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U.S. Department of State

Denmark Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

DENMARK

Denmark is a constitutional monarchy with parliamentary democratic rule. Queen Margrethe II is Head of State. The Cabinet, accountable to the unicameral Parliament (Folketing), leads the Government. A Social Democrat-led coalition that was elected in 1994 narrowly retained power following the March general election. The judiciary is independent.

The national police have sole responsibility for internal security. The civilian authorities maintain effective control of the security forces.

Denmark has an advanced, market-based industrial economy. One-half of the work force is employed in the public sector. The key industries are food processing and metal working. A broad range of industrial goods is exported. The economy provides residents with a high standard of living.

The Government generally respects the human rights of its citizens, and the law and judiciary provide effective means of dealing with instances of individual abuse.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

There were no reports of political or other extrajudicial killings.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The law prohibits such practices, and there were no reports that officials employed them.

Prison conditions meet minimum international standards, and the Government permits visits by human rights monitors.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest, detention, or exile, and the Government observes this prohibition.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the Government respects this provision in practice. The judiciary provides citizens with a fair and efficient judicial process.

The judicial system consists of a series of local and regional courts, with the Supreme Court at the apex.

The law provides for the right to a fair trial, and an independent judiciary vigorously enforces this right.

There were no reports of political prisoners.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The law prohibits such practices, government authorities generally respect these prohibitions, and violations are subject to effective legal sanction.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of the press, and the Government respects this right in practice. An independent press, an effective judiciary, and a democratic political system combine to ensure freedom of speech and of the press, including academic freedom.

b. Freedom of Peaceful Assembly and Association

The law provides for these rights, and the Government respects them in practice.

c. Freedom of Religion

The Constitution provides for religious freedom, and the Government respects this right in practice. There is religious instruction in the schools in the official state religion, the Evangelical Lutheran

Church, but any student may without sanction be excused from religion classes with parental permission.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government respects them in practice. The Government cooperates with the United Nations High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Government provides first asylum and provided it to approximately 5,700 persons in 1998 and to 5,092 persons in 1997. There were no reports of the forced expulsion of refugees to a country where they feared persecution or of those having a valid claim to refugee status.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

The territories of Greenland (whose population is primarily Inuit) and the Faroe Islands (whose inhabitants have their own Norse language) have democratically elected home rule governments with powers encompassing all matters except foreign affairs, monetary affairs, and national security. Greenlanders and Faroese are Danish citizens with the same rights as those in the rest of the Kingdom. Each territory elects two representatives to the Folketing.

Women are active in government and politics at both the local and national levels. In the current Government, 7 of 20 Government ministers are women, as are 66 of the Parliament's 179 members. Aside from two parliamentarians of mixed ancestry (both from Greenland), ethnic minorities are not represented in the Government, although they are represented in local politics.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of human rights groups operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are cooperative and responsive to their views.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Government's operations and extensive public services do not discriminate on the basis of any of these factors. The law prohibits discrimination on the basis of sex, and it is enforced effectively by the Government. Discrimination on the basis of race is covered by two laws, which prohibit racial slander and denial of access to public places on the basis of race. The rights of indigenous people are protected carefully.

Women

An umbrella nongovernmental organization reports that in 1997, women's crisis shelters were contacted 9,961 times, and 1,623 women stayed at shelters. While fewer women stayed at shelters than in the previous year (3,640), they often stayed longer. There were 382 reported rapes in the first 11 months of 1998, compared with 402 rapes in 1997.

The law requires equal pay for equal work, but some wage inequality still exists. The law prohibits job discrimination on the basis of sex and provides recourses, such as access to the Equal Status Council, for those so affected. Women hold positions of authority throughout society, although they are underrepresented at the top of the business world. Women's rights groups are effective in lobbying the Government in their areas of concern, such as wage disparities and parental leave.

The problem of trafficking in women for the purpose of prostitution became a focus of government concern during the year. Of particular concern is the importation of women from Eastern Europe and Southeast Asia who, lured by the prospect of higher wages and a better life, find themselves impressed into a life of prostitution in Denmark by individuals, suspected of being part of organized crime, who brought them into the country. There are no concrete statistics available as to how many women are involved in prostitution. The Minister of Justice plans to convene a commission in March 1999 composed of police, states' attorneys, and immigration officials to look into the problem.

Children

The Government demonstrates a strong commitment to children's rights and welfare through well-funded systems of public education and medical care. Sections within the Ministries of

Social Affairs, Justice, and Education oversee implementation of programs for children.

There is no societal pattern of abuse against children. In 1997 the Folketing passed legislation that banned the physical punishment of children by adults, including their parents.

People With Disabilities

There is no discrimination against disabled persons in employment, education, or in the provision of other state services. Building regulations require special installations for the disabled in public buildings built or renovated after 1977 and in older buildings that come into public use. The Government enforces these provisions in practice.

