives concrete advice either in the form of a report or a statement. The advice is included in a legislative act where the Ministry of Justice gives reasons when the advice from the Council is not strictly followed.

Give reasons why you consider the practice as transferrable to other settings and/or Member States?	The practice may serve as a comparison to how governments responds to principled questions in the sphere of criminal law.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	The Council for the Danish Criminal Code consists mainly of people from the administration but two professors and a lawyer are also represented. Some stakeholders relevant for the Ministry of Justice is amongst the members including The Director of Public Prosecution, a representative from the Danish police and from the Department of Prisons and Probation.
Explain, if applicable, how the practice provides for review and assessment.	The report from the Council will be made available for the public and will undergo public consultations.

Thematic area	<b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</b> Please provide one promising practice example of projects or programmes implementing the CRPD or furthering the rights of persons with disabilities.
Title (original language)	Sød, sej og særlig – min ven med handicap
Title (EN)	Sweet, cool, and special – my friend with a disability
Organisation (original language)	Det Centrale Handicapråd
Organisation (EN)	The Danish Disability Counsel
Government / Civil society	Government-funded organisation
Funding body	N/A
Reference (incl. url, where available)	In Danish: <a href="https://dch.dk/kampagnen-min-ven-med-handicap">https://dch.dk/kampagnen-min-ven-med-handicap</a>
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Spring 2019 – still ongoing
Type of initiative	Awareness campaign
Main target group	Children, teachers, and parents
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	‘My friend with a disability’ is a campaign providing three videos about three different friendships between children with and without disabilities, teaching material for teaching children around the age of 8 to 10 years, and a dialogue guide for parents of children around the same age. The campaign seeks to have children without disabilities to recognize children with disabilities as equals. Furthermore, the purpose is to create better quality of life and opportunities for children with disabilities. In an

	overall perspective, the campaign aims to diminish prejudices against people with disabilities in the Danish society.
Highlight any element of the actions that is transferable (max. 500 chars)	The focus on good qualities of persons with disabilities. The focus on children in order to prevent future loneliness among adults with disabilities by establishing good friendships at an early age.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The material provided by this campaign can be used by school teachers and parents, also in the future. The aim of the material is to provide a ground for discussion and dialogue about the subject. It seems always to be relevant to discuss loneliness, as it is an ongoing and increasing problem among persons with disabilities.
Give reasons why you consider the practice as having concrete measurable impact	N/A. It is challenging to measure concrete impact of awareness campaigns and is not standard in this area.
Give reasons why you consider the practice as transferrable to other settings and/or Member States?	Material showing a different perspective on persons with disabilities and focusing on children might also be relevant in other Member States or settings, seeing that the challenge of prejudices against persons with disabilities is a cross-national issue.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	N/A
Explain, if applicable, how the practice provides for review and assessment.	N/A

## Annex 2 – Case law

Thematic area	<p><b>EQUALITY AND NON-DISCRIMINATION</b></p> <p>Please provide one high court decision addressing discrimination on any one of the following grounds: gender identity, religion or belief, disability, age, or sexual orientation. Where relevant, always highlight any relevance or reference to multiple discrimination in the case you report</p>
Decision date	17 April 2019.
Reference details	<p>Denmark, Maritime and Commercial High Court (Sø- og Handelsretten), case F-5-17, 28 June 2018.<sup>105</sup></p> <p>Denmark, Supreme Court (Højesteret), case BS-25958/2018-HJR, 17 April 2019, 2. afdeling.<sup>106</sup></p>
Key facts of the case (max. 500 chars)	<p>The case concerned the dismissal of an employee, F, in a subsidised job by the time the person turned 65 years. The Danish employment scheme on flexible terms (Flexjob scheme) enables persons with disabilities to work for a limited number of hours with a state subsidy to top up the salary to the equivalent of full-time. The wage subsidy stops at the standard retirement age (currently 65), where the individual can receive public old age pension.</p> <p>The appellant, F, argued that the employer’s reasoning for the dismissal had been based on the fact that F turned 65 and the subsidised job ran out. F therefore argued that the dismissal was discriminatory on the grounds of age and disability in conflict with the Danish Act on the Prohibition of Differential Treatment on the Labour Market, etc. (bekendtgørelse nr. 1001 af 24. august 2017 af lov om forbud mod forskelsbehandling på arbejdsmarkedet mv.), which is based on the Employment Framework Directive.<sup>107</sup></p>
Main reasoning/argumentation (max. 500 chars)	<p>The Supreme Court noted that the dismissal had been grounded on the fact that F’s job would no longer be subsidised when he turned 65. However, the court found that the Danish Flexjob scheme must be considered as a legitimate positive action measure to promote the employment of persons with disabilities. The termination of such a positive action measure as a result of the commencement of the retirement age could not be regarded as discrimination on grounds of age or disability.</p> <p>Thus, the dismissal was not in conflict with the Danish Act on the Prohibition of Differential Treatment on the Labour Market, etc.</p>

