

# DENMARK 2018 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The Kingdom of Denmark is a constitutional monarchy with democratic, parliamentary rule. Queen Margrethe II is head of state. A prime minister, usually the leader of the largest party of a multiparty coalition, is head of government and presides over the cabinet, which is accountable to a unicameral parliament (Folketing). The kingdom includes Greenland and the Faroe Islands, which are autonomous with similar political structures and legal rights. They manage most of their domestic affairs, while the central Danish government is responsible for constitutional matters, citizenship, monetary and currency matters, foreign relations, and defense and security policy. Observers deemed national elections in 2015 free and fair. In 2016 the center-right Venstre Party formed a coalition government.

Civilian authorities maintained effective control over the security forces.

There were no reports of egregious human rights abuses.

The government took steps to identify, investigate, prosecute, and punish officials who committed human rights abuses.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports the government or its agents committed arbitrary or unlawful killings.

#### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

#### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The constitution and law prohibit such practices, and there were no reports government officials employed them.

In June the Eastern High Court ordered the Ministry of Defense to compensate 18 Iraqi civilians who were tortured during the Iraq War in 2014. The court ruled that the Danish soldiers involved did not torture the Iraqi civilians themselves but they failed to prevent torture from occurring.

### **Prison and Detention Center Conditions**

Prison and detention center conditions generally met established domestic and international standards. There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

Physical Conditions: In July several media outlets reported that prisons were “crowded to the bursting point” with an average occupancy rate of nearly 100 percent. A total of 33 institutions had more inmates than cells. The Danish Prison Association, which acted as a union for prison employees, described the situation as critical due to the lack of space and personnel.

In July the parliamentary ombudsman, the Danish Institute against Torture (DIGNITY), and the Danish Institute of Human Rights (DIHR) published a report regarding incarcerated youths ages 15-17. According to DIHR, authorities continued occasionally to hold pretrial detainees with convicted criminals and to detain minors older than 15 with adults.

Independent Monitoring: The parliamentary ombudsman also functioned as a prison ombudsman. The government additionally permitted monitoring visits by independent human rights observers and the media. The Council of Europe’s Committee for the Prevention of Torture, the International Committee of the Red Cross, and other independent nongovernmental organization (NGO) observers, regularly received access to police headquarters, prisons, establishments for the detention of minors, asylum centers, and other detention facilities.

### **d. Arbitrary Arrest or Detention**

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

### **Role of the Police and Security Apparatus**

The National Police maintains internal security and, jointly with the Danish Immigration Service, is responsible for border enforcement at the country's ports of entry. The Ministry of Justice oversees both services. The Armed Forces report to the Ministry of Defense and have responsibility for external security in addition to some domestic security responsibilities, such as disaster response and maritime sovereignty enforcement. The Home Guard, a volunteer militia under the Ministry of Defense but without constabulary powers, assists the National Police in conducting border checks.

Civilian authorities maintained effective control over the National Police, the Danish Immigration Service, and the Armed Forces, and the government has effective mechanisms to investigate and punish abuse.

### **Arrest Procedures and Treatment of Detainees**

The law allows police both to begin investigations and to make arrests on their own initiative based upon observed evidence, or to enforce a court order following an indictment filed with the courts by public prosecutors.

The law mandates that citizens and legal migrants taken into custody appear before a judge within 24 hours. The law requires police to make every effort to limit post-arrest detention time to less than 12 hours. Authorities may hold irregular migrants up to 72 hours before bringing them before a judge or releasing them. A migrant is generally classified as irregular when the individual does not have the required authorization or documents for legal immigration. During the 72-hour holding period, the National Police and the Danish Center for Human Trafficking, and other antitrafficking NGOs, if needed, can review an irregular migrant's case to determine whether the migrant is a victim of human trafficking. In addition, the Ministry of Immigration and Integration can suspend the requirement for a 72-hour case review if the volume of asylum requests exceeds the ability of the government to complete reviews within 72 hours. Authorities can extend detention beyond 72 hours to conduct additional research in cases where the migrant's country of origin or identity cannot be positively verified.

