

# **Franet National contribution to the Fundamental Rights Report 2021**

**Denmark**

**Contractor's name:** The Danish Institute for Human Rights

**Authors' name:** Marya Akhtar, Kristian Inuk Grosen, Trine Otto Hansen, Amalie Havslund, Sidsel Engmann Juul, Maiken Lindegaard Keller, Mathilde Holte Kristensen, Sinja Laursen, Mikkel Lindberg Laursen, Emilie Thage, Tine Birkelund Thomsen, Camilla Presutti Witt

**Reviewed by:** Lise Garkier Hendriksen, Nadja Filskov

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# Policy and legal highlights 2020

## DENMARK

| Franet country study: policy and legal highlights 2020          |   |
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| <b>Issues in the fundamental rights institutional landscape</b> | No development in 2020.   |
| <b>EU Charter of Fundamental Rights</b>                         | No development in 2020/   |
| <b>Equality and non-discrimination</b>                          | <b>Ban against discrimination based on gender identity and more:</b> The Danish Government <a href="#">plans to introduce a bill which will provide a ban against discrimination based on gender identity, gender expression and sex characteristics</a> inside and outside the labour market, a ban against discrimination and harassment based on sexual orientation outside the labour market, as well as protection against hate crime and hate speech against gender identity, gender expression and sex characteristics in the Danish Penal code. |
| <b>Racism, xenophobia &amp; Roma integration</b>                | <b>National action plan against anti-Semitism:</b> The Danish government has <a href="#">initiated work on a national action plan to combat anti-Semitism</a> . However, the action plan does not target other types of hate crime or racism, even though other groups, particularly Danish Muslims, are overrepresented in the statistics.   |
| <b>Asylum &amp; migration</b>                                   | <b>Measures to postpone and extend departure:</b> During COVID-19, the Danish immigration authorities and the Danish police have initiated <a href="#">measures to postpone and extend the departure deadline</a> for those foreigners who have a visa-free stay, or a short-term visa stay, and cannot leave Denmark due to COVID-19. These measures have legal basis in present legislation and ensure that foreigners do not become irregular because of travel restrictions.  |
| <b>Data protection and digital society</b>                      | <b>The revision of the Danish data retention rules is still under way</b> and no new rules have been introduced yet, despite original plans of introducing new rules during the fall of 2017 to comply with recent EU case law. According to the <a href="#">scheme for the proposed bills for the parliamentary year</a> , a revision of the data retention rules will be put forward in February 2021.  |
| <b>Rights of the child</b>                                      | <b>Wide national support of partnership on vulnerable children and young people in response to COVID-19.</b> The <a href="#">partnership between the government and civil society</a> organisations will continuously identify key challenges and act upon them, i.e. by coordinating or adjusting own initiatives or by initiating new ones together.  |
| <b>Access to justice,</b>                                       | <b>Discontent with the police regarding cases involving violence and rape:</b> Discontent with the police from citizens is highest for victims of   |

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| <p><b>including victims of crime</b></p>                          | <p>crime in cases involving violence and rape, a <a href="#">survey made by the Danish National Police</a> shows.</p> <p><b>Amendment to the definition of rape:</b> On 17. December 2020 the Danish Parliament passed a <a href="#">bill which amends Section 216 on rape in the Danish Criminal Code</a> so that the provision will be based on the notion that non-consensual sex constitutes rape. The bill enters into force on 1 January 2021.</p>   |
| <p><b>Convention on the Rights of Persons with Disability</b></p> | <p><b>Obligation to provide reasonable accommodation:</b> The Ministry of Social and Internal Affairs has proposed a <a href="#">bill to the Danish Parliament which amends the Act on a Ban against Discrimination on the Grounds of Disability</a> by inserting an obligation to provide reasonable accommodation. However, the obligation to provide reasonable accommodation will only apply to day cares and public schools. While being processed in the Danish Parliament, an obligation to also provide reasonable accommodation within private and private independent schools was added. The Danish Parliament is still processing the bill.</p> |

# Chapter 1. Equality and non-discrimination

## 1. Legal and policy developments or measures relevant to fostering equality and combating discrimination against older people and against LGBTI people.

### Legal and policy developments regarding discrimination against older people

On 18 March 2020, the Danish Patient Safety Authority (*Styrelsen for Patientsikkerhed*) ordered all municipal councils to introduce a temporary ban on visits to all public and private nursing homes, senior homes and protected housing etc. based on an executive order. However, close relatives were allowed to visit in critical situations. For example, an urgent visit to a critically ill or dying resident.<sup>1</sup> On 11 June 2020, the Danish Patient Safety Authority ordered all municipal councils to introduce new restrictions based on a new executive order. Hereafter, residents could receive unlimited visits outdoors taking into account the recommendations from the Danish Health Authority (*Sundhedsstyrelsen*). Indoor visits were possible from close relatives in critical situations. Indoor visits were also allowed from 1-2 regular visitors if a resident due to their health could not conduct visits outside, or if, for example, the weather excluded the possibility of outdoor visits.<sup>2</sup> On 2 July 2020, the restrictions were further eased in an executive order, which replaced the Danish Patient Safety Authority's order from 11 June 2020. Hereafter, the residents were able to receive visits both indoors and outdoors. However, the Danish Patient Safety Authority can in case of local outbreaks of COVID-19 order municipal councils to temporarily prohibit visitors or establish restrictions on the access of visitors when it is necessary to prevent or contain the spread of COVID-19 except for visits in critical situations and visits from the closest relative to the resident.<sup>3</sup> Due to the rise of COVID-19 in different

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<sup>1</sup> Denmark, Order from the Danish Patient Safety Authority (*Styrelsen for Patientsikkerhed*), 18 March 2020, available in Danish: <https://stps.dk/da/nyheder/2020/vigtig-information-om-begraensning-af-besoeg-paa-sygehuse,-plejehjem,bosteder-mv/~media/47E3BE4B407C4107A9A9A5B2A2C8374E.ashx>; Denmark, Order from the Danish Patient Safety Authority (*Styrelsen for Patientsikkerhed*), 6 April 2020, available in Danish: <https://stps.dk/da/nyheder/2020/aendringer-i-bekendtgoerelsen-om-besoegsrestriktioner-paa-sygehuse,plejehjem-mv/~media/83D6C0A22BD94BA99923A16A9CA8EDCD.ashx>; Denmark, Executive order no. 215 of 17. March 2020 from the Ministry of Health (*Sundheds- og Ældreministeriet*), available in Danish here: <https://www.retsinformation.dk/eli/lta/2020/215>; Denmark, Executive order no. 371 of 4. April 2020 from the Ministry of Health (*Sundheds- og Ældreministeriet*), available in Danish here: <https://www.retsinformation.dk/eli/lta/2020/371>.

<sup>2</sup> Denmark, Order from the Danish Patient Safety Authority (*Styrelsen for Patientsikkerhed*), 11. June 2020, available in Danish at: <https://stps.dk/da/nyheder/2020/lempelse-af-besoegsrestriktioner-paa-blandt-andet-plejehjem-og-sygehuse-covid-19/~media/4EF450CE128842AF8E0F7C287532754A.ashx>; Denmark, Executive order no. 823 of 9 June 2020 from the Ministry of Health (*Sundheds- og Ældreministeriet*), available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/823>.

<sup>3</sup> Denmark, Executive order no. 1030 of 27 June 2020 from the Ministry of Health (*Sundheds- og Ældreministeriet*), available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1030>.

municipalities since August 2020, the Danish Patient Authority has used this authority and ordered temporary restrictions in several municipalities, amongst other the municipality of Copenhagen.<sup>4</sup> On 1 October 2020, the executive order from 2 July 2020 was prolonged until 1 March 2021.<sup>5</sup> On 15 November 2020, a new executive order, amongst other, provided that the orders from the Danish Safety Authority to municipal councils may include, that visits can be made in designated rooms by two close relatives in addition to the closest relative. However, no more than two visitors at the time can visit.<sup>6 7</sup>

### Legal and policy developments regarding discrimination against LGBTI people

In June 2018, the Danish Government published "Action plan to encourage safety, well-being and equal possibilities for LGBTI-persons" ("*Handlingsplan til fremme af tryghed, trivsel og lige muligheder for LGBTI-personer*") for 2018-2021.<sup>8</sup> One of the initiatives in the action plan was to have an inter-ministerial working group conducting a review of the Danish legislation to evaluate how the protection of the rights for LGBTI-persons could be improved. On 20 August 2020, the Department on Equal Opportunities (*Ligestillingsafdelingen*) within the Ministry of Environment and Food (*Miljø- og Fødevareministeriet*) published the inter-ministerial working group's review of Danish legislation.<sup>9</sup> The same day, the Danish Government presented the "Freedom to diversity" ("*Frihed til forskellighed*") initiative.<sup>10</sup> The initiative is based on the inter-ministerial working group's review of Danish legislation. The "Freedom to diversity" initiative introduces ten initiatives to strengthen rights and equal possibilities for LGBTI-persons in Danish legislation.

The ten initiatives are:

1. A strengthened protection against discrimination and harassment due to sexual orientation outside the labour market.

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<sup>4</sup> Denmark, Current overview of orders regarding visitor restrictions from the Danish Patient Safety Authority (*Styrelsen for Patientsikkerhed*), updated 24 September 2020, available in Danish here: <https://stps.dk/da/ansvar-og-retningslinjer/coronaviruscovid-19/besoegsrestriktioner/~media/07F68A96CC9C44B08BBD33E1DF81C1C.ashx>. Also see: Denmark, Executive order no. 1030 of 27 June 2020 from the Ministry of Health (*Sundheds- og Ældreministeriet*), available in Danish here: <https://www.retsinformation.dk/eli/lta/2020/1030>.

<sup>5</sup> Denmark, Executive order no. 1402 of 23 September 2020 from the Ministry of Health (*Sundheds- og Ældreministeriet*), available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1402>.

<sup>6</sup> Denmark, Executive order no. 1586 of 6. November 2020 from the Ministry of Health (*Sundheds- og Ældreministeriet*), available in Danish here: <https://www.retsinformation.dk/eli/lta/2020/1586>.

<sup>7</sup> For more information on the impact of COVID-19 on older people in Denmark please view page 7-8 of the [Franet country study](#) released 4 May 2020, and page 6 of the [Franet country study](#) released 2 July 2020.

<sup>8</sup> Denmark, Action plan from the Danish Government, June 2018, available in Danish at: <https://www.regeringen.dk/media/5348/lgbti-handlingsplan.pdf>

<sup>9</sup> Denmark, Review of Danish legislation within the LGBTI-area from the inter-ministerial working group, 20 August 2020, available in Danish here: <https://mfvm.dk/publikationer/publikation/pub/hent-fil/publication/gennemgang-af-lovgivning-paa-lgbti-omraadet/>.

<sup>10</sup> Denmark, Report from the Ministry of Environment and Food (*Miljø- og Fødevareministeriet*), 20 August 2020, available in Danish at: [https://mfvm.dk/fileadmin/user\\_upload/MFVM/Ligestilling/lgbt\\_publication\\_skaermlaesbar.pdf](https://mfvm.dk/fileadmin/user_upload/MFVM/Ligestilling/lgbt_publication_skaermlaesbar.pdf)

2. An explicit prohibition against discrimination and harassment against transgender and intersex persons *outside* the labour market.
3. An explicit prohibition against discrimination and harassment against transgender – and intersex persons *within* the labour market.
4. An explicit protection of transgender and intersex persons in relation to harassment and hate speech.
5. Easier access to change first name so it fits one's experienced gender identity.
6. Access for transgender persons to become parents in accordance with their legal gender.
7. Healthcare professionals will no longer be required to participate in the registration of co-motherhood.
8. Access for transgender children and young transgender persons to change their legal gender. For example, through their civil registration number (*CPR-nummer*) etc.
9. The reflection period related to the change of legal gender for persons over the age of 18 years is to be abolished.
10. For non-binary persons who do not identify as neither man nor woman and for persons under the age of 18 years it should be possible to have an "X" in the passport, instead of either "F" for female or "M" for male.

The Danish Government (*Regeringen*) have stated in their legislative programme for the parliamentary year 2020-2021 that, by February 2021, they will propose a bill, which will introduce a ban against discrimination based on gender identity, gender expression and sex characteristics inside and outside the labour market, strengthen the protection against discrimination and harassment based on sexual orientation outside the labour market, as well as protect against hate crime and hate speech toward gender identity, gender expression and sex characteristics in the Danish Criminal Code (*straffeloven*). In order to ensure an effective protection against discrimination, the bill will include an access for this group to complain to the Board of Equal Treatment (*Ligebehandlingsnævnet*). Furthermore, the Danish Institute for Human Rights (*Institut for Menneskerettigheder*) will be given a mandate to raise cases before the Board of Equal Treatment and produce analyses within this field.<sup>11</sup>

The revision of the Danish Criminal Code (*straffeloven*) is expected to come into force 1 July 2021.<sup>12</sup>

## **2. Findings and methodology of research, studies or surveys on experiences of discrimination against older people and against LGBTI people.**

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<sup>11</sup> Denmark, Legislative programme 2020-2021 from the Danish Government, 6 October 2020, available in Danish at: <https://www.stm.dk/statsministeriet/publikationer/lovprogram-for-folketingsaaret-2020-2021/>

<sup>12</sup> Denmark, Hearing from the Ministry of Environment and Food (*Miljø- og Fødevarerministeriet*) 5 November 2020, available in Danish at: <https://hoeringsportalen.dk/Hearing/Details/64529>



## Research findings and methodology of research, studies or surveys on experiences of discrimination against older people:

In May 2020, the Danish trade union, DJØF (*Dansk Jurist og Økonomforbund (DJØF)*) published a study named "Danes stop job changing when they reach 55 years" ("*Danskerne stopper med at skifte job, når de fylder 55 år*"). The study was based on register data and concerned the mobility on the labour market.<sup>13</sup> The study noted that the proportion of Danes over the age of 70 years are expected to increase substantially in the coming years. As an inevitable effect, it is also expected that older people in the coming years will become a greater part of the workforce.

However, even though Danes can look forward to retiring later and a longer work life, the study finds that mobility on the labour market among those over 55 is low. The study concludes that:

1. People over the age of 55 years change their job to a much lower degree than other age groups. In 2019, only 13% of people over 55 years were new employees at their workplaces. Meanwhile, almost 1/5 in the age group from 35 to 54 and more than 40% in the youngest group were.
2. Most of the recruitment people over 55 years (11%) stemmed from another workplace, while only 1% were unemployed before they got recruited.
3. The Danish State as an employer is less prepared to hire employees over the age of 55 years who are unemployed than both the municipalities (*Kommunerne*) and the Danish Regions (*Regionerne*). Out of the employees that the State hires from unemployment, people over the age of 55 years only make up 12% while they make up around 19% in the municipalities and the Danish Regions.
4. Unskilled workers as a group is the group with the biggest proportion of new recruitments. In 2019, around every third unskilled worker changed job, while every fourth academic worker and every fifth worker with a medium length education changed job.
5. Regardless the level of education, people over the age of 55 years is the age group that changes job most rarely. Only 13% of this age group change job.

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<sup>13</sup> Denmark, Report from the Danish trade union "Djøf" (*Dansk Jurist og Økonomforbund (DJØF)*), May 2020, available in Danish at: <https://www.djoefbladet.dk/artikler/2020/8/-/media/a758ed23fd9d4fdaa82a87efb9f5c3ba.ashx>

## Research findings and methodology of research, studies or surveys on experiences of discrimination against LGBTI people:

On 30 June 2020, the Danish Institute for Human Rights (*Institut for Menneskerettigheder*) published a report that studied minorities' experiences of hate in the public sphere during COVID-19 in Denmark.<sup>14</sup> The report focused on different minority groups, among other LGBTI+ persons. The findings in the report were based on data collected between 15 May and 10 June 2020 from a questionnaire shared on social media. Approximately 2.000 responded to the questionnaire out of which 1,098 LGBTI+ persons responded in full to the questionnaire, while 329 partially responded. The report also included 10 interviews out of which 3 were with LGBTI+ persons. The report found that due to COVID-19 fewer people moved around in the public sphere. Also, there was an increased awareness of people who moved in the public sphere. Consequently, LGBTI+ persons felt more vulnerable to reactions from others in public, as they due to the circumstances did not bring any acquaintances with them.

## **Chapter 2. Racism, xenophobia and related intolerance**

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

The Institute has received a written reply from the Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*) on 25 November 2020, in which the ministry states that the ministry is responsible for the Act on Ethnic Equal Treatment,<sup>15</sup> which was lastly amended in 2012 with the introduction of the Act on the Institute for Human Rights.<sup>16</sup> The Act on Ethnic Equal Treatment, in combination with the Act on the Ban against Discrimination on the Labour Market etc.,<sup>17</sup> implements the principle of equal treatment between persons irrespective

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<sup>14</sup> Denmark, The Danish Institute for Human Rights (*Institut for Menneskerettigheder*), Report on hate in the public sphere during COVID-19, 30 June 2020, available in Danish at: <https://menneskeret.dk/sites/menneskeret.dk/files/media/document/Rapport%20om%20had%20i%20det%20off%20rum%20LAYOUT2.pdf>

<sup>15</sup> Denmark, Consolidated Act no. 438 of 16. May 2012 on Ethnic Equal Treatment, available in Danish at: <https://www.retsinformation.dk/eli/Ita/2012/438>.

<sup>16</sup> Denmark, Act no. 553 of 18 June 2012 on the Institute for Human Rights, available in Danish at: <https://www.retsinformation.dk/eli/Ita/2012/553>.

<sup>17</sup> Denmark, Consolidated Act no. 1001 of 24 May 2017 on the Ban against Discrimination on the Labour Market etc., available in Danish here: <https://www.retsinformation.dk/eli/Ita/2017/1001>.

of racial or ethnic origin as specified in the Racial Equality Directive no. 2000/43/EF.<sup>18</sup>

The ministry further states that Board of Equal Treatment (*Ligebehandlingsnævnet*) receives individual complaints related to equal treatment, including those protected by the Act on Ethnic Equal Treatment in relation to the directive.

The Board of Equal Treatment may award compensation if it finds that discrimination has occurred.

In 2019, the Board received 318 complaints out of which 136 in total were considered. A majority of the considered cases related to gender (94), while only 48 of the cases related to race and ethnic origin. The 48 cases represent a small increase in number of considered cases regarding race and origin compared to 2018 where 36 cases were considered.<sup>19</sup> The Ministry of Immigration and Integration has provided the same information and states that the figures for 2020 will be forthcoming later this year of 2021.<sup>20</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 National Integration Barometer is based on an annual survey conducted by the Danish Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*). Each year, the survey is sent to a representative, randomised sample of Non-Western immigrants and descendants in Denmark above the age of 18 years. The immigrants who participate in the survey have resided in Denmark for at least three years. The results from 2020 are based on answers from 1,992 respondents.<sup>21</sup> The Integration Barometer shows that the number of immigrants and descendants of non-Western origin who feel that they have been discriminated against based on their ethnic origin during the last year has decreased from 48%

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<sup>18</sup> Information provided by the Danish Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*) by e-mail of 25 November 2020.

<sup>19</sup> Denmark, The Board of Equal Treatment (*Ligebehandlingsnævnet*), Annual report 2019 (*Ligebehandlingsnævnets årsberetning 2019*), pp. 3 and 35, available in Danish at: <https://ast.dk/publikationer/ligebehandlingsnaevnets-arsberetning-2019>

<sup>20</sup> Information provided by the Danish Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*) by e-mail of 25 November 2020.