<sup>105</sup> Denmark, Maritime and Commercial High Court (Sø- og Handelsretten), case F-5-17, available in Danish at: [http://domstol.fe1.tangora.com/media/-300011/files/F000500B\\_anonymisering.pdf](http://domstol.fe1.tangora.com/media/-300011/files/F000500B_anonymisering.pdf)

<sup>106</sup> Denmark, Supreme Court (Højesteret), case BS-25958/2018-HJR, 2. afdeling, available in Danish at: <http://www.hoejesteret.dk/hoejesteret/nyheder/Afgorelser/Documents/25958-2018%20Anonym.pdf>

<sup>107</sup> Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, available in English here: <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0078:EN:HTML>

Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	<p>The concept of discrimination on the grounds of age and disability in the Framework Directive.</p> <p>Justification of differences of treatment on the grounds of age, cf. Article 6 of the Framework Directive.</p> <p>Positive action measures, cf. Article 7 of the Framework Directive.</p>
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Supreme Court ruled that the appellant, F, had not been subject to discrimination on the grounds of neither age nor disability.
Key quotation in original language and translated into English with reference details (max. 500 chars)	Kindly note that this is not relevant, as the above shows the reasoning of the Court.

Thematic area	<p><b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b></p> <p>Please provide the most relevant high court decision concerning the application of either the Racial Equality Directive, the Framework Decision on racism and xenophobia, or relevant to addressing racism, xenophobia and other forms of intolerance more generally.</p>
Decision date	4 July 2019
Reference details	Denmark, The Eastern High Court (Østre Landsret), Case S-1099-19, 4. July 2019 <sup>108</sup> .
Key facts of the case (max. 500 chars)	On 2 April 2018 the defendant, who is a politician and founder of the far-right political party Hard Line (Stram Kurs), recorded a video of himself in front of the residence of a political activist of African descent where he expressed statements that were taunting and degrading towards a group of people on the basis of their race or skin colour. The defendant published the video on his channel on Youtube on the 3rd of April 2018.
Main reasoning/argumentation (max. 500 chars)	<p>The Eastern High Court found that the statements were taunting and degrading towards a group of people on the basis of their race or skin colour.</p> <p>The Court found the defendant guilty of violating § 266 b, section 1 and 2 in the Criminal Code. Section 1 criminalizes statements that are expressed publicly towards a broader audience and that are threatening, taunting or degrading towards a group of people on the basis of their race, skin colour, national or ethnic origin, belief or sexual</p>

<sup>108</sup> Denmark, The Eastern High Court (Østre Landsret), case S-1099-19.

	<p>orientation. Section 2 states that it is an aggravating circumstance in relation to the sentencing if the statements can be deemed as propaganda activities.</p> <p>The Court found that section 2 was applicable and thus deemed the distribution as more widespread because the statements were available in a long period on the defendant's Youtube-channel and there was a link to the Youtube-channel on the webpage of the defendant's political party.</p> <p>The High Court found that the statements were not part of an objective political debate due to the character of the statements and the context wherein they were expressed, namely in front of the residence of an activist of African descent.</p> <p>The Court found that the extensive freedom of speech enjoyed by politicians concerning controversial societal affairs could not lead to impunity in the case.</p>
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The key issue before the High Court was whether the defendant's statements were covered by Section 266 b of the Criminal Code or were protected by the freedom of speech especially for statements given in a political context.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	Suspended sentence of 14 days imprisonment.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>Landsretten lægger endvidere vægt på, at der er tale om en udtalelse optaget foran bopælen hos en i Danmark bosiddende politisk aktivist af afrikansk herkomst og med henvisning til hende (...) Landsretten finder således, at der efter udtalelsens karakter og den sammenhæng, hvori den er fremsat, ikke er grundlag for at anse den som led i en saglig politisk debat, og at hensynet til den særligt vidtgående ytringsfrihed for politikere om kontroversielle samfundsanliggender ikke kan føre til, at udtalelsen må anses for straffri.</p> <p>The High Court attach importance to the fact that the statement was recorded in front of the residence of a political activist of African descent living in Denmark and with reference to her (...) The High Court thus finds that according to the nature of the statement and the context in which it was stated, there is no ground for considering the statement as part of an objective political debate, and that the consideration of the extensive freedom of speech enjoyed by politicians concerning controversial societal affairs could not lead to impunity of the statement.</p>