Indigenous People

The law protects the rights of the inhabitants of Greenland and the Faroe Islands. The Greenlandic legal system seeks to accommodate Inuit customs. Accordingly, it provides for the use of lay persons as judges, and it sentences most prisoners to holding centers (rather than to prisons) where they are encouraged to work, hunt, or fish during the day. Education in Greenland is provided to the native population in both the Inuit and Danish languages.

National/Racial/Ethnic Minorities

The inflow of ethnically and racially diverse refugees and immigrants has provoked a degree of tension between Danes and immigrants (mostly Iranians, Palestinians, Pakistanis, and Sri Lankans until late 1992; refugees are now overwhelmingly from Somalia or the former Yugoslavia). In response to publicity concerning the involvement of foreigners in street crime and allegations of social welfare fraud committed by refugees, the Government in June tightened immigration laws. Family reunification is now more difficult, and immigrants and refugees can no longer acquire permanent residence by living in Denmark for 18 months; rather they must now reside for 3 years and demonstrate that they have integrated into society. Additionally, they are to receive a special integration allowance that is 20 percent lower than the social benefits that a citizen receives. Incidents of racial discrimination and

racially motivated violence occur but are rare. The Government effectively investigates and deals with cases of racially motivated violence.

The Parliament passed a controversial immigration law during the summer that critics state discriminates against refugees by granting them 20 percent fewer social benefits than citizens, and thereby violates the 1951 U.N. Convention Relating to the Status of Refugees. The law, which takes effect in 1999, was reviewed by the United Nations High Commissioner for Refugees which, while critical, agreed in October to give it a 6-month trial period before taking a position. Under mounting criticism from human rights organizations, the Minister of the Interior announced in December that he was prepared to allow independent investigators to determine whether the law violates the refugee convention.

Section 6 Worker Rights

a. The Right of Association

The law states that all workers, including military personnel and the police, may form or join unions of their choosing. Approximately 80 percent of wage earners belong to unions that are independent of the Government and political parties. Unions may affiliate freely with international organizations, and they do so actively. All unions except those representing civil servants or the military have the right to strike.

In May Denmark suffered one of its largest strikes in recent history. Some 500,000 workers went on strike when negotiations between their unions and their employers failed. Consequently, the Government intervened in a labor market conflict for the first time since 1985, and settled the 11-day strike by imposing a settlement.

b. The Right to Organize and Bargain Collectively

Workers and employers acknowledge each other's right to organize. Collective bargaining is protected by law and is widespread in practice. The law prohibits antiunion discrimination by employers against union members and organizers, and there are mechanisms to resolve disputes. Employers found guilty of antiunion discrimination are required to reinstate workers fired for union activities. In the private sector, salaries, benefits, and working conditions are agreed upon in biennial or triennial negotiations between the various employers' associations and their union counterparts. If the negotiations fail, a national conciliation board mediates, and its proposal is voted on by management and labor. If the proposal is rejected, the Government may force a legislated solution on the parties (usually based upon the mediators' proposal). The agreements, in turn, are used as guidelines throughout the public as well as the private sector. In the public sector, collective bargaining is conducted between the employees' unions and a government group, led by the Finance Ministry.

Labor relations in Greenland are conducted in the same manner as in Denmark. Greenlandic courts are the first recourse in disputes, but Danish mediation services or the Danish Labor Court also may be used.

There is no umbrella labor organization in the Faroes, but individual unions engage in periodic collective bargaining with employers. Disputes are settled by mediation.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Forced, or bonded labor, by adults or children is prohibited by law, and this prohibition is effectively enforced by the Government.

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for full-time employment is 15 years. A change in the work environment law entered into force in 1996. This revision provides for tightening employment rules for those under 18 years of age and setting a minimum of 13 years of age for any type of work. The law is enforced by the Danish Working Environment Service (DWES), an autonomous arm of the Ministry of Labor. Danish export industries do not use child labor. Forced and bonded child labor is prohibited and does not occur (see Section 6.c.).

e. Acceptable Conditions of Work

There is no legally mandated national minimum wage, but national labor agreements effectively set a wage floor. The lowest wage paid is currently about \$12 (dkr 80) per hour, which is sufficient to provide a decent standard of living for a worker and family. The law provides for 5 weeks of paid vacation per year. A 37-hour workweek is the norm, established by contract, not by law. However, the law requires at least 11 hours between the end of one work period and the start of the next.

The law also prescribes conditions of work, including safety and health; duties of employers, supervisors, and employees; work performance; rest periods and days off; and medical examinations. The DWES ensures compliance with labor legislation. Workers may remove themselves from hazardous situations or weapons production without jeopardizing their employment rights, and there are legal protections for workers who file complaints about unsafe or unhealthy conditions.

Similar conditions of work are found in Greenland and the Faroes, except that the workweek is 40 hours. As in Denmark, the work week is established by contract, not by law.

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