<sup>21</sup> Denmark, The Citizenship Survey 2020 (*Medborgerskabsundersøgelsen 2020*), available in Danish at: <https://integrationsbarometer.dk/tal-og-analyser/aktuelt/medborgerskabsundersogelsen-2020>

in 2018 to 45% in 2020.<sup>22</sup> Although this figure has decreased, it still indicates that experiences of discrimination occur. The Ministry of Immigration and Integration similarly states that the number of immigrants and descendants of non-Western origin who answer that they have experienced discrimination based on their ethnic origin during the last year has been stable at a level of 45 % in 2012 to a level of 45 % in 2020, with a slight decrease from 48 % in 2018. The ministry further states that the proportion of immigrants and descendants of non-Western origin who experience that persons with an immigrant background are recognized for their efforts in society has increased from 48 % in 2012 to 54 % in 2020 with a slight increase from 52 % in 2018.<sup>23</sup>

Due to the COVID-19 pandemic, a public website gathering all information from the Danish authorities has been made available in both Danish and English.<sup>24</sup> The Danish authorities have also communicated advice and information on COVID-19 into the 9 most widespread minority languages, including Arabic, Farsi, German, Greenlandic, Polish and Turkish in cooperation with selected NGOs to increase equal access to healthcare. Danish NGOs also participated in the distribution of the translated information to the targeted audience in vulnerable residential areas with a high level of concentration of immigrants and refugees.<sup>25</sup> <sup>26</sup> In its written reply to the Institute, the Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*) provided the same information.<sup>27</sup>

## **2. Legal and policy developments relating to the application of the Framework Decision on Racism and Xenophobia relevant to combating hate speech and hate crime**

The Danish National Police (*Rigspolitiet*) has since 2015 published an annual report with an overview of hate crimes registered by the local police districts

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<sup>22</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>23</sup> Information provided by the Danish Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*) by e-mail of 25 November 2020.

<sup>24</sup> Denmark, Information from the Danish Health Authority (*Sundhedsstyrelsen*) on COVID-19, available in English at: <https://www.sst.dk/en/English/corona-eng>

<sup>25</sup> Denmark, Advice and information from the Danish Health Authority (*Sundhedsstyrelsen*) on COVID-19 translated to multiple languages, available in Danish at: <https://www.sst.dk/da/nyheder/2020/nye-versaettelser-af-information-om-ny-coronavirus>

<sup>26</sup> For more information on measures taken by the Danish government/public authorities in relation to COVID-19 please see page 4 of the [Franet country study](#) released 20 March 2020.

<sup>27</sup> Information provided by the Danish Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*) by e-mail of 25 November 2020.

(*politikredsene*). The Institute has received a written reply from the Ministry of Justice (*Justitsministeriet*) in which the ministry states that, on 7 October 2020, the Danish National Police published their report on hate crimes committed in Denmark during 2019. The report shows that the number of registered reports on hate crimes has increased by almost 27% from 2018 to 2019. The Institute further notes that in 2019, the police registered 569 criminal offences as hate crimes out of which 312 were related to race and ethnic origin and 180 were related to religion. In 2018, the total number of criminal offences registered as hate crimes was only 449. In the report, it is suggested that the increase partly is due to the Danish National Police's awareness campaign from 2019 that focused on the reporting of hate crimes, and partly to a number of incidents related to the anniversary of The Night of Broken Glass (*Krystalnatten*).<sup>28</sup>

In 2020, The Danish government has initiated work on a national action plan to combat anti-Semitism.<sup>29</sup> An agreement with the Danish Jewish Society (*Det Jødiske Samfund i Danmark*) to work on such a plan has been in place since November 2019.<sup>30</sup> However, the action plan does not target other types of hate crime or racism and no plans have been announced to introduce a general plan to combat hate crime, even though other groups, particularly Danish Muslims, are overrepresented in the statistics.<sup>31</sup> In its written response, the Ministry of Justice (*Justitsministeriet*) confirms that the Minister of Justice is currently working on new policy in relations to hate crimes.<sup>32</sup> The Ministry has not laid out the contents of this new policy yet. However, in a new political agreement between the Government and a majority of the political parties in parliament on the economy of the police and prosecution service in Denmark it is stated that the parties to the agreement will strengthen the efforts of the police and the prosecution service towards victims of hate crimes. The parties will ensure better information about when a crime generally must be considered a hate crime through distribution of brochures and pamphlets aimed at victims of hate crimes as well as organisations

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<sup>28</sup> Denmark, The Danish National Police (*Rigspolitiet*), 'Hadforbrydelser i 2019 – Rigspolitiets årsrapport vedrørende hadforbrydelser', 7 October 2020, available in Danish at: <https://politi.dk/-/media/mediefiler/landsdaekkende-dokumenter/statistikker/hadforbrydelser/hadforbrydelser-2019.pdf?la=da&hash=86E26E960D6896CD33EBBB8ECE8487499BF986D3>.

<sup>29</sup> Minister of Justice, Nick Hækkerup, answer to the Legal Committee of the Danish Parliament, 10 January 2020. Available in Danish at: <https://www.ft.dk/samling/20191/almindel/reu/spm/504/svar/1624330/2134133/index.htm>

<sup>30</sup> Berlingske Tidende, "Torsdag trykkede minister og formand for Det Jødiske Samfund hånd: Nu kommer Danmarks første nationale handleplan mod jødehad", news article, 29 November 2019. Available in Danish at: <https://www.berlingske.dk/danmark/torsdag-trykkedeminister-og-formand-for-det-joediske-samfund-haand-nu>.

<sup>31</sup> Denmark, The Danish National Police (*Rigspolitiet*), 'Hadforbrydelser i 2018 – Rigspolitiets årsrapport vedrørende hadforbrydelser', 24 September 2018, page 1. Available in Danish at: <https://politi.dk/-/media/mediefiler/landsdaekkende-dokumenter/landsdaekkende/statistikker/hadforbrydelser/hadforbrydelser-2018.pdf?la=da&hash=608C590CA79DD70E2054F7C00DDF9AF5778229C6>

<sup>32</sup> Information provided by the Danish Ministry of Justice (*Justitsministeriet*) by e-mail of 2 November 2020.

advising victims of hate crimes. In addition, from 2022 police training on hate crimes will be strengthened with a view to improve the police districts' handling of victims of hate crimes, e.g. in the reporting situation and strengthen the overall knowledge of hate crimes in the police districts. The training also seeks to ensure that more hate crimes are identified and registered correctly, so better data is obtained on hate crimes. Simultaneously, the parties will ensure that prosecutors dealing with hate crimes gain more knowledge about the subject.<sup>33</sup>

On 30 June 2020, the Danish Institute for Human Rights (*Institut for Menneskerettigheder*) published a report that investigated minorities' experiences of hate in the public sphere during COVID-19 in Denmark. The report focused on different minority groups, among other the experiences of adoptees adopted from abroad and ethnic minorities. The findings in the report were based on data collected between 15 May and 10 June from a questionnaire shared on social media. Approximately 2,000 responded to the questionnaire, out of which 163 adoptees adopted from abroad responded in full, while 36 partially responded and 158 ethnic minority persons responded in full, while 66 partially responded. The report also included 10 interviews, out of which 3 were conducted on adoptees adopted from abroad and 1 was conducted on an ethnic minority person. The report found that ethnic minorities had been particularly exposed to hatred during the COVID-19-crisis in Denmark. The experiences ranged from people shouting "go home", to derogatory words about Asians, to accusations of being "disease spreaders", to spitting and threatening behaviour and to what the minority persons experienced as a general distancing from people in the public sphere – not just measured in meters.<sup>34 35</sup>

During the summer 2020, there was a high infection rate of COVID-19 in the Municipality of Aarhus. Some immigrant groups were affected at higher rate than the general population. Citizens with a Somali background were the most overrepresented immigrant group. This led to extensive media coverage and taunting and degrading speech towards citizens with Somali background.<sup>36</sup>

Furthermore, the Institute has received a written reply from the Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*), in which the ministry states that during the COVID-19 lockdown, researchers at the Danish

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<sup>33</sup> Denmark, The Ministry of Justice (*Justitsministeriet*), 'Aftale om politiets og anklagemyndighedens økonomi 2021-2023' 15 December 2020, page 10. Available in Danish at: <https://www.justitsministeriet.dk/wp-content/uploads/2020/12/Aftale-om-politiets-og-anklagemyndighedens-oekonomi-2021-2023-1.pdf>

<sup>34</sup> The Danish Institute for Human Rights, "Had i det offentlige rum under covid-19-epidemien. En analyse af minoritetens oplevelser" (Hate in the public space during the covid-19 epidemic. An analysis of minority experiences), 30 June 2020. Available in Danish and summary available in English page 50-52 at: [https://menneskeret.dk/sites/menneskeret.dk/files/media/document/Rapport%20om%20had%20i%20det%20off%20rum\\_LAYOUT2.pdf](https://menneskeret.dk/sites/menneskeret.dk/files/media/document/Rapport%20om%20had%20i%20det%20off%20rum_LAYOUT2.pdf)

<sup>35</sup> For more information on the impact of COVID-19 on Xenophobic speech, acts of harassment and violent attacks in Denmark please see page 8 of the [Franet country study](#) released on 2 July 2020.

<sup>36</sup> For more information please see Annex 1 – promising practices to address racism and xenophobia in the context of the COVID-19 pandemic.

Centre for Prevention of Extremism (*Nationalt Center for Forebyggelse af Ekstremisme*) have been following the developments in the extremist narratives closely and have found that the COVID-19 crisis has been used by both far right-wing extremists and Islamist extremists in their propaganda to spread hate speech and polarization.<sup>37</sup> Consequently, the Danish Centre for Prevention of Extremism's (*Nationalt Center for Forebyggelse af Ekstremisme*) counselling team has been in touch with the municipalities to follow up on their needs for counselling in connection to COVID-19. The feedback from the municipalities has resulted in a counselling program that deal with the challenges both online and off-line with regards to preventing extremism during COVID-19.<sup>38</sup> The counselling program has up until now consisted of information leaflets and three webinars on extremism during COVID-19 directed towards practitioners working with prevention of extremism in the municipalities.<sup>39 40</sup>

Finally, the Ministry of Immigration and Integration have stated that, according to the papers "Citizenship 2020 – Note no. 1: Support for gender equality among persons of Danish and non-Western origin" published by the Danish Ministry of Immigration and Integration, persons of Danish origin still score higher in terms of support for gender equality, with persons of Danish origin scoring 85 out of 100 on average and immigrants of non-Western origin scoring 77 out of 100 on average. The group of descendants are younger than that of immigrants and persons of Danish origin. So, if you only look at persons in the age group 18-29 years, persons of Danish origin score 90 out of 100 on average in terms of support for gender equality. Descendants of non-Western origin score 85 out of 100 on average, and immigrants of non-Western origin score 83 out of 100 on average.<sup>41</sup>

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<sup>37</sup> The Danish Centre for Prevention of Extremism (*Nationalt Center for Forebyggelse af Ekstremisme*), "Danske højreekstremistiske miljøer under COVID-19: Propagandasammenhænge og voldsopfordringer" (Danish right-wing extremist groups under COVID-19: Propaganda and incitement to violence), June 2020. Available in Danish at: <https://stopekstremisme.dk/ekstremisme/videnspublikationer/danske-hojreekstremistiske-miljoer-under-covid-19>

<sup>38</sup> Information provided by the Danish Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*) by e-mail of 25 November 2020.

<sup>39</sup> Information provided by the Danish Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*) by e-mail of 25 November 2020.

<sup>40</sup> Web page of The Danish Centre for Prevention of Extremism (*Nationalt Center for Forebyggelse af Ekstremisme*), 'Kom til webinar om ekstremisme og covid-19', last updated on 7 May 2020, available in Danish at: <https://stopekstremisme.dk/nyheder/kom-til-webinar-om-ekstremisme-og-covid-19>

<sup>41</sup> Information provided by the Danish Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*) by e-mail of 25 November 2020.

## Chapter 3. Roma equality and inclusion

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

The Institute has received a written reply from the Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*), in which the ministry states that Danish authorities do not register ethnicity in this regard. The ministry further notes that Denmark does not have an integration policy specifically aimed at e.g. the Roma population. Rather, the group has – on equal footing with all citizens legally residing in the country – access to the general welfare services (child care, education, health care, employment effort etc.). In addition, Denmark’s emphasis on abiding general principles of equal treatment ensures recognition of political, civil, social etc. rights of the Roma population. The ministry points out that these principles also are the bedrock of Denmark’s approach to Roma inclusion – reflected in current our National Roma strategy as well as in our preparations for the new one (post-2020).<sup>42</sup>

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

The Institute has received a written reply from the Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*), in which the ministry states that Denmark has chosen to promote Roma inclusion through the integrated set of policy measures that characterize the Danish welfare society, thus there are no specific or targeted government measures that address Roma segregation and discrimination against Roma exclusively or specifically.<sup>43</sup>

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<sup>42</sup> Information provided by the Danish Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*) by e-mail of 25 November 2020.

<sup>43</sup> Information provided by the Danish Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*) by e-mail of 25 November 2020.



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

Extension of residence permits and other authorisations to stay that expired during COVID-19 pandemic measures.

| EUMS/<br>Republic<br>of North<br>Macedon<br>ia,<br>Republic<br>of<br>Serbia | Category of TCN  | Brief description of the<br>measure   | Legal source<br>(legislation or case<br>law as relevant) with<br>hyperlink | Comments |
|---|--|---|--|----------|
|   | Complete this row if measures concern all/most of the TCN listed below whose (national or EU law based) permission to stay expired during COVID-19 related travel restrictions. In this case indicate in the next rows the | The Danish Immigration Service ( <i>Udlændingestyrelsen</i> ) has gathered information concerning the consequences of COVID-19 relevant for the users of the Immigration Service. <sup>44</sup> The information is available in Danish and English. | Please see below   | N/A      |

<sup>44</sup> Web page of the Danish Immigration Service, Coronavirus (COVID-19): Information for the Immigration Service' users, last updated on 20 November 2020, available in English: [https://nyidanmark.dk/en-GB/Words%20and%20Concepts%20Front%20Page/Shared/Corona\\_COVID19\\_Information/COVID19\\_Information\\_til\\_US\\_brugere](https://nyidanmark.dk/en-GB/Words%20and%20Concepts%20Front%20Page/Shared/Corona_COVID19_Information/COVID19_Information_til_US_brugere)

|  |  |  |  |  |
|--|--|--|--|--|
|  | <p>categories to which the measure applies</p> | <p>One of the issues addressed in the information from the Immigration Service is how to handle the situation if someone has a deadline for departure but is unable to leave within the deadline because of travel restrictions. This is also related to the situation where a short stay visa is about to expire or has already expired. A short stay visa is normally granted for up to 90 days within a period of 180 days.<sup>45</sup></p> <p>In the information from The Danish Immigration Service, it is also described that, if someone is not able to meet the deadline for departure, the deadline can be extended by application, in case of very special circumstances.</p> |  |  |
|--|--|--|--|--|

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<sup>45</sup> Web page of the Danish Immigration Service, 'You want to apply for a short term visa to Denmark', available in English: <https://www.nyidanmark.dk/en-GB/Applying/Short%20stay%20visa>

|  |  |  |   |            |
|--|--|--|---|------------|
|  |  | <p>According to the information from the Danish Immigration Service, it was a possibility until 1 September 2020 to receive a letter from the police at the border stating that the deadline for departure could be postponed until no later than 1 September 2020.</p>  |   |            |
|  | <p>Holders of visas issued based on the <a href="#">Visa Code No. 810/2009</a> (as last amended by <a href="#">Regulation (EU) No. 2019/1155</a>) (Schengen visas)</p> | <p>The Ministry of Immigration and Integration reports that the Danish Immigration Service had an agreement with the Danish border Police until 1 September 2020 to postpone the departure date in Denmark for those foreigners who were in Denmark on a short-term visa stay, but could not meet the deadline for departure because of COVID-19.<sup>46</sup> The</p> | <p><b>The Danish Aliens Act:</b></p> <p>Denmark, Consolidation Act no. 1513 of 22 October 2020, Section 4(b) and Section 33, subsection 4</p> | <p>N/A</p> |

<sup>46</sup> Web page of the Danish Immigration Service, Coronavirus (COVID-19): Information for the Immigration Service' users, last updated on 20 November 2020, available in English: [https://nyidanmark.dk/en-GB/Words%20and%20Concepts%20Front%20Page/Shared/Corona\\_COVID19\\_Information/COVID19\\_Information\\_til\\_US\\_brugere](https://nyidanmark.dk/en-GB/Words%20and%20Concepts%20Front%20Page/Shared/Corona_COVID19_Information/COVID19_Information_til_US_brugere)

|  |  |   |  |  |
|--|--|---|--|--|
|  |  | <p>Danish Immigration Service's Citizen Service was temporarily closed during COVID-19, why it was not possible to apply for extension of the visa.</p> <p>As of 17 August 2020, it has again been possible to apply for extension of the visa stay in Denmark at the Danish Immigration Service's Citizen Service. If a foreigner is not able to leave Denmark within the departure deadline e.g. due to COVID-19, it is possible to have the visa extended.<sup>47</sup></p> <p>The Ministry of Immigration and Integration also reports that it will not have any consequences for future visa applications if the applicant was prevented from leaving Denmark in time because of COVID-19.</p> | <p>Available in Danish, at: <a href="https://www.retsinformation.dk/eli/lta/2020/1513">https://www.retsinformation.dk/eli/lta/2020/1513</a></p> <p><b>The Danish Visa Executive Order:</b></p> <p>Denmark, Executive Order No. 98 of 28 January 2020 on Aliens' Access to Denmark on the Basis of a Visa, Section 22</p> <p>Available in Danish, at: <a href="https://www.retsinformation.dk/eli/lta/2020/98#:~:text=%C2%A7%201.,er%20fritaget%20for%20visum%2C%20jf.&amp;text=3)%20Udl%C3%A6ndinge%2C%20der%20er%20i,udstedt%20i%20">https://www.retsinformation.dk/eli/lta/2020/98#:~:text=%C2%A7%201.,er%20fritaget%20for%20visum%2C%20jf.&amp;text=3)%20Udl%C3%A6ndinge%2C%20der%20er%20i,udstedt%20i%20</a></p> |  |
|--|--|---|--|--|

<sup>47</sup> Denmark, web page of the Danish Immigration Service on the opening of the Citizen Service, last updated on 11 August 2020, available in English, at: <https://www.nyidanmark.dk/en-GB/News%20Front%20Page/2020/08/US%20Borgerservice%20aabner%20for%20online%20tidsbestilling>

|  |   |  |   |  |
|--|---|--|---|--|
|  |   | <p>The Ministry of Immigration and Integration reports, that the departure deadline for visa holders are set for one month.</p> <p>If someone has received a deadline for departure that they cannot comply with, they must contact the Danish Immigration Service and request for the deadline to be extended.<sup>48</sup></p> | <p><a href="#">20et%20andet%20Sche ngenland</a></p> <p>The Danish Visa Executive order is also available in English via download when searching for 'Executive Order No. 98 of 28 January 2020 on Aliens'</p> |  |
|  | <p>Visa-free TCN who reached the maximum of 90 days in any 180-day period under Article 4 of the <a href="#">Visa List Regulation</a> (Regulation (EU) 2018/1806)</p> | <p>Measures described above apply to visa-free stay.</p>   | <p><b>The Danish Aliens Act:</b></p> <p>Denmark, Consolidation Act No. 1513 of 22 October 2020, Section</p>   |  |