Thematic area	<b>ROMA INTEGRATION</b> Please provide the most relevant high court decision addressing violations of fundamental rights of Roma in the context of education, employment, health, housing, etc. In particular, focus on cases where discrimination or segregation (not limited to segregation in education or housing) are addressed.
	No case law has been identified for this thematic area.

Thematic area	<b>INFORMATION SOCIETY, DATA PROTECTION</b> Please provide the most relevant high court decision in relation to one of the topic addressed in this Chapter
Decision date	14 February 2019
Reference details	Denmark, Supreme Court (Højesteret), case 92/2018, 14 April 2019. <sup>109</sup>
Key facts of the case (max. 500 chars)	The case concerned the legitimacy of a police search without prior court order which was completed by forcing the accused to open the phone with his fingerprint. The search was made in connection with the arrest of the accused and was done by using force to press down on the fingerprint reader of the mobile phone.
Main reasoning/argumentation (max. 500 chars)	The Supreme Court rules that the purpose of the forced intervention was for the police to gain access to data that was located on the cell phone in a situation in which the accused would not disclose the PIN to the phone or open the phone using his fingerprint. The Supreme Court found the use of force equivalent to the police temporarily using force during to gain access to a suspect's home. In relation to the requirement of a court order, the Supreme Court stated that there was a risk that the contents of the mobile phone would be erased and lost if the search of the phone was pending a court order.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The key issue was whether the police can access electronic data on a cell phone by using force. This entails gaining access to material for which it would otherwise be necessary to contact third parties such as telecommunications companies or the producers of a given cell phone and/or for the police to hack into the cell phone.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Supreme Court ruled in favour of the Prosecution Service and approved the search conducted by the police.
Key quotation in original language and translated into English with reference details (max. 500 chars)	Kindly note that this is not relevant, as the above shows the reasoning of the Court.

<sup>109</sup> Denmark, Supreme Court (Højesteret), case 92/2018 available in Danish at: <http://domstol.fe1.tangora.com/media/-300016/files/92-18.pdf>

Thematic area	<b>RIGHTS OF THE CHILD</b>  Please provide the most relevant high court decision in relation to one of the topic addressed in this Chapter.
Decision date	11 January 2019
Reference details	Supreme Court (Højesteret), 11 January 2019, Case no. 159/2018, 2nd chamber (2. afdeling) <sup>110</sup>
Key facts of the case (max. 500 chars)	The appeal case concerns the conviction of the defendant, who at the time of the offence was below the age of 18, and who by the High Court was found guilty of violating section 235 (1) of the Criminal Code (dissemination of child porn). Over a period of one month, the defendant had, in five cases, disseminated pornographic video material in closed chat groups to at least 35 people, most of whom are believed to be juveniles. The material disseminated showed a young couple below 15 years old during a sexual act.
Main reasoning/argumentation (max. 500 chars)	The main questions before the Supreme Court (Højesteret) were whether: <ul style="list-style-type: none"> <li>• there was so-called “material atypicality” (materiel atypicitet), so that the factual circumstances in which the defendant was found guilty by the High Court in 2018 were not covered by section 235 (1) of the Criminal Code and whether the defendant had had the necessary intention to commit the crime;</li> <li>• the sentence of imprisonment for 40 days - if any - was appropriate and whether the sentence should be made conditional, possibly requiring community service. To this end the question of tort to the two victims was added.</li> </ul>
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The disseminated video material was found extremely offensive, in particular, for the female featured in the video, and the defendant had contributed - not insignificantly - to the further dissemination of the material. According to the Supreme Court, the defendant should therefore be sentenced to imprisonment. As the defendant did not make the videos, in the first instance, available to others on the internet, and he was below the age of 18 at the time of the offense, the Supreme Court upheld the High Court’s ruling of sentencing the defendant to 40 days in imprisonment. However, taking into account the defendant’s extremely good personal circumstances, including that the defendant had not previously been punished, his young age at the time of the offense as well as the time elapsed since the crime was committed, the Supreme Court ruled that the sentence conditional (betinget).  Given the circumstances of the case, including the extent of the dissemination that the defendant had been responsible for, the Supreme Court found that the defendant had contributed to such extent to the dissemination that he should pay compensation to