Authorities generally respected the right of detainees to a prompt judicial determination and informed them promptly of charges against them. There is no bail system; judges decide either to release detainees on their own recognizance or to keep them in detention until trial. A judge may authorize detention prior to trial only when authorities charge the detainee with a violation that could result in a prison sentence of more than 18 months or when the judge determines the detainee

would seek to impede the investigation of the case, would be a flight risk, or would be likely to commit a new offense. The standard period of pretrial custody is up to four weeks, but a court order may further extend custody in four-week increments.

Arrested persons have the right to unsupervised visits with an attorney from the time police bring them to a police station. Police frequently delayed such access until the accused appeared in court for a remand hearing. The government provides counsel for those who cannot afford legal representation. Detainees have the right to inform their next of kin of their arrest, although authorities may deny this right if information about the detention could compromise the police investigation. Detainees have the right to obtain medical treatment, and authorities generally respected this right. Police may deny other forms of visitation, subject to a court appeal, but generally did not do so. Fewer detainees were sent to isolation than in previous years, but the practice was still used as a method of punishment.

#### **e. Denial of Fair Public Trial**

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence and impartiality.

#### **Trial Procedures**

The constitution provides for the right to a fair and public trial, and an independent judiciary generally enforced this right.

Defendants enjoy the right to a presumption of innocence; a prompt and detailed notification of the charges against them; a fair, timely, and public trial without undue delay; be present at their trial; communicate with an attorney of their choice (or have one provided at public expense if unable to pay); have adequate time and facilities to prepare a defense; free interpretation as necessary from the moment charged through all appeals; confront prosecution or plaintiff witnesses and present one's own witnesses and evidence; not to be compelled to testify or confess guilt; and appeal one's case.

#### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

#### **Civil Judicial Procedures and Remedies**

Individuals or organizations may bring civil lawsuits seeking damages for a human rights violation. The complainant may also pursue an administrative resolution. The law provides that persons with “reasonable grounds” may appeal court decisions to the European Court of Human Rights if they involve alleged violations of the European Convention on Human Rights, but only after they exhaust all avenues of appeal in national courts.

### **Property Restitution**

The government reports, and the Jewish Community confirms, that Holocaust-era restitution has not been an issue and that no litigation or restitution claims regarding real or immovable property covered by the Terezin Declaration, to which the government is signatory, were pending before authorities.

### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions, and there were no reports that the government failed to respect these prohibitions.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The constitution and law provide for freedom of expression, including for the press, and the government generally respected this right. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for the press.

Freedom of Expression: The law prohibits any public speech or the dissemination of statements or other pronouncements that threaten, deride, or degrade a group because of gender, race, skin color, national or ethnic background, religion, or sexual orientation. Authorities may fine offenders or imprison them for up to two years.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored online communications without appropriate legal authority.

According to 2017 statistics compiled by the International Telecommunication Union, 97 percent of the population in Denmark and 95 percent in the Faroe Islands were internet users; statistics on Greenland were not available.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The constitution provides for the freedoms of peaceful assembly and association, and the government respected these rights.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government did not participate with the Office of the UN High Commissioner for Refugees in its program to resettle refugees. In 2017 parliament determined that the Minister of Immigration and Integration has the authority to determine how many refugees the country will accept.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Safe Country of Origin/Transit: The country employs the EU's Dublin III regulation, which permits authorities to turn back or deport individuals who attempt to enter the country through a "safe country of transit" or are registered in another Dublin regulation state.

Temporary Protection: Through the end of May, the government provided temporary protection to 151 persons who may not qualify as refugees. The figure was 789 persons for all of 2017.

### **Section 3. Freedom to Participate in the Political Process**

The constitution and laws provide citizens, including those of Greenland and the Faroe Islands, the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: The country held free and fair parliamentary elections in 2015. There were no reports of abuses or electoral irregularities. The Faroe Islands held parliamentary elections in 2015, and Greenland did so on April 24. These elections were also considered to be free and fair.

Participation of Women and Minorities: No laws limit the participation of women and members of minorities in the political process, and they did participate.

### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were isolated reports of government corruption during the year. Authorities discovered in October that a senior civil servant allegedly embezzled approximately 113 million kroner (\$17 million) over the course of 16 years from the Ministry for Children and Social Affairs where she worked. She was apprehended in South Africa, and returned to Denmark in November to face charges.