<sup>48</sup> Web page of the Danish Immigration Service, Coronavirus (COVID-19): Information for the Immigration Service' users, 'I've got a deadline but I'm unable to leave Denmark within the deadline. What do I do?', last updated on 14 January 2020 available in English: [https://nyidanmark.dk/en-GB/Words%20and%20Concepts%20Front%20Page/Shared/Corona\\_COVID19\\_Information/COVID19\\_Information\\_til\\_US\\_brugere](https://nyidanmark.dk/en-GB/Words%20and%20Concepts%20Front%20Page/Shared/Corona_COVID19_Information/COVID19_Information_til_US_brugere)

|  |   |     |  |     |
|--|---|-----|--|-----|
|  |   |     | 4(b) and Section 33, subsection 4<br><br>Available in Danish, at:<br><a href="https://www.retsinformation.dk/eli/lta/2020/1513">https://www.retsinformation.dk/eli/lta/2020/1513</a> |     |
|  | Holders of long-term visas issued by the EUMS (under <a href="#">Regulation (EU) No. 265/2010</a> and beyond, under national law)                       | N/A | N/A  | N/A |
|  | Holders of residence permits issued under <a href="#">Regulation (EC) No. 1030/2002</a> (as last amended by <a href="#">Regulation (EU) 2017/1954</a> ) | N/A | N/A  | N/A |

|  |  |  |  |            |
|--|--|--|--|------------|
|  | <p> Holders of local border traffic permit under <a href="#">Regulation (EC) No. 1931/2006</a></p> | <p>N/A</p>   | <p>N/A</p>   | <p>N/A</p> |
|  | <p>Any other category of TCN not listed above.</p>   | <p><b>Residence cases (e.g. cases of family reunification, residence permit as religious worker)</b></p> <p>The Ministry of Immigration and Integration reports, that the Danish Immigration Service took measures to postpone the departure deadlines in all residence cases by two months from the date of decision in the beginning of COVID-19. Already set departure dates were similarly postponed by two months.</p> <p>If requested, the departure dates were extended by another two months, if it still had not been possible for the third country national to leave Denmark due to COVID-19.</p> | <p><b>The Danish Aliens Act:</b></p> <p>Denmark, Consolidation Act No. 1513 of 22 October 2020, Section 33, subsection 4</p> <p>Available in Danish, at: <a href="https://www.retsinformation.dk/eli/lta/2020/1513">https://www.retsinformation.dk/eli/lta/2020/1513</a></p> | <p>N/A</p> |

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|  |  | <p>At present, the deadline for departure can be extended upon request if there are very special circumstances which apply in relation to the possibility of leaving Denmark due to COVID-19 restrictions.</p> <p>The Ministry of Immigration and Integration reports, that since 28 October 2020, the departure deadlines for these residence cases are normally not set for a shorter period than one month.<sup>49</sup></p> <p>If someone has received a deadline for departure that they cannot comply with, they must contact the Danish Immigration Service and</p> |  |  |
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<sup>49</sup>Web page of the Danish Immigration Service, Coronavirus (COVID-19): Information for the Immigration Service' users, 'I've got a deadline but I'm unable to leave Denmark within the deadline. What do I do?', last updated on 20 November 2020, available in English: [https://nyidanmark.dk/en-GB/Words%20and%20Concepts%20Front%20Page/Shared/Corona\\_COVID19\\_Information/COVID19\\_Information\\_til\\_US\\_brugere](https://nyidanmark.dk/en-GB/Words%20and%20Concepts%20Front%20Page/Shared/Corona_COVID19_Information/COVID19_Information_til_US_brugere)



|  |  |  |  |  |
|--|--|--|--|--|
|  |  | request for the deadline to be extended. <sup>50</sup> |  |  |
|--|--|--|--|--|

Notes:

TCN = third-country nationals

EUMS = EU Member State

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<sup>50</sup> Web page of the Danish Immigration Service, Coronavirus (COVID-19): Information for the Immigration Service' users, 'I've got a deadline but I'm unable to leave Denmark within the deadline. What do I do?', last updated on 14 January 2020<sup>1</sup> available in English: [https://nyidanmark.dk/en-GB/Words%20and%20Concepts%20Front%20Page/Shared/Corona\\_COVID19\\_Information/COVID19\\_Information\\_til\\_US\\_brugere](https://nyidanmark.dk/en-GB/Words%20and%20Concepts%20Front%20Page/Shared/Corona_COVID19_Information/COVID19_Information_til_US_brugere)

## Chapter 5. Information society, privacy and data protection

### 1. Legal and political initiatives that have been implemented to support access to, and use of, personal data.

On 28 May 2020, the parliament passed a bill concerning increased surveillance as part of the government's initiative on safety and security in the public domain. The act broadens permission for public authorities and private actors to carry out Closed-circuit television (CCTV) surveillance of areas around their entrances and facades, and municipalities are given the permission to carry out CCTV surveillance of publicly available areas. Furthermore, the act includes the obligation for private actors and public authorities to register in the police's surveillance camera database (POLCAM). Additionally, the bill broadens the possibility to store recordings. In the bill the purposes are listed as crime control, refutation of a security threat and furtherance of safety.<sup>51</sup>

In February 2020, the Danish Agency for Digitisation (*Digitaliseringsstyrelsen*) established a new Advisory Board with the purpose of giving legal counsel about digital solutions and new technology in the public administration. It is crucial that the transformation into digital public administration happens with consideration for the citizens' fundamental rights, which the Advisory Board will try to ensure. The Advisory Board will have special consideration for citizen without necessary digital skills

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<sup>51</sup> Denmark, Draft bill on amending the law on CCTV surveillance (*Forslag til lov om ændring af lov om tv-overvågning*), Ministry of Justice (*Justitsministeriet*), available in Danish at: [https://www.ft.dk/ripdf/samling/20191/lovforslag/l102/20191\\_l102\\_som\\_fremsat.pdf](https://www.ft.dk/ripdf/samling/20191/lovforslag/l102/20191_l102_som_fremsat.pdf) and Act no. 802 of 9 June 2020 on amending the law on CCTV surveillance (*Lov om ændring af tv-overvågning*), available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/802>

and how they can be taken into account in the digital public administration. The Advisory Board will be constituted of 15 members with experience from practical digitisation.<sup>52</sup>

A new think tank will also give contribution to the debate on how the public administration can use technology and data in a better way. The think tank has the title "Technology for welfare" and is constituted of experts and specialists within the area of digitisation.<sup>53</sup>

In September 2020, the Danish Data Protection Agency published their decision in a case regarding unintended disclosure of national identification numbers and employment information of close to 4.2 million citizens. The security breach happened in a management system, and meant that certain employees in the 84 municipalities that used the management system could access information on citizens in all municipalities. The employees at the municipalities were only meant to have access to information on citizens living within their own municipality. The breach happened because the sub processor did not apply a filter, and there was no sufficient testing that could detect the breach. The Danish Data Protection Agency expressed serious criticism of the security breach. Aggravating circumstances were the extent of the breach, and the lack of basic testing to detect and prevent the breach. Mitigating circumstances were firstly the purpose of the system; management instead of case processing, which limited the potential consequences for the data subjects, secondly the fact that the persons who had access

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<sup>52</sup> Denmark, New Advisory Board to give legal counsel about digital public administration (*Nyt Advisory Board skal rådgive om de juridiske rammer for digital forvaltning*), News from the Danish Agency for Digitisation (*Digitaliseringsstyrelsen*), 27 February 2020, available in Danish at: <https://digst.dk/nyheder/nyhedsarkiv/2020/februar/nyt-advisory-board-skal-raadgive-om-de-juridiske-rammer-for-digital-forvaltning/>

<sup>53</sup> Denmark, New think tank has focus on the future of digital welfare (*Ny tænketank har fokus på fremtidens digital velfærd*), News from Local Government Denmark (*KL*), 19 June 2020, available in Danish at: <https://www.kl.dk/forsidenyheder/2020/juni/ny-taenketank-har-fokus-paa-fremtidens-digitale-velfaerd/>

to the information are professionals who are aware of how to treat confidential information, and thirdly the company's handling of the breach.<sup>54</sup>

The Danish Data Protection Agency also published a decision regarding a security breach at the Data Protection Agency. The breach concerned a period where the agency had disposed paper that should have been shredded as common waste paper. They expressed serious criticism against themselves.<sup>55</sup>

The revision of the Danish data retention rules is still under way and no new rules have been introduced yet, despite original plans of introducing new rules during the fall of 2017 to comply with recent EU case law. According to the scheme for the proposed bills for the parliamentary year (October 2020 – October 2021), a revision of the data retention rules will be put forward in February 2021.<sup>56</sup> The Ministry of Justice has stated that the latest judgement from CJEU on data retention (case C-623/17, Privacy International, and joined cases C-511/18, La Quadrature du Net and Others, C-512/18, French Data Network and Others, and C-520/18, Ordre des barreaux francophones et germanophone and Others) will be considered and incorporated in the revision of the Danish data retention rules.<sup>57</sup> On 13 November 2020, the Judicial Committee in Parliament (*Retsudvalget*) posed three questions to the Minister of Justice regarding data retention. The Minister of Justice has been asked to account for the legal position of the telecommunication companies after CJEU judgements have made it clear that the telecommunication

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<sup>54</sup> Denmark, Security breach in the system FLIS (*Sikkerhedsbrud i systemet FLIS*), the Danish Data Protection Agency (*Datatilsynet*), 20 September 2020, available in Danish at: <https://www.datatilsynet.dk/tilsyn-og-afgoerelser/afgoerelser/2020/sep/sikkerhedsbrud-i-systemet-flis>

<sup>55</sup> Denmark, Security breach at the Data Protection Agency (*Brud på persondatasikkerheden i Datatilsynet*), the Danish Data Protection Agency (*Datatilsynet*), 11 September 2020, available in Danish at: <https://www.datatilsynet.dk/tilsyn-og-afgoerelser/afgoerelser/2020/sep/brud-paa-persondatasikkerheden-i-datatilsynet>

<sup>56</sup> Denmark, Scheme for proposed bills for the parliamentary year 2020-2021 (*Lovprogram for Folketingsåret 2020-2021*), Ministry of the State of Denmark (*Statsministeriet*), page 28, available in Danish at: <https://www.stm.dk/statsministeriet/publikationer/lovprogram-for-folketingsaaret-2020-2021/>

<sup>57</sup> Denmark, The government continues illegal mass surveillance of Danes for another year (*Regeringen fortsætter ulovlig masseovervågning af danskerne et år mere*), Danish Newspaper Berlingske, 6 October 2020, available in Danish at: <https://www.berlingske.dk/samfund/regeringen-fortsætter-ulovlig-masseovervaagning-af-danskerne-et-aar-mere>

companies' data retention is illegal. The Minister has also been asked to account for why the illegal retention of telecommunication data is not terminated immediately, and lastly whether the revision of the data retention rules, which according to Minister of Justice will be put forward in February 2021, will bring the Danish data retention rules in compliance with EU law and the right to privacy.<sup>58</sup>

Regarding developments in relation to regulation of illegal content online regulation might be on its way. Online platforms might face new regulation in Denmark in 2021. A majority of the parties in the Danish parliament support regulation of online platforms, and the aim is to secure that illegal content is removed from the online platforms without challenging the freedom of speech.<sup>59</sup> On 2 June 2020, Parliament passed the following text: "Parliament also notes that the issue of social media's responsibility for content is complex and calls for regulation and is further linked to a number of issues of principle, including in relation to freedom of expression. Finally, Parliament notes that the major social media platforms must meet requirements, e.g. to remove illegal content and to justify and give access to redress when removing specific content and blocking profiles."<sup>60</sup>

The government has, in the beginning of 2020, created an inter-ministerial working group to come up with recommendations for new regulation, which should have been reported in April 2020. However, the work has been delayed.<sup>61</sup> In April 2020, the commission on freedom of speech reported and did not recommend new regulation of online platforms, on the contrary it recommended existing regulation to be enforced better.<sup>62</sup>

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<sup>58</sup> Denmark, Questions to the Minister of Justice from the Judicial Committee, available in Danish at: <https://www.ft.dk/samling/20201/almdel/reu/samspm/k/index.htm>, <https://www.ft.dk/samling/20201/almdel/reu/samspm/j/index.htm> and <https://www.ft.dk/samling/20201/almdel/reu/samspm/l/index.htm>

<sup>59</sup> Denmark, B 116 Motion for a resolution on clarification of the responsibility of social media to remove illegal content online, available in Danish at: <https://www.ft.dk/samling/20191/beslutningsforslag/B116/BEH1-107/forhandling.htm>

<sup>60</sup> Denmark, V 75 About social media and freedom of expression, 29 May 2020, available in Danish at: <https://www.ft.dk/samling/20191/vedtagelse/V75/index.htm>

<sup>61</sup> Denmark, Terms of reference for working group 1, 31 January 2020, available in Danish at: <https://www.altinget.dk/misc/Regulering%20af%20sociale%20medier.pdf>

<sup>62</sup> Denmark, Press release from the Ministry of Justice, 30 April 2020, available in Danish at: <https://www.justitsministeriet.dk/pressemeddelelse/ytringsfrihedskommissionen-afleverer-betaenkning/>

## 2. Artificial intelligence and big data

Please fill in the table below with any initiatives you may identify in your country:

| MS | Actor*             | Type*  | Description  | Are Ethical concerns mentioned? (yes/no) | Are Human Rights issues mentioned? (yes/no)           | Reference  |
|----|--------------------|--|--|--|---|--|
|    | Ministry of Health | Mobile app to prevent the spread of COVID-19 | On 18 June 2020, the Ministry of Health launched the release of a mobile app with the objective of preventing the spread of COVID-19 ( <i>Smittestop</i> ). With the app a user can send a message to people they have been close to, e.g. in public transport or at a restaurant, if they get tested positive with COVID-19. The message is given to other app users without them knowing who the COVID-19 infected | No                                       | Yes, mainly GDPR article 35, article 4 and article 7. | Denmark, News from the Danish Ministry of Health, ( <i>'Nu er appen smittestop klar til danskerne'</i> ), available in Danish at: <a href="https://www.sum.dk/Aktuelt/Nyheder/Coronavirus/2020/Juni/Nu-er-appen-smittestop-klar-til-danskerne.aspx">https://www.sum.dk/Aktuelt/Nyheder/Coronavirus/2020/Juni/Nu-er-appen-smittestop-klar-til-danskerne.aspx</a> .<br><br>Denmark, News from the Danish Ministry of Health, ( <i>'Smittestop appen downloadet</i> |

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|  |  | <p>citizen is. If an app user has been close to a person infected with COVID-19, the app user will receive guidelines from the Danish Health Authorities through the app. It is voluntary to download the app. Data on whom a person has been in contact with is only saved on that person's mobile phone, and no authorities have access to the information.</p> <p>Within the first week after the launch, the app was downloaded 497.000 times. Towards the end of July the app was downloaded in total 824.000 times.</p> <p>The app is developed by the Ministry of Health, the Danish Patient Safety Authority (<i>Styrelsen for Patientsikkerhed</i>), the Danish Health Authority (<i>Sundhedsstyrelsen</i>), Statens</p> |  | <p><i>tæt på en halv million gange på den første uge</i>'), available in Danish at:<br/> <a href="https://sum.dk/Aktuelt/Nyheder/Coronavirus/2020/Juni/Smittes-top-appen-downloadet-taet-paa-en-half-million-gange-paa-den-foerste-uge.aspx">https://sum.dk/Aktuelt/Nyheder/Coronavirus/2020/Juni/Smittes-top-appen-downloadet-taet-paa-en-half-million-gange-paa-den-foerste-uge.aspx</a></p> <p>Denmark, News from the Danish Ministry of Health, (<i>'Appen smittestop er et effektivt redskab i smitteopsporing'</i>), available in Danish at:<br/> <a href="https://sum.dk/Aktuelt/Nyheder/Coronavirus/2020/Juli/Appen-smitte-stop-er-et-effektivt-redskab-i-smitteopsporing.aspx">https://sum.dk/Aktuelt/Nyheder/Coronavirus/2020/Juli/Appen-smitte-stop-er-et-effektivt-redskab-i-smitteopsporing.aspx</a></p> <p>Denmark, webpage for the Smittestop app, information available in English at:<br/> <a href="https://smittestop.dk/about-the-app">https://smittestop.dk/about-the-app</a></p> <p>Denmark, Executive order no. 896 of 17 June 2020 on processing of electronically</p> |
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|  |                     |        | Serum Institut, Agency for Digitisation ( <i>Digitaliseringsstyrelsen</i> ) and Netcompany.  |    |                                 | registered data to prevent and contain the spread of COVID-19, ( <i>Bekendtgørelse om behandling af oplysninger om elektronisk registrerede kontakter med henblik på at forebygge og inddæmme udbredelsen af Coronavirussygdom 2019 (COVID-19)</i> ), available in Danish at: <a href="https://www.retsinformation.dk/eli/lta/2020/896">https://www.retsinformation.dk/eli/lta/2020/896</a>   |
|  | The Auditor General | Report | In May 2020, the Auditor General ( <i>Rigsrevisionen</i> ) published a report on outsourcing of personal data. The study covers 17 ministries and one of the five regions. In their assessment, the Auditor General examined 148 IT systems where the storage of personal data is outsourced to external providers.<br><br>The Auditor General criticised the authorities' lack of | No | Yes, data protection regulation | Denmark, the Auditor General, Report on outsourced personal data, ( <i>'Outsourcede persondata'</i> ), available in Danish here: <a href="https://www.rigsrevisionen.dk/media/2105511/sr1519.pdf">https://www.rigsrevisionen.dk/media/2105511/sr1519.pdf</a> , and first chapter available in English here: <a href="https://uk.rigsrevisionen.dk/media/2105518/15-2019.pdf">https://uk.rigsrevisionen.dk/media/2105518/15-2019.pdf</a> |



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|  |                                     |   | <p>compliance with data protection regulations. Several ministries and Central Denmark Region (<i>Region Midtjylland</i>) did not comply with the requirements of risk assessments, data processing agreements and supervision of data processors.</p> <p>Additionally, the Ministry of Justice (<i>Justitsministeriet</i>), the Danish Data Protection Agency (<i>Datatilsynet</i>) and the Ministry of Finance (<i>Finansministeriet</i>) were criticised for not adequately supporting the public authorities' management of their data processors.</p> |    |    |   |
|  | Danish Intelligence Oversight Board | Press release (about special investigation) | In August 2020, the Danish Intelligence Oversight Board ( <i>Tilsynet med Efterretningstjenesterne</i> ) published a press release with the unclassified results of a special investigation of the Danish Defence Intelligence   | No | No | Denmark, press release from the Danish Intelligence Oversight Board ( <i>Tilsynet med Efterretningstjenesterne</i> ), available in Danish at: <a href="https://www.tet.dk/wp-">https://www.tet.dk/wp-</a> |