<sup>110</sup> Denmark, Supreme Court (Højesteret), case no. 159/2018, 11 January 2019, available in Danish at: <http://www.hoejesteret.dk/hoejesteret/nyheder/Afgorelser/Documents/159-18.pdf>



	victims. Compensation for the female victim was set at 10,000 DKK, while the compensation for the other male victim was set at 2,000 DKK.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The ruling by the Supreme Court follows up on the promising practice ('Umbrella') reported on in our 2018 submission. Thus, the rulings by the Supreme Court will constitute the basis for the future court rulings in relation to linked cases in the 'Umbrella' case as well as to the interpretation of Section 235 (1). Moreover, the rulings may carry political significance and influence future law-making.
Key quotation in original language and translated into English with reference details (max. 500 chars)	Kindly note that this is not relevant, as the above shows the reasoning of the Court.

Thematic area	<b>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS</b> Please provide the most relevant high court decisions in relation to one of the topic ad-dressed in this Chapter..
Decision date	3 April 2019
Reference details	Denmark, the District court in Holstebro, case 3-345/2017, 30 May 2017 <sup>111</sup> Denmark, the High Court of Western Denmark, case of 20 August 2018, 11. Chamber S-1162-17 (V.L.D. 20. August 2018 i anke 11. afdeling S-1162-17) <sup>112</sup> Denmark, The Supreme Court, case 192/2018 (1. chamber), 3 April 2019 (H.D. 3. april 2019 i sag 192/2018 (1. afdeling)). <sup>113</sup>
Key facts of the case (max. 500 chars)	The case concerned a person, T, who was found guilty of systematic and persistent persecution or harassment (stalking) by having violated, around 500 times, a restraining order on direct or indirect contact with the victim, F, or members of his family. T was sentenced to three months suspended prison.
Main reasoning/argumentation (max. 500 chars)	The violations of the restraint order occurred through posts on social media, telephone calls, SMS and e-mails namely to F, his wife and daughter after F discontinued a long lasting relationship with the perpetrator, T. In setting the level of penalty for the violations of Section 1 of the Act on restraint order, prohibition on stay and expulsion <sup>114</sup> the Supreme Court attached weight to the fact that T had violated the restraining order around 500 times, including by contacting the wife and daughter of the victim, F, although T knew that F's daughter was mentally ill, that the violations occurred over a time

<sup>111</sup> Available in Danish at: <http://www.hoejesteret.dk/hoejesteret/nyheder/Afgorelser/Documents/192-18%20-%20BY.pdf>.

<sup>112</sup> Available in Danish at: <http://www.hoejesteret.dk/hoejesteret/nyheder/Afgorelser/Documents/192-18-VL.pdf>.

<sup>113</sup> Available in Danish at: <http://www.hoejesteret.dk/hoejesteret/nyheder/Afgorelser/Documents/192-18-HR.pdf>.

<sup>114</sup> Denmark, Act no. 112 of 3 February 2012 on restraint order, prohibition on stay and expulsion (*Lov nr. 112 af 3. februar 2012 om tilhold, opholdsforbud og bortvisning*), available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=140188>.

	period of about nine months and that they continued after the first charges against T.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Level of sanctions imposed in cases of severe stalking and violations of restraining orders.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The sanction imposed on T was three months in prison suspended on the condition that T does not commit actions punishable by law in one year from the date of the judgment. In the preparatory works to Section 21 of the Act on restraint order, prohibition on stay and expulsion, it follows that the severity of the violations and their number has a significance in deciding the sanction that can be up to two years in prison according to the relevant law. <sup>115</sup> Case law on stalking is scarce and the case is thus illustrative in showing the sanctions imposed in cases which solely deal with violations of the restraining order (and not in connection with other violations) and where the violations of the restraint order have a systematic and persistent nature. Given the scarce case law, it is also of interest that the District court, the High Court and the Supreme Court agreed on the sanction.
Key quotation in original language and translated into English with reference details (max. 500 chars)	Kindly note that this is not relevant, as the above shows the reasoning of the Court.