In May, the Danish Tax Authority began pursuing claims that it had wrongly paid out dividend tax refunds to agents representing 277 pension plans in the United States, United Kingdom, Canada, Malaysia, and Luxembourg.

Financial Disclosure: Reporting of personal finances, including from positions with private and public companies, personal businesses, donors, foreign gifts, and past/future salaries is mandatory but not enforced. Government officials may not work on specific matters in which they, persons they represent, or persons with whom they have close relations have a personal or economic interest. Officials

must inform their superiors of any possible conflicts of interest that might disqualify them.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

A variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

**Government Human Rights Bodies:** The parliamentary ombudsman investigated complaints regarding national and local public authorities and any decisions authorities made regarding the treatment of citizens and their cases. The ombudsman can independently inspect prisons, detention centers, and psychiatric hospitals. An ombudsman for European matters oversaw compliance with EU basic rights, a consumers' ombudsman investigated complaints related to discriminatory marketing, and two royal ombudsmen represented the government in the Faroe Islands and Greenland. These ombudsmen enjoyed the government's cooperation, operated without government or political interference, and were considered effective.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

#### **Women**

**Rape and Domestic Violence:** The law criminalizes rape against women or men (the statute is gender neutral), including spousal rape and domestic violence. Penalties for rape include imprisonment for up to 12 years and up to six years for domestic violence. The government effectively prosecuted persons accused of rape. During the year a report by the National Institute of Public Health stated that approximately 1.6 percent of Danish women older than age 16 had been victims of physical violence within the previous year. Figures from the Criminal Prevention Council showed that an estimated 5,000 rapes and attempted rapes occur annually of which 700 to 900 are reviewed, leading to 60 to 70 convictions.

Faroese law criminalizes rape with penalties up to 12 years' imprisonment. The law considers nonconsensual sex with a victim in a "helpless state" to be sexual abuse rather than rape. In certain instances, it also reduces the penalty for rape and sexual violence within marriage.



Greenlandic law criminalizes rape but reduces the penalty for rape and sexual violence within marriage. Persons convicted of rape in Greenland typically receive a prison sentence of 18 months.

The government and NGOs operated 24-hour hotlines, counseling centers, and shelters for female survivors of violence. The royal family supported a variety of NGOs that worked to improve conditions and services at shelters and to assist families afflicted with domestic violence.

Sexual Harassment: The law prohibits sexual harassment and provides that authorities may order a perpetrator or an employer who allowed or failed to prevent an incident of harassment to pay monetary compensation to victims. The law considers sexual harassment an unsafe labor condition and gives labor unions or the Equal Treatment Board the responsibility to resolve it (also see section 7.e.). The government enforced the law effectively.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Women have the same legal status and rights as men, including under family, labor, property, nationality, and inheritance laws. Little discrimination was reported in employment, ownership, and management of businesses, or access to credit, education, or housing.

## **Children**

Birth Registration: Most children acquire citizenship from their parents. Stateless persons and certain persons born in the country to noncitizens may acquire citizenship by naturalization, provided, in most cases, that they apply for citizenship before their 21st birthday. The law requires medical practitioners to register promptly the births of children they deliver, and they generally did so.

Child Abuse: Child abuse is illegal and punishable by up to two years in prison. The National Police and Public Prosecutor's Office actively investigated child abuse cases. According to the National Police, approximately 18 percent of assaults in Greenland were committed against individuals younger than age 15.

The government's Children's Council monitors children's rights and promotes children's interests in legislative matters.

Early and Forced Marriage: The legal minimum age for marriage is 18.

Sexual Exploitation of Children: The law prohibits the commercial sexual exploitation of children and child pornography. Penalties for the distribution of child pornography include up to a six-year prison sentence. The government generally enforced these laws. The minimum age for consensual sexual activity is 15. The purchase of sexual services from a person younger than age 18 is illegal.

Displaced Children: The government considered refugees and migrants who were unaccompanied minors to be vulnerable, and the law includes special rules regarding them. A personal representative was appointed for all unaccompanied children who sought asylum or who stayed in the country without permission.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

## **Anti-Semitism**

The Jewish Community (Mosaiske) estimated between 6,000 and 8,000 Jews lived in the country.