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|  |  |  | <p>Service (<i>Forsvarets Efterretningstjeneste</i>).</p> <p>In November 2019, one or more whistle-blowers provided the Danish Intelligence Oversight Board with material regarding the Danish Defence Intelligence Service that the Board had not previously been aware of, or able to acquire. Due to the nature of the material, the Board decided to carry out a thorough investigation of the situation.</p> <p>The Intelligence Oversight Board concludes that the Defence Intelligence Service has withheld crucial and key information from the Board in connection with specific inspections on several occasions since the establishment of the Oversight Board in 2014 and until summer 2020. The Board also criticised that there are</p> |  |  | <p><a href="content/uploads/2020/08/PRES SEMEDDELELSE.pdf">content/uploads/2020/08/PRES SEMEDDELELSE.pdf</a></p> |
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|  |   |                        | risks that can lead to unlawful data collections against Danish citizens, that there are indications that the management failed to follow up on suspicions of espionage, and that there within the Defence Intelligence Board is a culture of insufficient legal awareness.  |    |   |  |
|  | Ministry of Justice and Danish Institute for Human Rights | Contribution to report | <p>On 22 July 2020, the Ministry of Justice asked the Danish Institute for Human Rights to participate in an evaluation of the Act on the Danish Security and Intelligence Service (<i>PET-loven</i>).</p> <p>The Danish Institute for Human Rights is favourably disposed towards an evaluation of the Act on the Danish Security and Intelligence Service.</p> <p>In its contribution the Institute recommends incorporating</p> | No | Yes, the right to privacy ECHR art. 8, proportionality and legal basis of concrete interventions. | Denmark, Contribution to the Report on the Experiences with the Act on the Danish Security and Intelligence Service, available in Danish at: <a href="https://menneskeret.dk/sites/menneskeret.dk/files/media/document/Bidrag%20til%20Justitsministeriets%20rapport%20om%20erfaringerne%20med%20PET-loven.pdf">https://menneskeret.dk/sites/menneskeret.dk/files/media/document/Bidrag%20til%20Justitsministeriets%20rapport%20om%20erfaringerne%20med%20PET-loven.pdf</a> |

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|  |  |  | <p>requirements about the Danish Security and Intelligence Service's documentation regarding observation of compliance with human rights, rule of law and control mechanisms.</p> <p>The Institute also criticises the generalised and vague wording in the Act on the Danish Security and Intelligence Service and recommends a more accurate and detailed regulation of the legal basis for the entire operation of the Danish Security and Intelligence Service.</p> <p>It is also recommended that the Danish Intelligence Oversight Board, who are responsible for oversight of both the Danish Defence Intelligence Service and the Danish Security and Intelligence Service, is given more effective oversight measures.</p> |  |  |  |
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|  |   |  | <p>A revision of the rules regulating the Danish Security and Intelligence Service's processing of personal data is also recommended.</p> <p>Furthermore, the Institute points out that an evaluation of the Act on the Danish Security and Intelligence Service in itself is not sufficient and that a committee assessing the legal basis of the entire Danish Intelligence Service should be established.</p> |  |  |   |
|  | The Danish Ministry of Industry, Business and Financial Affairs | Memo to the Parliamentary Committee on European Affairs re. Commission White | On 17 March 2020, The Danish Ministry of Industry, Business and Financial Affairs sent a memo to the Parliamentary Committee on European Affairs describing the Danish government's position on the Commission White Paper on AI. It is stated in the memo that the Danish government supports the ambitions of the Commission in ensuring accountability and  | Yes, but only when repeating points made in the Commission White Paper | Yes, but only at the level of fundamental rights | Denmark, The Danish Ministry of Industry, Business and Financial Affairs, Memo to the Parliamentary Committee on European Affairs re. Commission White Paper on AI, available in Danish at: <a href="https://www.ft.dk/samling/2019/almindel/ERU/bilag/210/2171335/index.htm">https://www.ft.dk/samling/2019/almindel/ERU/bilag/210/2171335/index.htm</a> |

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|  |  | Paper on AI | trustworthiness in the development of AI across the EU. The memo further states that technological advancement within AI is important but can create serious risks which should be addressed. Consequently, the government will work towards ensuring framework legislation on a European level which enhances an ethical, accountable and safe usage of AI whilst ensuring that innovation and competition remains strong. |  |  |  |
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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

## Chapter 6. Rights of the child

### 1. Measures taken during the COVID 19 to ensure the well-being of children living in poverty and the protection of children from violence.

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| <b>Measures to address the specific vulnerabilities of children living in poverty</b> | <p>The Ministry of Social Affairs and the Interior reports that, on the first of April 2020, the Danish government and a number of parties in the parliament agreed to grant 13.5 million DKK distributed to nine organisations working to ensure the well-being of children during the COVID-19 situation.</p> <p>The Institute notes that on 17 April 2020, the government and all political parties in Parliament agreed, as a part of the reopening of Denmark, to establish partnerships across authorities, civil society, cultural institutions, private actors and the public sector. Partnerships that can develop initiatives to counteract loneliness, vulnerability and support socially disadvantaged children and juveniles.<sup>63</sup></p> <p>Moreover, the Ministry of Social Affairs and the Interior reports that, on 25 April 2020, the Danish government and a number of parties in the parliament agreed to grant 131 million. DKK to several different initiatives to ensure the well-being of children during the COVID-19 situation. 60 of the 131 were allocated to support the education system. The rest of the initiatives were directed, among other things, to support children living in a home with alcohol or drug abuse and supporting children who has family member who is critically ill.</p> <p>On 9 June 2020, the Danish government and a number of parties in the parliament agreed to grant 10 million. DKK to a number of organisations providing summer camps and activities for vulnerable children and their families.</p> |
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<sup>63</sup> Denmark, Ministry of Social Affairs and the Interior (*Social- og Indenrigsministeriet*), political agreement on Initiatives on vulnerable groups in relation to COVID-19, 17 April 2020, available in Danish at: [https://www.regeringen.dk/media/9823/aftale\\_om\\_initiativer\\_for\\_saarbare\\_og\\_udsatte\\_grupper\\_apr\\_2020.pdf](https://www.regeringen.dk/media/9823/aftale_om_initiativer_for_saarbare_og_udsatte_grupper_apr_2020.pdf)



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|  | <p>On 3 July 2020, an annex was submitted to Parliament by 33 civil society organisations highlighting that COVID-19 has put many vulnerable families, especially co-dependent families, at the bottom financially. While the challenge for some is over with the reopening of society, other families are put in a long-term vulnerable financial situation. An economic crisis overtaking COVID-19 will exacerbate the challenge. The risk of unemployment falling from education and child poverty is increasing.<sup>64</sup></p> <p>On 11 December 2020, the Minister of Social Affairs and the Interior communicated that together with a broad majority of political parties, agreed to extraordinarily allocate another 2.5 DKK to organisations offering support for Christmas.<sup>65</sup></p>          |
| <p><b>Measures to protect children from violence</b></p> | <p><i>e.g. set up of new helplines or strengthening of existing ones through training or increased number of staff; campaigning on issues related to violence and COVID 19; revision of standard operating procedures for health and social workers to ensure identification and referral of victims of violence during Covid 19; social services identify alternative methods if home visits become impossible; internet safety support to families.</i></p> <p>Following a sharp rise in numbers of women applying for a place in a women's shelter, on 24 March 2020, Minister of Social Affairs and the Interior (<i>Social og Indenrigsministeren</i>) announced the entry into an agreement on the establishment of additional emergency places in women's shelters throughout the country.<sup>66</sup></p> |

<sup>64</sup> Denmark, Danish Parliament (*Folketinget*), annex 315, Collection and preliminary recommendations from the Partnership for vulnerable children and young people (Opsamling og foreløbige anbefalinger fra Partnerskabet for udsatte børn og unge), 3 July 2020, available in Danish at: <https://www.ft.dk/samling/20191/almudel/SOU/bilag/315/2222574/index.htm>

<sup>65</sup> Denmark, Ministry of Social Affairs and the Interior (*Social- og Indenrigsministeriet*), press release of 11 of December 2020, available in Danish at: <https://sim.dk/nyheder/nyhedsarkiv/2020/dec/ekstra-julehjelp-paa-vej-til-udsatte-familier/>

<sup>66</sup> Denmark, Ministry of Social Affairs and the Interior (*Social- og Indenrigsministeriet*), press release of 24 March 2020, available in Danish at: <https://sim.dk/nyheder/nyhedsarkiv/2020/mar/politisk-flertal-sikrer-noedpladser-paa-kvindekrisecentre/>

The Ministry of Social Affairs and the Interior reports that in the deal of 9 June 2020, the Danish government and a number of parties in the parliament also agreed to grant 10 million DKK to a number of organisations reaching out to vulnerable and isolated children during the COVID-19 pandemic. The funds could, among other things, be used for strengthening helplines or hiring and training volunteers in establishing contact to vulnerable and isolated children in risk of violence or abuse.

On 15 August 2020, the first crisis centre (named 'Joannahuset') for children and youth opened in Copenhagen.<sup>67</sup> The crisis centre is a privately run NGO.<sup>68</sup>

In response to the partially second lock down of Denmark, the Minister of Social Affairs and the Civil Society Organisation Children's Welfare (*Børn's Vilkår*) appealed to every citizen to offer their support to vulnerable children and their families during the lockdown. This was done in an open letter on 10 December<sup>69</sup>

On 12 December 2020, the Minister of Social Affairs and the Interior appealed together with Save the Children (Red Barnet) made a joint appeal on the acute need to protect children digitally during the lock down.<sup>70</sup>

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<sup>67</sup> Denmark, news article from Folkeskolen.dk, 3 august 2020, available in Danish at: <https://www.folkeskolen.dk/1848317/krisecenter-for-boern-og-unge-aabner>

<sup>68</sup> Denmark, Joannahuset, available at: <https://www.joannahuset.dk/om-joannahuset>

<sup>69</sup> Denmark, Ministry of Social Affairs and the Interior (*Social- og Indenrigsministeriet*), open letter, 10 December 2020, available in Danish at: <https://sim.dk/media/40590/a-bent-brev-med-boerns-vilkar-10december2020.pdf>

<sup>70</sup> Denmark, Ministry of Social Affairs and the Interior (*Social- og Indenrigsministeriet*), press release of 12 December 2020, available in Danish at: <https://sim.dk/nyheder/nyhedsarkiv/2020/dec/faelles-opraab-akut-opgave-at-sikre-boern-digitalt-under-corona-nedlukningen/>

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|  | On 17 December 2020, the Minister of Social Affairs and the Interior announced that the Parliament had approved additional funding of 6 million DKK to support organisations in the 3 largest cities to create temporary emergency places at crises centres for men and women during Christmas. <sup>71</sup> |
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## 2. Legal and policy measures or initiatives developed about criminal proceedings

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| <b>Legislative changes</b> | <i>e.g. reform of the criminal code</i>   |
| <b>Policy developments</b> | <p><i>e.g. guidance or training for law enforcement officers on the treatment of child suspects; amendment of police academy curriculum; training of judges; developing indicators to monitor the situation of child suspects and improve data collection</i></p> <p>The Ministry of Justice draws attention to the fact that Denmark in accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, was not taking part in the adoption of the 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.</p> <p>Following its visit to Denmark 3 to 13 April 2019, on 7 January 2020, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) submitted its visit report on Denmark.<sup>72</sup> In the report, the CPT recommended that juveniles deprived of their liberty by the police are never subjected to police questioning or requested to make any statement or to sign any document concerning the offence(s) they are suspected of having committed without the presence of a lawyer and, in principle, a</p> |

<sup>71</sup> Denmark, Ministry of Social Affairs and the Interior (*Social- og Indenrigsministeriet*), press release of 17 December 2020, available in Danish at: <https://sim.dk/nyheder/nyhedsarkiv/2020/dec/astrid-krag-og-et-bredt-flertal-afsætter-penge-til-ekstra-pladser-paa-krisecentre-i-julen/>

<sup>72</sup> Denmark, Report to the Danish Government on the visit to Denmark carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 3 to 12 April 2019, available in English at: <https://rm.coe.int/1680996859>

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|   | <p>trusted adult. The relevant legal provisions should be amended accordingly.<sup>73</sup> Likewise, did the CPT call on Denmark, including to abolish solitary confinement as a disciplinary punishment in respect of juveniles.<sup>74</sup> On 1 September 2020, in its reply to the CPT, the Department of the Prison and Probation Service (<i>Kriminalforsorgen</i>) found 'no basis for easing the practice further in relation to prisoners under 18 years of age'.<sup>75</sup></p> <p>On 19 May 2020, the research department within the Ministry of Justice (<i>Justitsministeriets forskningskontor</i>) initiated the evaluation of Juvenile Delinquency Board (<i>Ungdomskriminalitetsnævnet</i>).<sup>76</sup> The evaluation is organised as a broad-spectrum evaluation program consisting of six sub-evaluations. Overall, the purpose of the evaluation program is to assess the extent to which practice in connection with the Juvenile Delinquency Board meets the purposes that were the background for the establishment of the board and to shed light on key actors' positive and negative experiences with the Juvenile Delinquency Board.<sup>77</sup></p> |
| <p><b>Other measures or initiatives</b></p> | <p><i>E.g. relevant activities to promote alternatives to detention; community involvement or general initiatives related to the dissemination and information in relation to the entering into force of the Directive.</i></p>   |

<sup>73</sup> Denmark, Report to the Danish Government on the visit to Denmark carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 3 to 12 April 2019, para. 23, available in English at: <https://rm.coe.int/1680996859>

<sup>74</sup> Denmark, Report to the Danish Government on the visit to Denmark carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 3 to 12 April 2019, page 43, available in English at: <https://rm.coe.int/1680996859>

<sup>75</sup> Denmark, Response of the Danish Government to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on its visit to Denmark, 1 September 2020, page 51, available in English at: <https://rm.coe.int/16809f65d6>

<sup>76</sup> Denmark, Political agreement on a reform of efforts against Juvenile Delinquency – All acts have consequences (*Aftale om en reform af indsatsen mod ungdomskriminalitet – Alle handlinger har konsekvenser*), 29 June 2018, available in Danish at: [https://www.justitsministeriet.dk/sites/default/files/media/Arbejdsomraader/pdf/aftaletekst\\_29.\\_juni\\_2018.pdf](https://www.justitsministeriet.dk/sites/default/files/media/Arbejdsomraader/pdf/aftaletekst_29._juni_2018.pdf) Denmark, preparatory works, Act no. 84 of 26 October 2018 on combatting juvenile delinquency (*lov om bekæmpelse af ungdomskriminalitet*), Ministry of Justice (*Justitsministeriet*): [https://www.ft.dk/ripdf/samling/20181/lovforslag/184/20181\\_184\\_som\\_fremSAT.pdf](https://www.ft.dk/ripdf/samling/20181/lovforslag/184/20181_184_som_fremSAT.pdf).

<sup>77</sup> Denmark, the Danish Institute for Human Rights, public consultation, 16 June 2020, available in Danish at: <https://menneskeret.dk/hoeringssvar/bemaerkninger-devaluering-nr-3-ungdomskriminalitetsnaevnet-naevnmoede>

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|  | <p>The Danish National Police has stated that there have been no changes to education regarding this issue since the last update in 2019. The Police College is still very attentive to the police students being taught the proper handling of all citizens who are arrested or provisionally charged in a crime case, etc., including children and young people. As early as the beginning of education, the police students are taught in the theme of "criminal coercive measures" in the handling of cases involving children and adolescents under the age of 18. In this context, they are taught, for example, in the provisions of the Administration of Justice Act, the Criminal Code and the social legislation on coercive measures. Education is also based on the Attorney General's guidance on handling cases against young offenders. The police's handling of children and adolescents was also included in the Police College's education material in 2016, and the Police is continuously adjusting the education so that it is up to date. For example, the education is based on, the Attorney General's latest edition of guidance on handling cases against young offenders from June 7, 2019.</p> <p>There have been no changes in education that can be related to COVID-19 other than that some of the lessons have been completed virtually.</p> |
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# Chapter 7. Access to justice including crime victims

## 1. Victims' Rights Directive

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>78</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*) published a study on the use of interpretation services from public authorities. It concluded that public authorities had challenges in ensuring interpretation services of a satisfying quality (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).<sup>79</sup>

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.

In an agreement between the government and a number of political parties as part of the Danish Finance Act covering 2020, it was decided to set up an inter-ministerial committee that shall make recommendations on how to improve the interpretation services in the public sector, including interpretation before the courts, and to set aside a reserve of 5 million DKK in 2020 to follow-up on the recommendations from the inter-ministerial committee.<sup>80</sup>

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<sup>78</sup> Danish Institute for Human Rights (*Institut for Menneskerettigheder*), Interpretation in the Danish legal system, 2015 (*Tolkning i Retsvæsenet, 2015*), available in Danish at: <https://menneskeret.dk/udgivelser/tolkning-retsvaesenet>.

<sup>79</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 tolkeydelse, marts 2018, side 9-10*), available in Danish at: <http://www.rigsrevisionen.dk/media/2104794/sr1217.pdf>.

<sup>80</sup> Agreements on the Finance Act 2020, December 2019 (*Aftaler om finansloven for 2020, december 2019*), page 34, available in Danish at: [https://fm.dk/media/18005/aftaler\\_om\\_finansloven\\_for\\_2020\\_a.pdf](https://fm.dk/media/18005/aftaler_om_finansloven_for_2020_a.pdf).

The Institute has received a written reply from the Ministry of Justice (*Justitsministeriet*) in which the ministry states that, in order to achieve a high quality of interpretation in the public sector, the Government has decided to set up a committee with participation of relevant authorities that should consider ways to improve interpretation skills through certification and education of interpreters.

The considerations on ways to improve interpretation in the public sector are still in process. It has been agreed among the relevant ministries that the Ministry of Higher Education and Science in the future will lead the work, while a number of ministries, including the Ministry of Justice, will contribute with analyses to the work of the committee.<sup>81</sup>

The Institute has also via the Ministry of Justice received a written reply from the Danish Court Administration (*Domstolsstyrelsen*) in Danish where the Danish Court Administration states that in the field of the Danish courts no initiatives has been taken in 2020 regarding interpretation services. The courts have awaited the general considerations of the Ministry of Justice and the inter-ministerial committee in this area.

The Danish Court Administration can, however, inform that the courts have been instructed on the use the temporary scheme where The Danish National Police (*Rigspolitiet*) has developed a temporary list of interpreters that is continuously updated. The temporary list of interpreters only serves informative purposes aimed at relieving the task of ordering and procuring interpretation services. The courts themselves organise procurement of interpretation services and can use interpreters from the list or other companies and agencies offering interpretation services.

It is up to the specific court to agree on prices and other terms with the interpreter when ordering interpretation services. The Danish National Police has developed guidelines on prices taking into account the interpreters' level of education, which is shown in the list of interpreters. The courts are notified on the indicative rates but are not bound by them.<sup>82</sup>

The Danish National Police (*Rigspolitiet*) measures in a survey on a yearly basis the experience of security in the Danish population (*Politiets tryghedsundersøgelse*).<sup>83</sup> Since 2017, the level of contentment that citizens have with the police has also been part of the survey. As satisfaction with

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<sup>81</sup> Information provided by the Danish Ministry of Justice (*Justitsministeriet*) by e-mail of 2 November 2020. See also response from the Minister of Justice to question no. 132 from the Legal Affairs Committee (*Folketingets Retsudvalg*), 18 November 2020, available in Danish at: <https://www.ft.dk/samling/20201/almdel/reu/spm/132/svar/1715441/index.htm>.

<sup>82</sup> Information provided by the Danish Ministry of Justice (*Justitsministeriet*) by e-mail of 2 November 2020.