Thematic area	<b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</b> Please provide the most relevant high court decision making reference to the CRPD or employing the CRPD in their reasoning.
Decision date	4 February 2019.
Reference details	Denmark, District Court in Odense (Retten i Odense), case BS 2-727/2017, 4 August 2017. <sup>116</sup> Denmark, High Court of Eastern Denmark (Østre Landsret), case B-1792-17, 2 May 2018, 5. afdeling. <sup>117</sup>

<sup>115</sup> Denmark, preparatory works to Act no. 112 of 3 February 2012 on restraint order, prohibition on stay and expulsion, as proposed, page 43-44, (*Ifølge bemærkningerne til lov nr. 112 af 3. februar 2012 om tilhold, opholdsforbud og bortvisning, jf. Folketingstidende 2011-12, A, L 10 som fremsat, side 43-44*), available in Danish at: [https://www.ft.dk/ripdf/samling/2011/lovforslag/l10/20111\\_l10\\_som\\_fremsat.pdf](https://www.ft.dk/ripdf/samling/2011/lovforslag/l10/20111_l10_som_fremsat.pdf).

<sup>116</sup> Denmark, District Court in Odense (*Retten i Odense*), case BS 2-727/2017, 4 August 2017, available in Danish at: <http://www.hoejesteret.dk/hoejesteret/nyheder/Afgorelser/Documents/140-144-18-BY.pdf>

<sup>117</sup> Denmark, High Court of Eastern Denmark (*Østre Landsret*), case B-1792-17, 2 May 2018, 5. Afdeling, available in Danish at: [www.hoejesteret.dk/hoejesteret/nyheder/Afgorelser/Documents/140-144-18-OL.pdf](http://www.hoejesteret.dk/hoejesteret/nyheder/Afgorelser/Documents/140-144-18-OL.pdf)

	Denmark, Supreme Court (Højesteret), case 140/2018 and 144/2018, 4 February 2019, 2. afdeling. <sup>118</sup>
Key facts of the case (max. 500 chars)	<p>The case concerned adoption of a child, C, without the parents' consent. The question was whether the State Administration's decisions to release the child for adoption and subsequently to grant adoption should be annulled.</p> <p>Both of the biological parents had a disability. The mother, A, had massive chronic cognitive, emotional and personality difficulties with low potential of positive development. The father, B, had massive chronic cognitive, personality, emotional and social difficulties with minimal potential of positive development.</p> <p>The child had been forcibly removed from its biological parents after birth and placed with a foster family. Arrangements were made for contact between the child and the biological parents. The contact ended when adoption was granted.</p>
Main reasoning/argumentation (max. 500 chars)	<p>According to the Danish Adoption Act (adoptionsloven) Section 9(2) and 9(3), adoption without consent of the biological parents can be conducted in special cases if significant reasons calls for it. Section 9(3) permits such adoption if the criteria for placement of a child outside the home are complied, it is highly probable that the parents permanently will be unable to take care of the child and adoption seems the best option, considering continuity and stability in the childhood.</p> <p>The Supreme Court found that there was a high likelihood that, regardless of disability support measures, the biological parents would be permanently unable to care for the child and that significant considerations for the continuity and stability of the child's upbringing entailed that adoption was the best for the child. The conditions for adoption without consent stipulated in the Danish Adoption Act had thus been met.</p> <p>The Supreme Court further stated that the forced adoption was not reasoned on the parents' disabilities, but on their inability to take care of the child which could not be improved by means of support measures. For this reason, according to the court, the forced adoption was not in breach with the UN Convention on the Rights of Persons with Disabilities.</p>
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Adaptation without consent in a case where the biological parents both have a disability.
Results (sanctions) and key consequences or	The Danish State Administration's decisions regarding forced adoption were valid and not in conflict with the European Convention on Human

<sup>118</sup> Denmark, Supreme Court (Højesteret), case 140/2018 and 144/2018, 4 February 2019, 1. Afdeling, available in Danish at: <http://www.hoejesteret.dk/hoejesteret/nyheder/Afgorelser/Documents/140-18.pdf>

implications of the case (max. 500 chars)	Rights Article 8, the UN Convention on the Rights of the Child or the UN Convention on the Rights of Persons with Disabilities.
Key quotation in original language and translated into English with reference details (max. 500 chars)	Kindly note that this is not relevant, as the above shows the reasoning of the Court.