In July, an imam from Masjid al-Faruq Mosque in a Copenhagen suburb was charged for inciting the killing of Jews after posting a YouTube video in May 2017. In October the case was pending trial; it was the first prosecution under a change in the criminal code introduced in January 2017 to cover hate speech by religious preachers.

Representatives of Copenhagen's Jewish community reported 30 anti-Semitic acts against Copenhagen's Jewish community, its community center, or synagogue. The acts included two cases of aggravated and physical harassment, three cases of threats or intimidation, 24 cases of anti-Semitic slurs or language, and one uncategorized case.

During the year the government cooperated with the Jewish community to provide police protection for the Great Synagogue of Copenhagen as well as other locations of importance to the Jewish community. Jewish community leaders

reported continued good relations with police and the ability to communicate their concerns to authorities, including the minister of justice.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities. It also mandates access by persons with disabilities to government buildings, education, information, and communications. The government enforced these provisions. It is illegal to discriminate against persons with disabilities in the workplace. In July, a law prohibiting general discrimination and harassment based on disability entered into force.

The right of persons with disabilities to vote or participate in civic affairs was generally not restricted, but some persons with disabilities reported problems in connection with elections, including ballots that were not accessible to blind persons or persons with mental disabilities. The country maintained a system of guardianship for persons considered incapable of managing their own affairs due to psychosocial or mental disabilities. Persons under guardianship who do not possess legal capacity have the right to vote in local and regional elections as well as in elections to the European Parliament, but not currently in national elections.

In spring 2017 Greenland appointed its first spokesperson to promote the rights and interests of persons with disabilities. According to media reports, persons with disabilities in Greenland continued to lack adequate access to physical aids, counselling, educated professionals, and appropriate housing. Many Greenlanders with disabilities have to be relocated to Denmark because of lack of support resources in Greenland.

### **National/Racial/Ethnic Minorities**

A government action plan, targeting majority non-Western immigrant neighborhoods, seeks to eliminate “ghettos” by 2030. Legislation passed in December will force “ghetto” parents beginning July 2019 to send toddlers older than the age of one to government-funded daycare to be taught “Danish values” including Christmas and Easter traditions. “Ghetto” parents can now also lose

their passports or be imprisoned up to four years if they send children back involuntarily to their country of origin on “re-education” trips. Drug, weapons, and violent crimes committed only in “ghettos” will carry increased penalties beginning January 2019.

### **Indigenous People**

The law protects the rights of the indigenous Inuit inhabitants of Greenland, who are Danish citizens and whose legal system seeks to accommodate their traditions. Through their elected internally autonomous government, they participated in decisions affecting their lands, culture, traditions, and the exploitation of energy, minerals, and other natural resources.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law prohibits discrimination against persons based on sexual orientation.

The law affords individuals legal gender recognition, but government guidelines since 2012 require that individuals undergoing transition receive hormone treatment at one of two designated government-run clinics; private physicians are not permitted to establish this course of treatment.

### **Other Societal Violence or Discrimination**

During the year minority groups reported discrimination against Muslims. Spokespersons from the Muslim Council of Copenhagen reported that Muslims in the country lived with a sense of increased scrutiny from the government and society. In August legislation banning masks and face coverings, including burqas and niqabs, went into force.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law states all workers may form or join independent unions. The law provides for the right to collective bargaining and to legal strikes but does not provide nonresident foreign workers on Danish ships the right to participate in the country’s collective bargaining agreements. It allows unions to conduct their activities without interference and prohibits antiunion discrimination.

These laws were effectively enforced. Resources, inspections, and remediation including supporting regulations were adequate. Penalties were sufficient to deter violations. Breaches of collective agreement are typically referred to industrial arbitration tribunals to decide whether there was a breach. If the parties agree, the Labor Court may deal with cases that would otherwise be subject to industrial arbitration. Penalties for violation are determined on the facts of the case and with due regard to the degree that the breach of agreement was excusable. Penalties typically imposed by the Labor Court frequently amount to 500,000 kroner (\$75,000) and in more serious cases as high as 20 million kroner (\$3 million).