<sup>83</sup> The Danish National Police (*Rigspolitiet*), Survey on security by the police in 2019, March 2020, available in Danish at: <https://politi.dk/-/media/mediefiler/landsdaekkende-dokumenter/statistikker/tryghedsundersogelse/politiets-tryghedsundersogelse-2019.pdf?la=da&hash=60E2232CBFE29B39F0A72DDC4EE2BF16E2FE2E83>.

the police is not improving as fast as the police had expected, the Danish National Police chose to conduct an in-depth survey on how victims of crime experience meeting the police. The survey shows that the level of contentment that citizens have with the police is the lowest if the person in contact with the police is a victim of violence or rape with 34% (violence) and 47% (rape) of citizens being discontent with the police. Furthermore, the percentage of citizens' experiences not being taken seriously by the police is 21% (violence) and 22% (rape), whereas the level for all citizens victim of a crime is 13%.<sup>84</sup>

According to the Danish National Police, the survey shows that there is significant room for improvement in the communication between citizens and the police. It is underlined in the survey that the police in recent years have initiated several initiatives addressing part of the identified challenges. Special efforts that can contribute to improving citizens contentment is: 1. Focus on the value of an initial aligning of expectations, 2. Training and focus on empathy and understanding of the situation of the citizen and 3. General follow-up on the citizens' case throughout the whole process – this is particularly important in cases of crime directed at the physical integrity.<sup>85</sup>

The head of the Danish National Police notes on the results of the survey that the police has initiated several initiatives aimed at improving the way citizens meet them. This includes the way victims of rape are met, and the possibility of citizens getting information on the stage of their case if the person is a victim of a crime directed at the physical integrity.<sup>86</sup>

## 2. Violence against women

On 25 April 2019, the Ministry of Justice (*Justitsministeriet*) requested the Commission on Criminal Law (*straffelovrådet*) to review Section 216 on 'rape' in the Danish Criminal Code (*straffeloven*). The Commission on Criminal Law was asked to focus on whether Section 216 clearly reflects that sexual acts must be based on mutual voluntariness, and how the section should be amended if the commission assessed that this is needed. The Commission's

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<sup>84</sup> The Danish National Police (*Rigspolitiet*), The level of contentment with the police by citizens being victims of a crime (*Kriminalitetsramte borgernes tilfredshed med politiet*), February 2020, page 1-2, available in Danish at: <https://politi.dk/-/media/mediefiler/landsdaekkende-dokumenter/nyheder/kriminalitetsramte-borgernes-tilfredshed-med-politiet.pdf?la=da&hash=965AA43BC12B3126F7010027C83EB8BE7C66EA69>.

<sup>85</sup> The Danish National Police (*Rigspolitiet*), The level of contentment with the police by citizens being victims of a crime (*Kriminalitetsramte borgernes tilfredshed med politiet*), February 2020, page 2, available in Danish at: <https://politi.dk/-/media/mediefiler/landsdaekkende-dokumenter/nyheder/kriminalitetsramte-borgernes-tilfredshed-med-politiet.pdf?la=da&hash=965AA43BC12B3126F7010027C83EB8BE7C66EA69>.

<sup>86</sup> The Danish National Police (*Rigspolitiet*), 19 May 2020, New survey on contentment gives frowns (*Ny tilfredshedsundersøgelse giver panderynker*), available in Danish at: <https://politi.dk/rigspolitiet/nyhedsliste/ny-tilfredshedsundersogelse-giver-panderynker/2020/05/19>.



review was published in February 2020. The Commission agreed that the decisive factor for punishment under Section 216 on 'rape' in the Danish Criminal Code should not be, as is currently the case, whether the victim was coerced or was unable to oppose the act, but instead whether the sexual act was based on mutual voluntariness. On that basis, the Commission unanimously agreed that an amendment should be made to Section 216 of the Danish Criminal Code. The majority proposed that an amendment should be based on a criterion of voluntariness (*frivillighed*), while the minority, consisting of one member, proposed that it should be based on a criterion of consent (*samtykke*).<sup>87</sup> On 1 September 2020, the Danish Government, together with a number of political parties in the Danish Parliament (*Folketinget*), announced that they had come to an agreement on an amendment of Section 216 on rape in the Danish Criminal Code based on consent.<sup>88</sup> On 17 December 2020, the Danish Parliament (*folkettinget*) agreed on amending Section 216 on rape in the Danish Criminal Code (*straffeloven*) so that the provision is based on consent instead of whether the alleged victim was coerced or was unable to oppose the act. The amendment entered into force on 1 January 2021.<sup>89</sup>

In March 2019, the Minister for Food, Fisheries and Equal Opportunities (*Ministeren for fødevarer, fiskeri og ligestilling*) presented an action plan 2019-2022 on physical and psychological violence in close relations (*Handlingsplan til bekæmpelse af psykisk og fysisk vold i nære relationer 2019-2022*).<sup>90</sup> The action plan was initiated based on the fact that psychological and physical violence in close relationships, stalking and digital violations continue to be a significant problem in Denmark. Similar action plans have been made since 2002. The action plan presents 18 initiatives that is to be implemented over a three-year period, between 2019 and 2022. Some of the initiatives have already been adopted while others have not yet. One of the initiatives have

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<sup>87</sup> Denmark, The Commission on Criminal Law (*Straffelovrådet*), Report no. 1574 on a provision on rape based on a criterium of voluntariness, (*Betænkning nr. 1574 om frivillighedsbaseret voldtægtsbestemmelse*), available in Danish at:

[https://www.justitsministeriet.dk/sites/default/files/media/Pressemeddelelser/pdf/2020/betaenkning\\_1574\\_final.pdf](https://www.justitsministeriet.dk/sites/default/files/media/Pressemeddelelser/pdf/2020/betaenkning_1574_final.pdf).

<sup>88</sup>Denmark, Ministry of Justice (*Justitsministeriet*), Agreement of a new consent-based rape provision, 1. September 2020, available in Danish at: <https://www.justitsministeriet.dk/wp-content/uploads/2020/09/Enighed-om-indfoersel-af-ny-samtykkebaseret-voldtaegtsbestemmelse.pdf>

<sup>89</sup> Denmark, Proposed bill no. 16 on the amendment of the Danish Criminal Code (a consent based rape provision) (*Forslag til lov om ændring af straffeloven (samtykkebaseret voldtægtsbestemmelse)*), 11 November 2020, available in Danish at:

[https://www.ft.dk/ripdf/samling/20201/lovforslag/l85/20201\\_l85\\_som\\_fremsat.pdf](https://www.ft.dk/ripdf/samling/20201/lovforslag/l85/20201_l85_som_fremsat.pdf).

<sup>90</sup> Denmark, Ministry for Food, Fisheries and Equal Opportunities (*Fødevarer, Fiskeri og Ligestillingsministeriet*), Action plan for combating psychological and physical violence in close relations 2019-2022, (*Handlingsplan til bekæmpelse af psykisk og fysisk vold i nære relationer, Udenrigsministeriet, 2019-2022*), page 7, available in Danish here:

[https://mfvm.dk/fileadmin/user\\_upload/MFVM/Ligestilling/Andre\\_dokumenter/Handlingsplan\\_til\\_bekmpelse\\_af\\_psykisk\\_og\\_fysisk\\_vold\\_2019\\_-2022\\_2\\_.pdf](https://mfvm.dk/fileadmin/user_upload/MFVM/Ligestilling/Andre_dokumenter/Handlingsplan_til_bekmpelse_af_psykisk_og_fysisk_vold_2019_-2022_2_.pdf).

been to provide funding to Danish Stalking Centre (*Dansk Stalking Center*) to create a national outpatient offer in the form of telephone-, social- and legal counselling as well as professional psychological treatment directed at both victims and perpetrators of stalking and to further qualify professionals in, among other, the municipalities and the police.<sup>91</sup>

In March 2020, the Ministry of Justice (*Justitsministeriet*), in collaboration with the University of Copenhagen (*Københavns Universitet*) and the Crime Prevention Council (*Det Kriminalpræventive Råd*), published a research report on victims' exposure towards violence and other forms of crime between 2005-2018 (*Udsathed for vold og andre former for kriminalitet – Offerundersøgelserne 2005-2018*).<sup>92</sup> The report is a part of a nationwide omnibus victim survey by Statistics Denmark (*Danmarks Statistik*) from 2005 until 2018. The participants were randomly selected through the Danish civil registration system (*CPR-registeret*), so that they made up an extract representative of the population between the age of 16-74 years. From 2005-2010 the information was provided through telephone interviews. After June 2010, the participants were contacted by Statistics Denmark by mail to their online digital mailbox (*E-boks*) from which they could reach a digital survey or sign up for a telephone interview. If a selected participant did not respond to the first inquiry several reminders followed. In each year from 2005-2015, around 18,000 persons were requested to participate in the survey. Between 2016 and 2018, the number was higher. In 2018 the net test sample consisted of 21,312 persons. Altogether, 263,650 persons were involved. Out of those, 161,590 persons have participated, which is an overall response rate of 61%. From 2015-2018 the response rates vary between 53 and 65% with the lowest rate in 2018.

The results of the report focus on some main tendencies from the research studies throughout time. Among the main themes from the collected data is; domestic violence and rape. The report showed that around one out of twenty victims of crime in the report had been exposed to domestic violence. That corresponds to 0,1% of the Danish population, or between 3.300 and 4.500 persons at the age of 16-74 years annually experience domestic violence. In 90% of the reported cases on domestic violence, the violence was committed towards women. Compared to the division in the population this corresponds to 0,3% of women and 0,1% of men in the Danish population have been exposed to domestic violence during the past year.

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<sup>91</sup> Minister for Equal Opportunities (*Ministeriet for Ligestilling*), Action plan for combating psychological and physical violence in close relations 2019-2022 (*Handlingsplan til bekæmpelse af psykisk og fysisk vold i nære relationer 2019-2022*), page 17, available in Danish at: <https://www.ft.dk/samling/20181/almdel/LIU/bilag/58/2025429/index.htm>

<sup>92</sup> Denmark, Justitsministeriet, report on victims and exposure from the Ministry of Justice (*Udsathed for vold og andre former for kriminalitet*), available in Danish on: [https://www.justitsministeriet.dk/sites/default/files/media/Pressemeddelelser/pdf/2020/offerrapport\\_2005-2018.pdf](https://www.justitsministeriet.dk/sites/default/files/media/Pressemeddelelser/pdf/2020/offerrapport_2005-2018.pdf)

Furthermore, the report shows that women who have been exposed to domestic violence from a former partner are significantly more likely to report the episode to the police than women who are exposed to domestic violence from their current partner. However, between 2005 and 2018, only 119 persons indicated that they had experienced domestic violence. Therefore, the conclusions are based on a sparse data material. The definition of "violence" was left up to the respondents themselves. Finally, the research showed that, on average, between 2008-2018 0.3% of women had been subjected to forcible intercourse or attempted forcible intercourse within the last year. In 2018, it was 0.6% of women, which is significantly higher than the average for the full period. Finally, the research showed, that according to family type, single women are significantly more at risk of rape than women in relationships.

During August-December 2020, sexual harassment has been widely debated in the Danish media where women from different sectors publicly have stated that sexism still exists to a great extent in their workplaces. This indicates a second wave of Me Too.<sup>93</sup>

Furthermore, the government have set aside funding for organisations such as the Danish centre for gender, equality and diversity (KVINFO) in the governmental Budget of 2021. In general, the 2021 governmental budget aims to ensure better support for victims of sexual assault and in relation to this to strengthen the Labour Inspectorate.<sup>94</sup>

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<sup>93</sup> View among others these cases from the Danish media (in Danish):

<https://www.berlingske.dk/danmark/laes-1615-kvindes-stoettebrev-til-tv-vaert-sofie-linde-0>,  
<https://www.dr.dk/nyheder/kultur/sofie-linde-staar-frem-om-sexchikane-jeg-har-moedt-mange-maend-der-var-pisse-ulaekre>, <https://jyllands-posten.dk/indland/ECE12441034/over-300-kvinder-har-skrevet-under-paa-kronik-om-sexisme-i-politik/>,  
<https://www.information.dk/indland/2020/09/sexisme-laegefaget-medicinstuderende-staar-ale>

<sup>94</sup> Denmark, The Danish Government (*regeringen*), The governmental budget 2021 (*Finansloven 2021*) available in Danish at: [Aftale om finansloven for 2021 og aftale om stimuli og grøn genopretning \(fm.dk\)](#)

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

## 1. CRPD policy & legal developments

On 1 July 2018, the Danish Act on a Ban against Discrimination on the Grounds of Disability came into force.<sup>95</sup> The act introduced a general ban on discrimination on the grounds of disability outside the labour market<sup>96</sup> and provided an access to have cases heard before the Danish Board of Equal Treatment (*Ligebehandlingsnævnet*).<sup>97</sup> The preparatory work specifically refer 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*). According to the preparatory works, the act will ensure an effective measure to protect persons with disabilities in compliance with CRPD, article 5 (2).<sup>98</sup> However, despite the fact that the obligation to provide reasonable accommodation and accessibility are central elements to the protection against discrimination in the CRPD, the act did not include an obligation to provide reasonable accommodation nor accessibility.<sup>99</sup> On 26 March 2020, the Ministry of Social and Internal Affairs (*Social- og Indenrigsministeriet*) drafted a bill, which proposed to amend the act by inserting an obligation to provide reasonable accommodation in all day cares and public schools.<sup>100</sup> On 7 October 2020, the proposed bill was presented to the Danish Parliament (*folketinget*) where it is still being

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<sup>95</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>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 2 and 5, 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 14, available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=201823>

<sup>98</sup> Denmark, Preparatory work to bill no 221 of 8 June 2018 on a Ban against Discrimination on the Grounds of Disability, p. 9. (*forarbejder 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>99</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>100</sup> Denmark, Draft bill on the amendment on the Act on a Ban against Discrimination on the Grounds of Disability (*Forslag til lov om forbud mod forskelsbehandling på grund af handicap*), available in Danish at: <https://www.ft.dk/samling/20191/almdel/buu/bilag/125/index.htm>

processed.<sup>101</sup> While being processed by the Danish Parliament, an obligation to also provide reasonable accommodation within private and private independent schools (*privat- og friskoler*) was proposed.<sup>102</sup> A majority voted for the inclusion of private and private independent schools, why the draft bill was referred back to committee.<sup>103</sup> The proposal is now added to the final draft bill.<sup>104</sup>

On 18 March 2020, the Danish Patient Safety Authority (*Styrelsen for Patientsikkerhed*) ordered all municipal councils to introduce a temporary ban on visits to amongst other all supported housing offers (*botilbud*) based on an executive order. However, close relatives could still visit in critical situations. For example, visits to a critically ill or dying resident.<sup>105</sup> On 5 April 2020, the ban was prolonged through an executive order from the Ministry of Social Affairs and the Interior (*Social- og Indenrigsministeriet*). In this connection, critical situations were expanded to also include visits from parents or close relatives to residents with a cognitive impairment, who lack the ability to understand and accept the purpose of the visitor restrictions and thus has a special need for visits.<sup>106</sup> On 13 May 2020, a new executive order eased the restrictions on visits. Hereafter, residents could – outside critical situations – receive outdoor visits from 1-2 regular visitors selected from the resident's close relatives. Furthermore, the management could

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<sup>101</sup> Denmark, Draft bill no. 16 of 7 October 2020 on the amendment on the Act on a Ban against Discrimination on the Grounds of Disability (*Forslag til lov om forbud mod forskelsbehandling på grund af handicap*), available in Danish at:

[https://www.ft.dk/ripdf/samling/20201/lovforslag/l16/20201\\_l16\\_som\\_fremSAT.pdf](https://www.ft.dk/ripdf/samling/20201/lovforslag/l16/20201_l16_som_fremSAT.pdf).

<sup>102</sup> Denmark, The Commission on Social Affairs and the Interior (Social- og Indenrigsudvalget), report on draft bill no. 16 of the 14. December 2020 on the amendment on the Act on a Ban against Discrimination on the Grounds of Disability (*Betænkning over forslag til lov om forbud mod forskelsbehandling på grund af handicap*), available in Danish at:

[https://www.ft.dk/ripdf/samling/20201/lovforslag/l16/20201\\_l16\\_betaenkning.pdf](https://www.ft.dk/ripdf/samling/20201/lovforslag/l16/20201_l16_betaenkning.pdf)

<sup>103</sup> Denmark, draft bill no. 16, first part of the second parliamentary treatment (*1. del af 2. behandling*) of the 17. December 2020, available in Danish at:

<https://www.ft.dk/samling/20201/lovforslag/L16/BEH2-39/forhandling.htm#t68924C542233449782137DDB3807CA3Atab1>

<sup>104</sup> Denmark, Draft bill no. 16 of the 21 of December 2020 on the amendment on the Act on a Ban against Discrimination on the Grounds of Disability (*Forslag til lov om forbud mod forskelsbehandling på grund af handicap*), available in Danish at:

[https://www.ft.dk/ripdf/samling/20201/lovforslag/l16/20201\\_l16\\_efter\\_2behandling.pdf](https://www.ft.dk/ripdf/samling/20201/lovforslag/l16/20201_l16_efter_2behandling.pdf)

<sup>105</sup> Denmark, Order from the Danish Patient Safety Authority (*Styrelsen for Patientsikkerhed*), 18

March 2020, available in Danish: [https://stps.dk/da/nyheder/2020/vigtig-information-om-begraensning-af-besoeg-paa-sygehuse,-plejehjem,bosteder-mv/~/\\_media/47E3BE4B407C4107A9A9A5B2A2C8374E.ashx](https://stps.dk/da/nyheder/2020/vigtig-information-om-begraensning-af-besoeg-paa-sygehuse,-plejehjem,bosteder-mv/~/_media/47E3BE4B407C4107A9A9A5B2A2C8374E.ashx); Denmark, Executive order no. 215 of 17.

March 2020 from the Ministry of Health (*Sundheds- og Ældreministeriet*), available in Danish here:

<https://www.retsinformation.dk/eli/lta/2020/215>;

<sup>106</sup> Denmark, Executive order no. 372 of 4 April 2020 from the Ministry of Social Affairs and the Interior (*Social- og Indenrigsministeriet*), available in Danish at:

<https://www.retsinformation.dk/eli/lta/2020/372>.

allow visits inside the resident's home under certain circumstances.<sup>107</sup> On 24 June 2020, yet another executive order entered into force. Hereafter, the management of each supported housing had the authority to impose restrictions on visitors if the management found that 1) this was necessary to minimise the risk of infection with COVID-19 for one or more residents or employees due to a specific outbreak of infection in the supported housing offer or 2) if one or more residents or employees belongs to a group that is at risk if infected with COVID-19. The restrictions imposed by the management could not exclude visits in critical situations or visits from the 1-2 regular visitors selected from the resident's close relatives.<sup>108</sup> Between 7 August and 15 November 2020, several changes were made.<sup>109</sup> Today, the management of each supported housing offer still has the authority to impose restrictions on visitors under certain circumstances. However, the Ministry of Social Affairs and the Interior (*Social- og Indenrigsministeriet*) can also impose a ban or restrictions on visitors, if certain conditions are met in all of the supported housing offers in a municipality listed in the annexes to the executive order due to an outbreak of COVID-19 in the

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<sup>107</sup> Denmark, Executive order no. 610 of 13 May 2020 from the Ministry of Social Affairs and the Interior (*Social- og Indenrigsministeriet*), available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/610>.

<sup>108</sup> Denmark, Executive order no. 927 of 22 June 2020 from the Ministry of Social Affairs and the Interior (*Social og Indenrigsministeriet*), available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/927>.