Employers and the government generally respected freedom of association and the right to collective bargaining. Annual collective bargaining agreements covered members of the workforce associated with unions and indirectly affected the wages and working conditions of nonunion employees.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor, including by children, and the government effectively enforced this prohibition. The law prescribes penalties of up to 10 years' imprisonment for violations, which was generally sufficient to deter violations. In 2017 authorities identified one victim of forced labor and five who were forced to commit crimes. The government trained tax and labor inspectors to identify forced labor.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

#### **c. Prohibition of Child Labor and Minimum Age for Employment**

The minimum legal age for full-time employment is 15. The law sets a minimum age of 13 for part-time employment and limits school-age children to less strenuous tasks. The law limits work hours and sets occupational health and safety restrictions for children, and the government effectively enforced these laws. Minors may not operate heavy machinery or handle toxic substances, including harsh detergents. Minors may only carry out "light work" that is the equivalent of lifting no more than 26.4 pounds from the ground and 52.8 pounds from waist height. For minors working in jobs where there is a higher risk of robbery, such as a snack bar, kiosk, bakery, or gas station, a coworker older than age 18 must

always be present between the hours of 6:00 p.m. and 6:00 a.m. on weekdays, and 2:00 p.m. and 6:00 a.m. on weekends.

#### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits employment discrimination, and the government generally enforced these laws effectively. Penalties for violations include fines and imprisonment and were generally sufficient to deter violations.

Danish gender equality law does not apply to Greenland, but Greenland's own law prohibits gender discrimination. No Greenlandic laws prohibit discrimination based on race, ethnic origin, religion, sexual orientation, or disability.

#### **e. Acceptable Conditions of Work**

The law does not mandate a national minimum wage, and unions and employer associations negotiated minimum wages in collective bargaining agreements. The average minimum wage for all private- and public-sector collective bargaining agreements was 110 kroner (\$16.50) per hour, exclusive of pension benefits. The law requires equal pay for equal work; migrant workers are entitled to the same minimum wages and working conditions as other workers.

Workers generally worked a 37.5-hour week established by contract rather than law. Workers received premium pay for overtime, and there was no compulsory overtime. Working hours are set by collective bargaining agreements and adhere to the EU directive that average workweeks not exceed 48 hours.

The law prescribes conditions of work, including safety and health standards, and authorities enforced compliance with labor regulations. Minimum wage, hours of work, and occupational safety and health standards were effectively enforced in all sectors, including the informal economy. Penalties for safety and health violations, for both employees and employers, include fines or imprisonment for up to one year; penalties for violations that result in serious personal injury or death include imprisonment for up to two years. The Danish Working Environment Authority (DWEA) under the Ministry of Employment may settle cases subject only to fines without trial. These penalties were considered sufficient to deter violations.

The Ministry of Employment is responsible for the framework and rules regarding working conditions, health and safety, industrial injuries, financial support, and disability allowances. The DWEA is responsible for enforcing health and safety

rules and regulations. This is carried out through inspection visits as well as guidance to companies and their internal safety organizations. The DWEA's scope applies to all industrial sectors except for work carried out in the employer's private household, exclusively by members of the employer's family, and by military personnel. The Danish Energy Agency is responsible for supervision of offshore energy installations, the Maritime Authority is responsible for supervision of shipping, and the Civil Aviation Administration is responsible for supervision in the aviation sector.

The DWEA has authority to report violations to the police or the courts if an employer fails to make required improvements by the deadline set by the DWEA. Court decisions regarding violations were released to the public and show past fines imposed against noncompliant companies or court-ordered reinstatement of employment. Greenland and the Faroe Islands have similar work conditions, except in both cases collective bargaining agreements set the standard workweek at 40 hours.

Workers can remove themselves from situations they believe endanger their health or safety without jeopardy to their employment, and authorities effectively protected employees in these situations. The same laws protect legal immigrants and foreign workers and apply equally to both categories of workers.

The number of labor inspectors was considered sufficient to enforce compliance. The DWEA effectively enforced labor health and safety standards in all sectors, including enforcement of limiting the hours worked per week. Vulnerable groups generally include migrant and seasonal laborers, as well as young workers.