<sup>109</sup> View among other: Denmark, Executive order no. 1386 of 23 September 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1386>; Executive order no. 1194 of 6. August 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1194>; Executive order no. 1202 of 11. August 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1202>; Executive order no. 1253 of 25. August 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1253>; Executive order no. 1285 of 30. August 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1285>; Executive order no. 1320 of 9. September 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1320>; Executive order no. 1348 of 12. September 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1348>; Executive order no. 1352 of 15. September 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1352>; Executive order no. 1361 of 16. September 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1361>; Executive order no. 1376 of 21. September 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1376>; Executive order no. 1405 of 28. September 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1405>; Executive order no. 1446 of 5. October 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1446>; Executive order no. 1448 of 7. October 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1448>; Executive order no.1471 of 11. October 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1471>; Executive order no.1490 of 18. October 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1490>; Executive order no. 1500 of 23. October 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1500>.

municipality.<sup>110</sup> The annexes have been amended a number of times.<sup>111</sup> On 21 December 2020, a new executive order entered into force, replacing the previous one.<sup>112</sup> While the previous executive order allowed the Ministry of Social Affairs and the Interior (*Social- og Indenrigsministeriet*) to initiate a temporary complete ban on all visitor's access to supported housing offers, except in critical situations, the new executive order only allows the Ministry of Social Affairs and the Interior (*Social- og Indenrigsministeriet*) to initiate temporary restrictions, which include the possibility to prohibit visitors from accessing indoor areas in the supported housing offers in a municipality named in the annex.

On 11 November 2020, the Ministry of Justice (*Justitsministeriet*) proposed a bill to the Danish Parliament (*folketinget*) which amends Section 216 on rape in the Danish Criminal Code (*straffeloven*). The bill provides that the provision will be based on consent instead of whether the alleged victim was coerced or was unable to oppose the act. Thus, rape in the proposed bill is defined as a person having intercourse with another person, who has not consented to this.<sup>113</sup> The bill proposes that the amendment enters into force

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<sup>110</sup> Denmark, Executive order no. 1613 of 15. November 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1613>

<sup>111</sup> Denmark, executive order no. 1634 of 17. November 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1634>; Executive order no. 1667 of 22. November 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1667>; Executive order no. 1676 of 24. November 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1676>; Executive order no. 1687 of 25. November 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1687>; Executive order no. 1734 of 1. December 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1734>; Executive order no. 1781 of 3. December 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1781>; Executive order no. 1816 of 6. December 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1816>; Executive order no. 1852 of 9. December 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1852>; Executive order no. 1879 of 10. December 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1879>; Executive order no. 1902 of 10. December 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1902>; Executive order no. 1920 of 13. December 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1920>; Executive order no. 1937 of 14. December 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1937>; Executive order no. 1972 of 16. December 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1972>; Executive order no. 1985 of 16. December 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1985>; Executive order no. 2015 of 17. December 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/2015>.

<sup>112</sup> Executive order no. 2060 of 21. December 2020, available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/2060>.

<sup>113</sup> In Danish: "For voldtægt straffes med fængsel indtil 8 år den, der har samleje med en person, der ikke har samtykket heri".

on 1. January 2021.<sup>114</sup> However, Section 218 of the Danish Criminal Code, which states that any person who exploits the mental disorder or mental retardation of another person to engage in sexual intercourse with such person is sentenced to imprisonment up to 4 years, is upheld.

On 7 October 2020, the Minister of Housing (*Boligministeren*) introduced a bill, which proposed an amendment to the Act on Public Housing (*Almenboligloven*). The bill provided that certain tenants of public housing for the elderly and persons in need of care could be terminated through an experimental scheme if their need for care and support changed.<sup>115</sup> The amendment represented an exception to the general rules on termination otherwise safeguarding tenants. The proposed amendment was criticised by both the Institute, disability organizations and later members of the Danish Parliament. As a result, this proposed amendment was deleted from the bill.<sup>116</sup>

On 20 October 2020, a proposal for a parliamentary resolution on the right to complain about insufficient support for children in public schools with less than 9 hours of support needs was introduced.<sup>117</sup> The government has to prepare an assessment of the financial consequences of giving parents or guardians of children who need less than 9 hours of support per week the opportunity to complain to the Complaints Board for Special Education (*Klagenævnet for Specialundervisning*) about the allocated support. The economic assessment must be ready before the end of 2020.

On 17 December, a new draft bill on amending the Danish Criminal Code was published.<sup>118</sup> The drafted bill adds crimes committed based on the

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<sup>114</sup> Denmark, Proposed bill on the amendment of the Danish Criminal Code (a consent based rape provision) (*Forslag til lov om ændring af straffeloven (samtykkebaseret voldtægtsbestemmelse)*), 11 November 2020, available in Danish at:

[https://www.ft.dk/ripdf/samling/20201/lovforslag/l85/20201\\_l85\\_som\\_fremsat.pdf](https://www.ft.dk/ripdf/samling/20201/lovforslag/l85/20201_l85_som_fremsat.pdf).

<sup>115</sup> Denmark, Proposed bill no. 7 of 7 October 2020 on the amendment of the Act on Public Housing etc., available in Danish here:

[https://www.ft.dk/ripdf/samling/20201/lovforslag/l7/20201\\_l7\\_som\\_fremsat.pdf](https://www.ft.dk/ripdf/samling/20201/lovforslag/l7/20201_l7_som_fremsat.pdf).

<sup>116</sup> Denmark, Amendments during the 2nd treatment of the proposed bill on the amendment of the Act on Public Housing etc., available in Danish here:

<https://www.ft.dk/samling/20201/lovforslag/L7/bilag/5/2276581.pdf>.

<sup>117</sup> Denmark, Proposal for Parliamentary Resolution B 39 of 20. October 2020 on the right to complain about insufficient support for children attending public school with less than 9 hours of support needs (*Forslag til folketingsbeslutning om ret til klage over utilstrækkelig støtte i folkeskolen til børn med under 9 timers støttebehov*), available in Danish at:

<https://www.ft.dk/samling/20201/beslutningsforslag/b39/index.htm>

<sup>118</sup> Denmark, Draft bill of the 17. December 2020 on amending the Criminal Code (*Strafskærpelse for forbrydelser med baggrund i offerets handicap*), Ministry of Justice (*Justitsministeriet*), available in Danish at: <https://hoeringsportalen.dk/Hearing/Details/64698>



victim's disability as an aggravating circumstance when determining a sentence to section 81(1)(6).

## 2. CRPD monitoring at national level

### 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 CRPD.

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

| <b>EUMS</b> | <b>Focal points within government for matters relating to the implementation of the CRPD – Article 33 (1)</b>  | <b>Coordination mechanism – Article 33 (1)</b>  | <b>Framework to promote, protect and monitor implementation of the CRPD – Article 33 (2)</b>   |
|-------------|--|---|--|
| <b>AT</b>   | Federal Ministry for Labour, Social Affairs and Consumer Protection ( <i>Bundesministerium für Arbeit, Soziales und Konsumentenschutz</i> ); the 9 regional authorities ( <i>Länder</i> ) designated their own sub-focal points  | Federal Ministry of Labour, Social Affairs and Consumer Protection ( <i>Bundesministerium für Arbeit, Soziales und Konsumentenschutz</i> ) with the involvement of the Federal Disability Advisory Board ( <i>Bundesbehindertenbeirat</i> ) | <a href="#">CRPD monitoring committee</a> ( <i>Monitoringausschuss</i> )   |
| <b>BE</b>   | Federal Public Service Social Security ( <i>Federale Overheidsdienst/Service public fédérale sécurité sociale</i> ) Directorate-General for Strategy and Research; the 7 communities and regions designated their own sub-focal points.  |   | <a href="#">Interfederal Centre for Equal Opportunities (Unia)</a> ( <i>Interfederaal Gelijkekansencentrum/ Centre interfédéral pour l'égalité des chances</i> ) |
| <b>BG</b>   | Ministry of Labour and Social Policy, Policy for People with Disabilities, Equal Opportunities and Social Benefits Directorate, Integration of people with disabilities department ( <i>Министерство на труда и социалната политика, дирекция "Политика за хората с увреждания, равни възможности и социални помощи"</i> , | Not established/designated  | Not established/designated   |

|            |   |   |  |
|------------|---|---|--|
|            | <i>отдел "Интеграция на хората с увреждания")</i>   |   |  |
| <b>CY</b>  | Ministry of Labour, Welfare and Social Insurance, Department for Social Inclusion of People with Disabilities ( <i>Τμήμα Κοινωνικής Ενσωμάτωσης Ατόμων με Αναπηρίες, Υπουργείου Εργασίας, Ευημερίας και Κοινωνικών Ασφαλίσεων</i> ) | Pancyprian Council for Persons with Disabilities  | <a href="#">Independent authority for the promotion of the rights of persons with disabilities</a> ( <i>Ανεξάρτητη Αρχή Προώθησης Δικαιωμάτων ΑμεΑ</i> ) within the <a href="#">Office of the Commissioner for Administration and Human Rights</a> (Γραφείο Επιτρόπου Διοικήσεως και Ανθρωπίνων Δικαιωμάτων) |
| <b>CZ</b>  | Ministry of Labour and Social Affairs ( <i>Ministerstvo práce a sociálních věcí</i> )   | Ministry of Labour and Social Affairs ( <i>Ministerstvo práce a sociálních věcí</i> ) in cooperation with Ministry of Foreign Affairs ( <i>Ministerstvo zahraničních věcí</i> ), Government Board for People with Disabilities ( <i>Vládní výbor pro zdravotně postižené občany</i> ) and National Disability Council ( <i>Národní rada osob se zdravotním postižením</i> ) | <a href="#">Public Defender of Rights</a> ( <i>Veřejný ochránce práv</i> )   |
| <b>DE</b>  | Federal Ministry for Labour and Social Affairs ( <i>Bundesministerium für Arbeit und Soziales</i> ); the 16 Federal States ( <i>Länder</i> ) designated their own sub-focal points  | Federal Government Commissioner for Matters Relating to Persons with Disabilities ( <i>Beauftragte der Bundesregierung für die Belange von Menschen mit Behinderungen</i> )   | <a href="#">German Institute for Human Rights</a> ( <i>Deutsches Institut für Menschenrechte</i> )   |
| <b>DK*</b> | 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> )   |
| <b>EE</b>  | Ministry of Social Affairs ( <i>Sotsiaalministeerium</i> )  | Cooperation Assembly between ministries ( <i>Puuetega inimeste koostöökogu</i> ), Estonian Chamber of Disabled People ( <i>Eesti Puuetega Inimeste</i>  | Committee of the Rights of Persons with Disabilities under the <a href="#">Estonian Chamber of Disabled People</a> ( <i>Eesti Puuetega Inimeste Koda</i> )   |

|           |   |  |  |
|-----------|---|--|--|
|           |   | <i>Koda</i> ) and four disabled persons organisations  |  |
| <b>EL</b> | General Secretariat for Transparency and Human Rights at the Ministry of Justice, Transparency and Human Rights (Γενική Γραμματεία Διαφάνειας και Ανθρωπίνων Δικαιωμάτων του Υπουργείου Δικαιοσύνης, Διαφάνειας και Ανθρωπίνων Δικαιωμάτων)   | Minister of State (Υπουργός Επικρατείας)   | <a href="#">Ombudsman</a> (Συνήγορος του Πολίτη)   |
| <b>ES</b> | Ministry of Health, Social Services and Equality ( <i>Ministerio de Sanidad, Servicios Sociales e Igualdad</i> ); Ministry of Foreign Affairs and Cooperation ( <i>Ministerio de Asuntos Exteriores y Cooperación</i> ); Ministry of Employment and Social Security ( <i>Ministerio de Empleo y Seguridad Social</i> ). | National Disabilities Council ( <i>Consejo Nacional de la Discapacidad</i> ); Spanish Monitoring System for Disability ( <i>Observatorio Estatal de la Discapacidad</i> )  | <a href="#">Spanish Committee of Representatives of People with Disabilities</a> ( <i>Comité Español de Representantes de Personas con Discapacidad</i> ); <a href="#">Ombudsman</a> ( <i>Defensor del Pueblo</i> )  |
| <b>FI</b> | Ministry for Foreign Affairs ( <i>Ulkoasiainministeriö</i> ); Ministry of Social Affairs and Health ( <i>Sosiaali- ja terveystieteiden ministeriö</i> )   | Advisory Board for the Rights of Persons with Disabilities ( <i>Vammaisten henkilöiden oikeuksien neuvottelukunta</i> ) within Ministry of Social Affairs and Health ( <i>Sosiaali- ja terveystieteiden ministeriö</i> ) | <a href="#">Human Rights Centre</a> ( <i>Ihmisoikeuskeskus</i> ); <a href="#">Human rights delegation</a> ( <i>Ihmisoikeusvaltuuskunta</i> ); <a href="#">Parliamentary Ombudsman</a> ( <i>Eduskunnan oikeusasiamies</i> )   |
| <b>FR</b> | Ministry of Social Affairs and Health ( <i>Ministère des Affaires sociales et de la santé</i> ); Interministerial Committee for Disability ( <i>Comité interministériel du handicap</i> )   | Interministerial Committee for Disability ( <i>Comité interministériel du handicap</i> )   | <a href="#">Public Defender of Rights</a> ( <i>Le Défenseur des Droits</i> ); <a href="#">National Advisory Council for Human Rights</a> ( <i>Commission Nationale Consultative des Droits de l'Homme</i> ) and <a href="#">National Advisory Council for People with a Disability</a> ( <i>Conseil national consultatif des personnes handicapées</i> ) |
| <b>HR</b> | Ministry of Demography, Family, Youth and Social Policy ( <i>Ministarstvo demografije, obitelji, mladih i socijalne politike</i> )  |  | <a href="#">Ombudsman for Persons with Disabilities</a> ( <i>Pravobranitelj za osobe s invaliditetom</i> ); Commission of the Government of the Republic of  |

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|           |  | Croatia for people with disabilities ( <i>Povjerenstva Vlade Republike Hrvatske za osobe s invaliditetom</i> )   |
| <b>HU</b> | Ministry of Human Capacities, Department for Disability Affairs ( <i>Emberi Erőforrások Minisztériuma, Fogyatékoságügyi Főosztály</i> )  | National Disability Council ( <i>Országos Fogyatékoságügyi Tanács</i> ); Interministerial Committee on Disability ( <i>Fogyatékoságügyi Tárcaközi Bizottság</i> )  |
| <b>IE</b> | Department of Justice and Equality, Equality Division  | <a href="#">Irish Human Rights and Equality Commission</a> supported by the National Disability Authority  |
| <b>IT</b> | Ministry of Labour and Social Policies ( <i>Ministero del Lavoro e delle Politiche Sociali</i> )   | <a href="#">National Observatory on the Situation of Persons with Disabilities</a> ( <i>Osservatorio Nazionale sulla condizione delle persone con disabilità</i> )   |
| <b>LT</b> | Ministry of Social Security and Labour ( <i>Socialinės apsaugos ir darbo ministerija</i> )   | <a href="#">Office of the Equal Opportunities Ombudsperson</a> ( <i>Lygių galimybių kontrolieriaus tarnyba</i> )   |
| <b>LU</b> | Ministry of Family, Integration and for the Greater Region ( <i>Ministère de la Famille, de l'Intégration et à la Grande Région</i> ); contact person for disability matters in each ministry  | <a href="#">Consultative Commission for Human Rights</a> ( <i>Commission consultative des Droits de l'Homme du Grand-Duché de Luxembourg</i> ); <a href="#">Centre for Equal Treatment</a> ( <i>Centre pour l'égalité de traitement</i> ); <a href="#">Ombudsman</a> ( <i>Médiateur au service de citoyens</i> ) |
| <b>LV</b> | Ministry of Welfare ( <i>Labklājības ministrija</i> ), National Council of Disability Affairs ( <i>Invaliditātes lietu nacionālā padome</i> )  | <a href="#">Ombudsperson of the Republic of Latvia</a> ( <i>Latvijas Republikas Tiesībsargam</i> )   |
| <b>MT</b> | National Focal Point Office within the Ministry for the Family and Social Solidarity ( <i>Ministeru għall-Familja u - Solidarjeta` Soċjali</i> ); Parliamentary Secretariat for the Rights of Persons with a Disability and Active Ageing ( <i>Segretarju parlamentari għad-drittijiet ta' persuni b'diżabilita' u anzjanita' attiva</i> ) | Fair Society Action Council ( <i>Kunsill Azzjoni lejn Soċjeta' Ġusta</i> )<br><br><a href="#">Commission for the Rights of Persons with a Disability</a> ( <i>Kummissjoni għad-Drittijiet ta' Persuni b'Diżabilità</i> )   |

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|-----------|---|---|---|
| <b>NL</b> | Ministry of Health, Welfare and Sport ( <i>Ministerie van Volksgezondheid, Welzijn en Sport</i> )   |   | <a href="#">Netherlands Institute for Human Rights</a> ( <i>College voor de Rechten van de Mens</i> )   |
| <b>PL</b> | Ministry of Family, Labour and Social Policy ( <i>Ministerstwo Rodziny, Pracy i Polityki Społecznej</i> )   | Ministry of Family, Labour and Social Policy ( <i>Ministerstwo Rodziny, Pracy i Polityki Społecznej</i> ) and the Team for the implementation of the CRPD provisions (chaired by the Government Plenipotentiary for Persons with Disabilities ( <i>Pełnomocnik Rządu do Spraw Osób Niepełnosprawnych</i> )) | <a href="#">Commissioner for human rights</a> ( <i>Rzecznik Praw Obywatelskich</i> )  |
| <b>PT</b> | Ministry of Foreign Affairs, Directorate General of External Policy ( <i>Ministério dos Negócios Estrangeiros, Direção-Geral de Política Externa</i> ); Ministry of Solidarity, Employment and Social Security, Strategy and Planning Office ( <i>Ministério da Solidariedade, Emprego e Segurança Social, Gabinete de Estratégia e Planeamento</i> ) | Ministry of Solidarity, Employment and Social Security, National Institute for Rehabilitation ( <i>Ministério da Solidariedade, Emprego e Segurança Social, Instituto Nacional para a Reabilitação</i> )  | National mechanism for monitoring and implementation of the CRPD ( <i>Mecanismo nacional de monitorização da implementação da Convenção</i> )   |
| <b>RO</b> | National Authority for Persons with Disabilities ( <i>Autoritatea Națională pentru Persoanele cu Dizabilități</i> ) under the <a href="#">Ministry of labour and social justice</a> ( <i>Ministerul Muncii și Justiției Sociale</i> )   |   | Council for monitoring the implementation of the UN CRPD (Monitoring council) ( <i>Consiliul de monitorizare a implementării Convenției</i> )<br><br><a href="#">Romanian Institute for Human Rights</a> ( <i>Institutul Român pentru Drepturile Omului</i> ) |
| <b>SE</b> | Ministry of Social Affairs and Health ( <i>Socialdepartementet</i> )  | High-Level Interministerial Working Group led by the Division for social care of the Ministry of Health and Social Affairs ( <i>Socialdepartementet</i> )   | Not established/designated  |
| <b>SI</b> | Ministry of Labour, Family, Social Affairs and Equal Opportunities, Directorate Disability,   |   | <a href="#">Council for Persons with Disabilities of the Republic of</a>  |

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|-----------|--|---|
|           | Veterans and Victims of War ( <i>Ministrstvo za delo, družino, socialne zadeve in enake možnosti, Direktorat za invalide, vojne veterane in žrtve vojnega nasilja</i> )  | <a href="#">Slovenia</a> ( <i>Svet za invalide Republike Slovenije</i> )  |
| <b>SK</b> | Ministry of Labour, Social Affairs and Family, Department for the Integration of Persons with Disabilities ( <i>Ministerstvo práce, sociálnych vecí a rodiny, Odbor integrácie osôb so zdravotným postihnutím</i> ); | <a href="#">Commissioner for Persons with Disabilities</a> ( <i>Komisár pre osoby so zdravotným postihnutím</i> )   |
| <b>UK</b> | Department of Work and Pensions, Office for Disability Issues  | <a href="#">Equality and Human Rights Commission</a> (England and Wales); <a href="#">Scottish Human Rights Commission</a> ; <a href="#">Northern Ireland Human Rights Commission</a> and <a href="#">Equality Commission for Northern Ireland</a>  |
| <b>EU</b> | European Commission  | For matters of coordination between the Council, the Member States and the European Commission, see provisions of the Code of Conduct between the Council, the Member States and the Commission setting out internal arrangements for the implementation by and representation of the EU relating to the CRPD (2010/C 340/08) |
|           |  | <a href="#">European Parliament</a> ; <a href="#">European Ombudsman</a> ; <a href="#">Fundamental Rights Agency</a> ; <a href="#">European Disability Forum</a>  |

### 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 Right of Persons with Disabilities in order to assist the Committee in its preparation and adoption of the list of issues prior to Denmark's submission of the 2<sup>nd</sup> and 3<sup>rd</sup> periodic reports regarding the national implementation of the CRPD. Danish civil society organisations representing persons with disabilities were consulted in connection with the drafting of the report. In February 2020, the Danish Institute for Human Rights as well as other civil society organisations representing persons with disabilities were heard again and provided comments to the draft to Denmark's submission of the 2<sup>nd</sup> and 3<sup>rd</sup> periodic reports. On 24 April 2020, Denmark submitted its 2<sup>nd</sup> and 3<sup>rd</sup> periodic reports regarding the national implementation of the CRPD.

In late June 2020, the Danish Institute for Human Rights (*Institut for Menneskerettigheder*) published a report on restrictions on visits to supported housing offers, which were implemented, and still are in place, due to COVID-19. The report was based on 20 interviews of close relatives to the residents. The report concluded that the restrictions provided in executive orders were "over-implemented" and affected the freedoms of the residents more than was intended in the rules.<sup>119</sup> The report pointed out that residents living in such housing also have the right to independent living, including the control over their own home, like other Danish citizens. It also concluded that the administration of the visitor restrictions could not legally restrict the rights and freedoms of the residents further than what follows from the Danish Epidemic Act (*epidemiloven*).<sup>120</sup>

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<sup>119</sup> The Danish Institute for Human Rights, 'Besøgsrestriktioner på botilbud', 2020, available in Danish here: <https://menneskeret.dk/sites/menneskeret.dk/files/media/document/Besøgsrestriktioner%20på%20botilbud.pdf>

<sup>120</sup> The Danish Institute for Human Rights, 'Besøgsrestriktioner på botilbud', 2020, available in Danish here: <https://menneskeret.dk/sites/menneskeret.dk/files/media/document/Besøgsrestriktioner%20på%20botilbud.pdf>

# Annex 1 – Promising Practices

|  |   |
|--|---|
| <b>Thematic area</b>   | <b>EQUALITY AND NON-DISCRIMINATION</b><br>Please provide one example of a promising practice to tackle discrimination against older people or LGBTI people such as awareness raising campaigns or ethical codes for healthcare staff held in your country in 2020. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2020 relevant to equality and non-discrimination of older people or LGBTI people, preferably one conducted by a national equality body. |
| Title (original language)  | Danske LGBT-personers møde med almen praksis – udfordringer og muligheder   |
| Title (EN)   | Danish LGBT-persons meeting with general practitioners – challenges and possibilities   |
| Organisation (original language)   | Sundhedsstyrelsen   |
| Organisation (EN)  | Danish Health Authority   |
| Government / Civil society   | Government  |
| Funding body   | Danish Health Authority   |
| Reference (incl. url, where available)   | <a href="https://www.sst.dk/da/viden/seksuel-sundhed/seksualitet-i-et-livsperspektiv/lgbti-personer">https://www.sst.dk/da/viden/seksuel-sundhed/seksualitet-i-et-livsperspektiv/lgbti-personer</a>   |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | October 2019-2021   |
| Type of initiative   | Health efforts  |
| Main target group  | LGBTI+ patients   |



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| Indicate level of implementation:<br>Local/Regional/National  | National  |
| Brief description (max. 1000 chars)   | The Danish Health Authority ( <i>Sundhedsstyrelsen</i> ) will initiate several initiatives that focuses on the health of LGBTI persons, as part of the action plan to promote security, well-being and equal opportunities for LGBTI people 2018-2021. One of them is an information campaign aimed at both general practitioners and LGBTI persons. It focuses on the meeting between healthcare professionals and patients with an LGBTI background. As a first step in the effort, a report has collected knowledge on LGBTI persons' health. The report was prepared by the Sexological Research Center, Department of Clinical Medicine at Aalborg University. |
| Highlight any element of the actions that is transferable (max. 500 chars)  | An information campaign and report collecting knowledge on LGBTI+-persons' health.  |
| Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')  | Gathering knowledge and sharing the information will prepare general practitioners and LGBTI+ persons in their meeting now and in the future.   |
| Give reasons why you consider the practice as having concrete measurable impact   | Not available.  |
| Give reasons why you consider the practice as transferable to other settings and/or Member States?  | Other Member States that experience significant well-being and health challenges for LGBTI persons compared to heterosexual cisgender persons will benefit from the same practice.  |
| Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and | The effort is carried out in collaboration with stakeholders, e.g. LGBTI+ Denmark and the Physician and Patient Handbook, and the report that collected knowledge on LGBTI persons' health was written by the Sexological Research Center, Department of Clinical Medicine at Aalborg University.   |

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| implementation of the practice.  |                |
| Explain, if applicable, how the practice provides for review and assessment. | Not available. |

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| <b>Thematic area</b>                   | <b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE</b><br>Please provide one example of a promising practice to address racism and xenophobia in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related to combating racism, xenophobia and related intolerances. |
| Title (original language)              | Corona task force – fælles indsats for at stoppe spredning af coronavirus i Aarhus  |
| Title (EN)                             | Corona task force – Common effort to stop the spread of the Corona virus in Aarhus  |
| Organisation (original language)       | Aarhus Kommune, Aarhus Somali   |
| Organisation (EN)                      | The Municipality of Aarhus and the organisation 'Aarhus Somali', an umbrella organisation for 13 Somali associations in Aarhus.   |
| Government / Civil society             | A cooperation between local authorities and a civil society organisation  |
| Funding body                           | The municipality of Aarhus  |
| Reference (incl. url, where available) | A common press release in Danish:<br><a href="https://aarhusomali.dk/uf/40000_49999/41562/2e8a96501824d4ca6f3f9c8115db0872.pdf">https://aarhusomali.dk/uf/40000_49999/41562/2e8a96501824d4ca6f3f9c8115db0872.pdf</a> and a press release from the civil society organisations in Danish:  |

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|  | <a href="https://aarhusomali.dk/uf/40000_49999/41562/d82f519c7deea55bf1b053b82f2969c2.pdf">https://aarhusomali.dk/uf/40000_49999/41562/d82f519c7deea55bf1b053b82f2969c2.pdf</a> .  |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | The promising practice was initiated on 5 August 2020 and will be an ongoing initiative during the COVID-19 pandemic.  |
| Type of initiative   | Dialogue and awareness campaign  |
| Main target group  | Citizens in the Municipality of Aarhus with a Somali background  |
| Indicate level of implementation:<br>Local/Regional/National                                       | Local  |
| Brief description (max. 1000 chars)  | Data from the Danish Health Authority ( <i>Sundhedsstyrelsen</i> ) showed a high infection rate of COVID-19 in the Municipality of Aarhus during the summer of 2020. Some immigrant groups were affected at higher rate than the general population. Citizens with a Somali background were the most overrepresented immigrant group. The data as well as the taunting and degrading speech towards citizens with Somali background that followed led to extensive media coverage. In an attempt to contest the degrading speech and racism towards citizens with Somali background while taking extra steps to slow down the spread of COVID-19 in the Somali communities, the Municipality of Aarhus established a partnership with Somali civil society organizations. Together they have established a COVID-19 task force. The cooperation is based on a number of initiatives targeted toward citizens with Somali background, including translation of the health authorities' guidelines on COVID-19 into Somali, information campaigns in areas inhabited by many citizens with Somali background and additional corona testing facilities in these areas. While the initiatives do not directly address racism, they do promote equal treatment. |
| Highlight any element of the actions that is transferable (max. 500 chars)                         | The cooperation between local authorities and representatives from ethnic minority communities in order to prevent the spread of COVID-19.   |

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| Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')  | The representatives from the Somali communities are meant to provide ongoing guidance on corona guidelines and assistance during the COVID-19 pandemic. Furthermore, the practice can strengthen the relationship between local authorities and the Somali civil society in Aarhus, which can have long-term positive effects within other areas.   |
| Give reasons why you consider the practice as having concrete measurable impact   | The practice will most likely not have any measurable impact on racism, xenophobia and related intolerance. However, the effect of the practice can be measured in the declined numbers of Somali citizens infected with the COVID-19 virus in the Municipality of Aarhus.  |
| Give reasons why you consider the practice as transferable to other settings and/or Member States?  | The challenge of higher rates of COVID-19 among immigrant groups seems to be a problem among other Member States. Thus, similar initiatives can be implemented in other countries. Furthermore, it does not require many resources to create similar initiatives where relevant representatives from ethnic minority cooperate with public authorities to increase awareness of the health authorities' guidelines. |
| Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice. | Representatives from different Somali civil society organisations and religious communities in Aarhus took part in the development of the cooperation and implementation of the initiatives.  |
| Explain, if applicable, how the practice provides for review and assessment.  | Not applicable  |

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| <b>Thematic area</b> | <b>ROMA EQUALITY AND INCLUSION</b><br>Please provide one example of promising practice in relation to the legal and policy developments in regard to Roma/Travellers (or any group covered by this term as per the |
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|  | Council of Europe definition) in 2020 that relate to the (1) application of the EU Framework on national Roma integration strategies and (2) the preparations for the new post-2020 initiative on Roma equality, inclusion and participation or in relation to any measures in your country in 2020 to address Roma inclusion and prevent discrimination, hate crime and hate speech with a particular focus on COVID-19. |
|  | No promising practice has been identified for this thematic area.   |

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| <b>Thematic area</b>   | <b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b><br>Please, provide one example of a promising practice related to any of the topics addressed in the chapter – i.e. in relation to data protection, and/or artificial intelligence systems - in 2020. |
| Title (original language)  | Lov om ændring af årsregnskabsloven (Krav om rapportering om dataetik)  |
| Title (EN)   | Act on amending the Danish Financial Statements Act (Required reporting on data ethics)   |
| Organisation (original language)   | Erhvervsministeriet   |
| Organisation (EN)  | Ministry of Industry, Business and Financial Affairs  |
| Government / Civil society   | Government and Parliament   |
| Funding body   | N/A   |
| Reference (incl. url, where available)   | Act no. 741 of 30 May 2020 on amending the Danish Financial Statements Act, available in Danish at: <a href="https://www.retsinformation.dk/eli/lta/2020/741">https://www.retsinformation.dk/eli/lta/2020/741</a>   |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | The law has entered into force on 1 July 2020 and has effect for the financial year beginning on 1 January 2021.  |
| Type of initiative   | Law   |
| Main target group  | Businesses  |

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| Indicate level of implementation:<br>Local/Regional/National  | National  |
| Brief description (max. 1000 chars)   | <p>Large companies who have a data ethics policy are required to supplement their management's review with a review of the company's data ethics policy. The review must contain information on the company's work with and policy for questions on data ethics. If the company does not have a data ethics policy the management's review must contain an explanation of why that is.</p> <p>The amendment act was proposed as part of implementing Regulation 2019/1150 of the European Parliament and of the Council on promoting fairness and transparency for business users of online intermediation service, cf. Article 15 of the Regulation.</p> |
| Highlight any element of the actions that is transferable (max. 500 chars)  | Businesses' reporting on work with data ethics.   |
| Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')                        | The law requires companies to focus on and evaluate their data ethics policy.   |
| Give reasons why you consider the practice as having concrete measurable impact                                       | The evaluation and update of companies' data ethics policy that will follow from the required reporting will give an insight into companies' work with data ethics and possibly concrete improvements to working with data ethics.  |
| Give reasons why you consider the practice as transferable to other settings and/or Member States?                    | A similar law can be introduced in other Member States to put the same focus on data ethics questions.  |
| Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, | Not applicable  |

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| review assessment and implementation of the practice.                        |   |
| Explain, if applicable, how the practice provides for review and assessment. | Review and assessment is part of the act on amending the Danish Financial Statements Act. Companies will be required to review their data ethics policy every year at the same time as their management's review. |

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| <b>Thematic area</b>                                      | <b>RIGHTS OF THE CHILD</b><br>Please provide one example of a promising practice relating to the topics addressed in this chapter.                          |
| Title (original language)                                 | Partnerskabet for udsatte børn og unge under COVID-19 (PUUC)  |
| Title (EN)  | Partnership on vulnerable children and young people during COVID-19   |
| Organisation (original language)                          | Red Barnet, Børns Vilkår og Røde Kors   |
| Organisation (EN)   | Save the Children, Children's Welfare and the Red Cross have been politically appointed to facilitate the partnership. <sup>1</sup>                         |
| Government / Civil society                                | Various 33 partners are involved.   |
| Funding body  | Public and private funding  |
| Reference (incl. url, where available)                    | <a href="https://www.ft.dk/samling/20191/almdel/SOU/bilag/315/2222574/index.htm">https://www.ft.dk/samling/20191/almdel/SOU/bilag/315/2222574/index.htm</a> |
| Indicate the start date of the promising practice and the | 25 April 2020.  |

<sup>1</sup> Denmark, the National Board of Health and Welfare's (*Socialstyrelsen*), idea bank, available in Danish at: <https://socialstyrelsen.dk/tvaergaende-omrader/genabning/idebank/idebank>

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| finishing date if it has ceased to exist   |   |
| Type of initiative   | Partnership   |
| Main target group  | Children and juveniles  |
| Indicate level of implementation:<br>Local/Regional/National                                   | National  |
| Brief description (max. 1000 chars)  | <p>On 25 April 2020, the Ministry of Social Affairs and the Interior (<i>Social- og Indenrigsministeriet</i>) and the parliamentary parties established a partnership on vulnerable children and young people during COVID-19. The partnership consists of actors across sectors who work for or with the target group. The partnership continuously identifies key challenges and acts on them, i.e. by coordinating or adjusting own initiatives or by initiating new initiatives together.</p> <p>The partnership has also provided good examples of social initiatives during COVID-19 to the National Board of Health and Welfare's (<i>Socialstyrelsen</i>) idea bank.<sup>2</sup> Moreover, the partnership has been tasked to develop a loneliness strategy for children and juveniles during COVID-19. Approximately 215 million DKK has been earmarked in support of initiatives.<sup>3</sup></p> |
| Highlight any element of the actions that is transferable (max. 500 chars)                     | It has been set up with a concrete political mandate to develop a strategy to combat loneliness for children and juveniles during COVID-19.   |
| Give reasons why you consider the practice as sustainable (as opposed to 'one off activities') | The combination of political support and the broad involvement of actors.   |

<sup>2</sup> Denmark, the National Board of Health and Welfare's (*Socialstyrelsen*), idea bank, available in Danish at: <https://socialstyrelsen.dk/tvaergaende-omrader/genabning/idebank/idebank>

<sup>3</sup> Denmark, Denmark, Ministry of Social Affairs and the Interior (*Social- og Indenrigsministeriet*), press release of 25 April 2020, available in Danish at: <https://sim.dk/nyheder/nyhedsarkiv/2020/apr/alle-partier-indgaar-aftale-om-hjaelp-til-saarbare-og-udsatte-grupper/>



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| Give reasons why you consider the practice as having concrete measurable impact   | The joint quick follow up on the challenges from the closure of Denmark has created a better framework for children and young people in the reopening of community.                        |
| Give reasons why you consider the practice as transferable to other settings and/or Member States?  | The initiative is fairly cost neutral.   |
| Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice. | The initiative is very stakeholder driven.   |
| Explain, if applicable, how the practice provides for review and assessment.  | On 3 July 2020, a collection and preliminary challenges and recommendations from the Partnership for vulnerable children and young people (PUUC) was handed in to Parliament. <sup>4</sup> |

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| <b>Thematic area</b>      | <b>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS</b><br>Please provide one example of a promising practice relating to the topics addressed in this chapter. |
| Title (original language) | Omkring 100 ekstra pladser på kvindekrisecentrene på vej  |

<sup>4</sup> Denmark, Danish Parliament (*Folketinget*), annex 315, Collection and preliminary recommendations from the Partnership for vulnerable children and young people (Opsamling og foreløbige anbefalinger fra Partnerskabet for udsatte børn og unge), 3 July 2020, available in Danish at: <https://www.ft.dk/samling/20191/almdel/SOU/bilag/315/2222574/index.htm>

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| Title (EN)   | Around 100 extra women shelters places coming up  |
| Organisation (original language)   | Social- og Indenrigsministeriet   |
| Organisation (EN)  | Ministry of Social Affairs and the Interior   |
| Government / Civil society   | Government  |
| Funding body   | Ministry of Social Affairs and the Interior   |
| Reference (incl. url, where available)   | <a href="https://sim.dk/nyheder/nyhedsarkiv/2020/aug/omkring-100-ekstra-pladser-paa-kvindekrisecentre-paa-vej/">https://sim.dk/nyheder/nyhedsarkiv/2020/aug/omkring-100-ekstra-pladser-paa-kvindekrisecentre-paa-vej/</a>                     |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | The temporary extra places were appropriated 11 August 2020. The end date of the initiative is unknown due to the continuation of the COVID-19 crisis.  |
| Type of initiative   | Appropriation of emergency women shelters places.   |
| Main target group  | Women exposed to domestic physical as well as psychological violence.   |
| Indicate level of implementation:<br>Local/Regional/National                                       | National  |
| Brief description (max. 1000 chars)  | The Danish Government determined to provide 100 extra emergency women shelters places due to the increase in violence against women in connection with the COVID-19 crisis. The places will be distributed around all the regions of Denmark. |
| Highlight any element of the actions that is transferable (max. 500 chars)                         | It could be relevant for other Member States to survey whether there has been an increase in domestic violence during COVID-19, and allocate the necessary funds to shelters to accommodate an increase in victims of domestic violence.      |
| Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')     | There are around 600 permanent places at the Danish women shelters, and an expansion with 100 new places will therefore have a noticeable impact.   |

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| Give reasons why you consider the practice as having concrete measurable impact   | The Danish civil society organisation "Live Without Violence" ( <i>Lev Uden Vold</i> ) has in the period of COVID-19 experienced a significant increase in the demand for women shelter spaces via their telephone hotline. <sup>5</sup> The existing space at the women shelters has not kept in pace with the demand. The 100 extra places will therefore have a measurable impact. |
| Give reasons why you consider the practice as transferable to other settings and/or Member States?  | Not available.  |
| Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice. | It was due to information provided by the civil society organisation "Live Without Violence" that the initiative came into being.   |
| Explain, if applicable, how the practice provides for review and assessment.  | Not available.  |

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| <b>Thematic area</b> | <b>DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)</b> |
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<sup>5</sup>Denmark, Numbers on the demand for womens shelters places provided by the Danish civil society organization "Live Without Violence" (*Lev Uden Vold*) Available in Danish at: <https://levudenvold.dk/wp-content/uploads/2020/05/ugentlig-noegletal-fra-lev-uden-vold-11.05.2020.pdf>

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|  | Please provide one promising practice example of projects or programmes implementing the CRPD or furthering the rights of persons with disabilities.  |
| Title (original language)  | Gang i hjulene: DH's forslag til mere vækst og bedre velfærd  |
| Title (EN)   | Start spinning the wheels: DH's suggestions for more growth and better welfare  |
| Organisation (original language)   | Danske Handicaporganisationer   |
| Organisation (EN)  | Disabled People's Organizations Denmark   |
| Government / Civil society   | Civil Society   |
| Funding body   | Funded mainly by public funds but also by member contributions  |
| Reference (incl. url, where available)   | <a href="https://handicap.dk/nyheder/gang-hjulene-dhs-forslag-til-mere-vaekst-bedre-velfaerd">https://handicap.dk/nyheder/gang-hjulene-dhs-forslag-til-mere-vaekst-bedre-velfaerd</a>   |
| Indicate the start date of the promising practice and the finishing date if it has ceased to exist | 5 June 2020 – still ongoing   |
| Type of initiative   | Suggestions for more growth and better welfare  |
| Main target group  | Politicians   |
| Indicate level of implementation:<br>Local/Regional/National                                       | National  |
| Brief description (max. 1000 chars)  | <p>"Start spinning the wheels" ("<i>Gang i hjulene</i>") is a suggested growth plan that will ensure more economic growth and give more people with disabilities the opportunities to participate in, and contribute to the community, during and after the COVID-19 crisis.</p> <p>The plan contains nine recommendations: 1) Payment of obligatory pension, 2) more flexible vocational education, 3) suspension of the limit on free physiotherapy, 4)</p> |

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|   | strengthening the health efforts at protected housing offers ( <i>botilbud</i> ), 5) strengthening the availability fund ( <i>tilgængelighedspuljen</i> ), 6) the already existing deduction in taxation on craftsmen work in the home should also apply to work that makes the home more accessible, 7) start municipal investments in accessibility, 8) invest in better access to nature and 9) invest in better access to train stations. |
| Highlight any element of the actions that is transferable (max. 500 chars)  | For civil society organisations to suggest growth plans to politicians to revoke the damaging effects of the COVID-19 that provide people with disabilities the opportunities to participate in, and contribute to the community, during and after the COVID-19 crisis.   |
| Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')  | The project has been motivated by the damaging effects of the COVID-19 crisis but also contains suggestions that will be beneficial after the crisis. These suggestions can be used in the future as reference for politicians who wish to improve lives for persons with disabilities.   |
| Give reasons why you consider the practice as having concrete measurable impact   | The project contains concrete suggestions, which will make it possible to see if any of them will be implemented in future policies.  |
| Give reasons why you consider the practice as transferable to other settings and/or Member States?  | Several other EU Member States experience the damaging economic consequences of the COVID-19 crisis and can be inspired by the growth plan that views persons with disabilities as actives when rebuilding the economy.   |
| Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice. | The practice is designed by stakeholders.   |
| Explain, if applicable, how the practice provides for review and assessment.  | No review nor assessment.   |



# Annex 2 – Case Law

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| <b>Thematic area</b>                                    | <b>EQUALITY AND NON-DISCRIMINATION</b><br>Please provide one high court decision addressing discrimination against older people or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.   |
| <b>Decision date</b>                                    | 16 April 2020   |
| <b>Reference details</b>                                | Eastern High Court, 25 January 2019, 7 <sup>th</sup> division, case no. B2326-17<br><br>Supreme Court, 16 April 2020, 2nd division, case no. BS-9010/2019.  |
| <b>Key facts of the case</b><br>(max. 500 chars)        | <p>A was dismissed at the age of 62 years from her job at Post Denmark A/S due to her health-related reduced ability to work.</p> <p>As A had reached the age of retirement, she was awarded pension in accordance with Section 2, subsection 1 of the Act on Civil Servants' Pension (<i>tjenestemandspensionsloven</i>) instead of a higher pension in accordance with the act's Section 7, subsection 1, which applies for civil servants in a similar situation whose employability (<i>erhvervsevne</i>) is reduced to 1/3 or less and who is dismissed for that reason, but are under the age of 60 years at the time of the dismissal.</p>                         |
| <b>Main reasoning/argumentation</b><br>(max. 500 chars) | <p>The Supreme Court found that Section 7, subsection 1 in the Act on Civil Servants' Pension entails a difference in treatment, as mentioned in article 2, subsection 1 and 2, litra a on the concept of direct discrimination on the grounds of, amongst other, age in EU's directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation. However, Section 7, subsection 1 of the act must be regarded as an occupational social security scheme covered by the exemption in the EU directive's article 6, subsection 2 on the specific justifications of differences of treatment on grounds of age.</p> |

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|   | <p>According to the Supreme Court, article 6, subsection 2 of the EU directive does not in wording nor in its coherence with article 6, subsection 1 on imply that a proportionality assessment must be made of the occupational social security scheme. The Supreme Court further noted that such a proportionality assessment had no support in the practice from the European Court of Justice.</p> <p>Finally, the Supreme Court dismissed that Section 7, subsection 1 entails a difference in treatment on the basis of sex, as mentioned in the EU directive's article 6, subsection 2, as it, apart from the condition of age, only require that the employability of the person concerned is reduced to 1/3 or less and that the person is dismissed for this reason.</p> |
| <b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)                          | Whether the age condition in Section 7, subsection 1 in the Act on Civil Servants' Pension constitutes direct discrimination on the grounds of age in breach of the EU's directive.  |
| <b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)                  | The Supreme Court affirmed the decision by the Eastern High Court and upheld the claim for dismissal.  |
| <b>Key quotation in original language and translated into English with reference details</b> (max. 500 chars) | Not applicable.  |

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| <b>Thematic area</b> | <b>RACISM, XENOPHOBIA AND RELATED INTOLERANCE.</b><br>Please provide the most relevant high court decision concerning the application of <u>either</u> the Racial Equality Directive <u>or</u> the Framework Decision on racism and xenophobia, addressing racism, xenophobia and other forms of intolerance more generally. |
| <b>Decision date</b> | 25 June 2020   |



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| <b>Reference details</b>                                | Denmark, The District Court of Næstved ( <i>Retten i Næstved</i> ), Case SS 3185/2020, 25. June 2020. <sup>1</sup>   |
| <b>Key facts of the case</b><br>(max. 500 chars)        | <p>The case concerned a number of offenses in violation of the Danish Criminal Code (<i>straffeloven</i>), the Road Traffic Act (<i>færdselsloven</i>) and the Data Protection Act (<i>databeskyttelsesloven</i>). In this section the focus will be on the offences relevant to the thematic area, and therefore the violations of Section 266 b, subsection 1 and 2 of the Danish Criminal Code. Subsection 1 punishes with fine or imprisonment up to 2 years a person who, in public or with intent to spread to a wider circle, makes statements in which a group of persons are threatened, taunted or degraded on the basis of their race, colour, national or ethnic origin, religion or sexual orientation. Subsection 2 provides that upon sentencing it must be regarded as a particularly aggravating circumstance if the situation can be characterized as propaganda activity.</p> <p>On 6 April 2019 during a political demonstration, the defendant, who is a politician and founder of the far-right political party Hard Line (<i>Stram Kurs</i>), publicly made statements that were taunting and degrading towards a group of people on the basis of their religion, Islam. The defendant recorded a video of the situation in which he made these statements. The video was published on the public Facebook page of the political party Hard Line (<i>Stram Kurs</i>).</p> |
| <b>Main reasoning/argumentation</b><br>(max. 500 chars) | The court found that a number of the statements made were taunting and degrading towards a group of people on the basis of their religion. The Court found the defendant guilty of violating Section 266 b, subsection 1 and 2 in the Criminal Code. The Court found that section 2 was applicable as the distribution of the statement were more widespread because they were available to the public at the public Facebook page of the defendant's political party. The Court found that the statements were not part of an objective political debate due to their character. The Court found that the extensive freedom of speech enjoyed by politicians concerning controversial societal affairs could not lead to impunity in the case.  |

<sup>1</sup> Denmark, The District Court of Næstved (*Retten i Næstved*), Case SS 3185/2020

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| <p><b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)</p>                          | <p>Whether the defendant's statements were protected by the extensive freedom of speech enjoyed by politicians for statements given in a political context.</p>   |
| <p><b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)</p>                  | <p>The defendant was sentenced 3 months of imprisonment, of which 1 month was unconditional imprisonment, and a fine of DKK 8.500. Furthermore, the defendant, who is also a lawyer, was denied the right to work on criminal cases and cases entitled to free legal aid for 3 years from the date of the sentence. The penalty was a concurrent sentence, as the defendant was found guilty of other violations of the Criminal Code, the Road Traffic Act and the Data Protection Act.</p> <p>An appeal has been lodged by the defendant and will be heard by the high court.</p>   |
| <p><b>Key quotation in original language and translated into English with reference details</b> (max. 500 chars)</p> | <p>Danish: "Disse udtalelser må anses for forhånende og nedværdigende over for en gruppe på baggrund af tro, hvilket må have stået tiltalte klart. Udtalelserne har en sådan grovhed, at de må anses for omfattet af straffelovens § 266 b, således som denne bestemmelse må forstås i lyset af Den Europæiske Menneskerettighedskonventions artikel 10. Efter udtalelsernes karakter er der ikke grundlag for at anse dem som led i en saglig politisk debat, og hensynet til den særligt vidtgående ytringsfrihed for politikere om kontroversielle samfundsanliggender kan ikke føre til, at udtalelserne må anses for straffri".</p> <p>English: "The statements must be considered to be taunting and degrading towards a group of people on the basis of religion, which must have been clear to the defendant. The statements are of such severity, that they must be regarded as falling within the scope of Section 266 b of the Criminal Code, as this provision must be understood in the light of Article 10 of the European Convention on Human Rights. Due to the character of the statements there is no reason to consider them as part of an objective political debate, and the consideration to the extensive freedom of speech enjoyed by politicians on controversial societal affairs cannot lead to impunity of the statements".</p> |

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| <p><b>Thematic area</b></p> | <p><b>ROMA EQUALITY AND INCLUSION</b></p> |
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|  | Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers. |
|  | No case law has been identified for this thematic area.  |

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| <b>Thematic area</b>                                    | <b>INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</b><br>Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. in relation to data protection, and/or artificial intelligence systems.  |
| <b>Decision date</b>                                    | 2 March 2020  |
| <b>Reference details</b>                                | Denmark, Supreme Court ( <i>Højesteret</i> ), case BS-27412/2019-HJR, 2 March 2020 <sup>2</sup>   |
| <b>Key facts of the case</b><br>(max. 500 chars)        | The case before the Supreme Court concerned whether an unwarranted CCTV surveillance of an employee by her employer had occurred, and if so, whether it gave her right to compensation for tort. The employer had used the CCTV surveillance to discipline and control whether the employee conducted her work correctly. She worked at a restaurant and the cameras were legally installed in the restaurant and in common areas where the work was being carried out. The employer could access the surveillance cameras both when he was physically at the restaurant and when he was not there.         |
| <b>Main reasoning/argumentation</b><br>(max. 500 chars) | The Supreme Court found that the CCTV surveillance of the employee had amounted to a significant degree of surveillance and had been carried out continuously. As a result of the surveillance the employee felt that she was constantly under surveillance at her workplace which had led to a great psychological strain on her.<br><br>The Supreme Court did not find it substantiated that the CCTV surveillance was reasoned and proportional and found that the surveillance had exceeded the boundaries for the employer's managerial right and the data protection regulation in force at the time. |

<sup>2</sup> Denmark, Supreme Court (Højesteret), case BS-27412/2019-HJR, available in Danish at: <https://domstol.fe1.tangora.com/media/-300016/files/27412-dom-anonym.pdf>

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| <b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)                          | <p>The Supreme Court stated that exceeding the boundaries of the managerial right and data protection legislation in connection with an employer's use of CCTV surveillance against an employee would not in itself trigger a claim for compensation for tort, and that it would depend on a specific assessment of the circumstances of the individual case, whether the unauthorized use may trigger tort compensation.</p> <p>Therefore, the key issue of the case was whether the specific assessment of the circumstances of the case amounted to tort compensation.</p> |
| <b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)                  | The Supreme Court found that the conducted CCTV surveillance was unwarranted and had been suited to infringe the employee's sense of honour. Therefore, the employee had right to compensation for injury which was set to DKK 20.000.  |
| <b>Key quotation in original language and translated into English with reference details</b> (max. 500 chars) | Not applicable  |

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| <b>Thematic area</b> | <b>RIGHTS OF THE CHILD</b><br>Please provide the most relevant high court decision relating to the topics addressed in this chapter. |
|                      | No case law has been identified for this thematic area.  |

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| <b>Thematic area</b>                                    | <b>ACCESS TO JUSTICE, INCLUDING RIGHTS OF CRIME VICTIMS</b><br>Please provide the most relevant high court decision relating to the topics addressed in this chapter.  |
| <b>Decision date</b>                                    | 6 January 2020   |
| <b>Reference details</b>                                | Denmark, District court of Viborg, case no. 468/2019, 27. Marts 2019,<br><br>Denmark, Western High Court ( <i>Vestre Landsret</i> ), 4 <sup>th</sup> division, S-0771-19, 6. January 2020.   |
| <b>Key facts of the case</b><br>(max. 500 chars)        | <p>The case concerned several episodes where the defendant had acted violently towards F.</p> <p>Amongst other episodes, F had experienced violence committed by the defendant on 7. July 2018 in the evening, 24. August 2018 in the morning, 25. August 2018 in the evening and between 27. August 2018 in the morning till the following day in the afternoon.</p> <p>These episodes concerned Section 244, subsection 1 and 2 of the Danish Criminal Code (<i>straffeloven</i>). In accordance to Section 244, subsection 1 anyone who commits violence against or otherwise attacks another's body is punishable by a fine or imprisonment for up to 3 years. Section 244, subsection 2 provides that the penalty may increase to imprisonment for up to 6 years if violations of subsection 1 are repeated over a period by a person in or closely related to the victim's household. The penalty may increase to imprisonment for up to 6 years. The preparatory work to Section 244, subsection 2.</p> <p>Subsection 2 was added to the provision in 2018 and aimed towards repeated violence in close relationships. The referred decision from a high court that has been published.</p> |
| <b>Main reasoning/argumentation</b><br>(max. 500 chars) | The court found that it could not be assumed that the defendant and F were together between 7. July 2018 until the 24. August 2018. The defendant and F had initiated a relationship the month before the violence on 7. July 2018. In the beginning of August 2018 F moved together with her daughter into an apartment in agreement with the defendant. The defendant stayed partly in the apartment with F, partly with his brother. Therefore, the defendant had at the time of the violent episodes in August 2018 only had a limited and short-term affiliation to F's household. At the same time the Court noted that the violent  |

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|   | episodes in August had been committed over a period of a few days. The court concluded that the violence – regardless of its frequency – was not covered by § 244, section 2. The violent episodes were therefore only attributed to Section 244, subsection 1 in the Danish Criminal Code. |
| <b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)                          | Whether the defendant could be considered closely linked to F’s household within the meaning of Section 244, subsection 2 of the Danish Criminal Code ( <i>straffeloven</i> ).  |
| <b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)                  | The defendant was for these violent episodes as well as other violations of the Danish Criminal Code ( <i>straffeloven</i> ) sentenced to 1 year and 3 months of imprisonment.  |
| <b>Key quotation in original language and translated into English with reference details</b> (max. 500 chars) | Not applicable  |

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| <b>Thematic area</b> | <b>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</b><br>Please provide the most relevant high court decision making reference to the CRPD or employing the CRPD in their reasoning. |
| <b>Decision date</b> | 7 February 2020.   |

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| <b>Reference details</b>                                | <p>Denmark, District Court in Aarhus (<i>Retten i Aarhus</i>), case BS-1482/2016-ARH, former BS 11-2138/2016, 9 October 2018.<sup>3</sup></p> <p>Denmark, High Court of Eastern Denmark (<i>Østre Landsret</i>), case BS-42623/2018-VLR, 5<sup>th</sup> Division, 7 February 2020.<sup>4</sup></p>   |
| <b>Key facts of the case</b><br>(max. 500 chars)        | <p>On 1 October 2008, the plaintiff was granted early retirement pension (<i>førtidspension</i>). However, as the plaintiff wished to work to the extent of his abilities, but had a disability, he decided to proceed in protected employment (<i>fleksjob</i>) on 1 October 2014. The plaintiff continued in protected employment until 2 July 2015. Between the 2 and 31 August 2015 he received economic support for unemployed in accordance with the Act on active social policy (<i>Lov om aktiv socialpolitik</i>).</p> <p>On 16 April 2015, the plaintiff was on the bill granting Danish citizenships to named individuals. However, the bill was annulled due to the election for the Danish Parliament (<i>Folketinget</i>).</p> <p>On 28 October 2015, the Ministry of Foreigners, Integration and Housing, now the Ministry of Immigration and Integration (<i>Udlændinge- og Integrationsministeriet</i>) informed the plaintiff that he could not be awarded Danish citizenship. The ministry based its decision on the Administrative circular no. 9253 of 6. June 2013 on naturalization, Section 23, which require that applicants for Danish citizenship do not receive financial support in accordance with, among other, the act on active social policy the year before the bill granting Danish Citizenships is presented before the Danish Parliament. The Ministry assessed that it was not possible to exempt from this rule.</p> |
| <b>Main reasoning/argumentation</b><br>(max. 500 chars) | <p>The court found that the plaintiff would have been able to fulfil the self-sufficiency requirement in Section 23 of the Administrative circular no. 9253 of 6. June 2013 on naturalization if he had continued to receive early retirement pension. However, he wished to work, and due to his disability, he was only able to work in protected employment. If he during his protected employment became unemployed without being at fault, he would not</p>   |

<sup>3</sup> Denmark, District Court i Aarhus (*Retten i Aarhus*), case BS-1482/2016-ARH, former BS 11-2138/2016, 9 October 2018, available in Danish at: Not publicly available as of yet

<sup>4</sup> Denmark, High Court of Eastern Denmark (*Østre Landsret*), case BS-42623/2018-VLR, 5<sup>th</sup> Division, 7 February 2020, available in Danish at: <https://www.ft.dk/samling/20191/almDEL/IFU/bilag/120/2161312/index.htm>

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|  | <p>have been entitled to unemployment benefits from an unemployment benefit fund (<i>arbejdsløshedsdagpenge</i>). However, if a person with no disability became unemployed without being at fault, that person would be entitled to unemployment benefits if member of an unemployment benefit fund, and the self-sufficiency requirement in Section 23 of the Administrative circular no. 9253 of 6. June 2013 on naturalization would not be an obstacle to obtain Danish citizenship, as unemployment benefits from an unemployment fund is not support in accordance with the Act on active social policy contrary to the unemployment benefit persons within the protected employment scheme receives (<i>ledighedsydelse</i>).</p> <p>On that basis, the court found that the plaintiff had experienced an indirect difference in treatment based on his disability compared to persons with no disability in connection with the self-sufficiency requirement in the Administrative circular no 9253 of 6 June 2013 on naturalization, Section 23. As the difference in treatment could not be regarded as objective nor reasonably motivated it was in violation of EHRC art. 14 and CRPD art. 18.</p> |
| <p><b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)</p>                          | <p>Whether the use of the self-sufficiency requirement (<i>selvforsørgelseskravet</i>) in Section 23 of the Administrative circular no. 9253 of 6. June 2013 on naturalization was indirect discrimination based on disability.</p>   |
| <p><b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)</p>                  | <p>The Ministry of Immigration and Integration's decision was found to be invalid and in violation of EHRC art. 14 and CRPD art. 18. The plaintiff was awarded DKK 10,000 in compensation and DKK 50,000 to cover his legal costs.</p>  |
| <p><b>Key quotation in original language and translated into English with reference details</b> (max. 500 chars)</p> | <p>Not applicable.</p>  |