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Denmark

Country Reports on Human Rights Practices - [2005](#)

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Denmark, with a population of approximately 5.4 million, is a constitutional monarchy with democratic parliamentary rule. Queen Margrethe II is head of state. The cabinet, which is accountable to the unicameral Folketing (parliament), heads the government. The minority center-right coalition government led by the Liberal Party won a plurality of seats in the February 8 elections, which were deemed free and fair. The civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and judiciary provided effective means of dealing with individual instances of abuse. The following human rights problems were reported:

- domestic violence against women
- trafficking in women and children

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful 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 government officials employed them.

In 2004 military authorities charged one active reserve member of its armed forces with dereliction of duty related to her allegedly improper interrogation of detainees. Military authorities also charged the commanding officer and three other soldiers in connection with the case. Court proceedings were ongoing at year's end.

Prison and Detention Center Conditions

Prison conditions generally met international standards, and the government permitted visits by independent human rights observers.

Pretrial detainees were often held with convicted criminals.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the government generally observed these prohibitions.

Role of the Police and Security Apparatus

The national police, under the Ministry of Justice, have sole policing authority in the country. There are 54 police districts (plus the Faroe Islands and Greenland) and a national commissioner's office. The minister of justice, with the approval of parliament, appoints the police chiefs of each district and the national commissioner. Corruption was not a problem. There was increased police training in recognition, reporting, and investigation of racially motivated cases during the year.

Arrest and Detention

A criminal action is initiated by the police, who are by law allowed to begin an investigation or make an arrest based upon visual evidence and do not need a warrant, or by charges or indictments filed by public prosecutors with the courts. The court may either summon the accused to appear or order that police arrest the accused based upon an application filed by a public prosecutor. If an individual is taken into custody, the law provides for an initial appearance before a judge within 24 hours, however, noncitizens may be detained for up to 72 hours before being given a court appearance. Authorities generally respected the right to a prompt judicial determination. The country does not have a bail system, rather, a judge decides within the first 24 hours of detention, either to release the detainee on his or her own recognizance or if deemed a risk to keep the detainee in jail until a trial is held. Arrestees have the right to counsel at the initial hearing, and the government provided counsel for those who could not afford representation. The law does not allow any visitors during the first 24 hours of detention except for legal counsel. However, depending upon the charges, the police generally did not restrict visitor access in practice.

There were no reports of political detainees.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected this provision in practice.

The judicial system consists of local courts, which hear cases in the first instance, regional courts which address appeals, and the Supreme Court, which is the highest and final court of appeal.

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public. Juries are required for criminal cases in which the maximum penalty is greater than four years' imprisonment. The law provides for defendants' right to timely consultation with an attorney, at public expense if needed. Defendants and their attorneys have access to government evidence relevant to their case. Defendants have the right to question witnesses against them and to present their own witnesses; they are presumed innocent until proven guilty; and the right of appeal encompasses both procedural matters and sentences imposed.

Political Prisoners

There were no reports of political prisoners.

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

The law prohibits such actions, and the government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice and did not restrict academic freedom. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association, and the government generally respected these rights in practice.

c. Freedom of Religion

The law provides for freedom of religion, and the government generally respected this right in practice.

The Evangelical Lutheran Church, which was subsidized by the government, was the official state church and enjoyed some privileges not available to other faiths. While the government does not require that religious groups be licensed, the government's permission is required for religious ceremonies, such as weddings, to have civil validity.

Religious history, with special emphasis on the Evangelical Lutheran faith, was taught in public schools, but students may withdraw from religious classes with parental consent.

Societal Abuses and Discrimination

The law provides protection against discrimination against religious minorities; however, societal discrimination against religious minorities was difficult to distinguish from discrimination against ethnic minorities. There were isolated incidents of anti-immigrant (mainly Muslim and African) graffiti, desecration of ethnic minority gravesites and low-level assaults as well as some denial of service and hiring on racial

grounds. The government criticized the incidents, investigated several, and brought some cases to trial.

In January nearly 100 Muslim graves were desecrated in Venstre Kirkegaard (Cemetery) in Copenhagen. Nearly 50 headstones were pushed over and unknown vandals smashed another 50. The vandals only targeted Muslim headstones, leaving the Christian headstones in the cemetery untouched. The police investigated the scene but could not find enough evidence to pursue charges.

The Jewish population is estimated at seven thousand persons. There were isolated incidents of anti-Semitism, primarily by immigrants. Most involved vandalism, such as graffiti, or nonviolent verbal assaults.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#).

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

The law provides for these rights, and the government generally respected them in practice.

The law prohibits forced exile, and the government did not employ it.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice, the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum.

The government also provided temporary protection to certain individuals who fall outside the definition of the 1951 UN convention and the 1967 protocol and provided protection to approximately 315 persons during the year.

The government cooperated with the office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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 exercised 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 whose powers encompass all matters, except foreign and national security affairs, police services, the judiciary, and monetary matters. Greenlanders and Faroese are citizens with the same rights as those in the rest of the country. Each territory elects two representatives to the parliament.

Elections and Political Participation

Prime Minister Anders Fogh Rasmussen, leader of the Liberal Party, was re-elected in February in free and fair elections.

On November 15, free and fair municipal elections were held following the implementation of a structural reform, which reduced the number of municipalities from 271 to 98. Five regional councils replaced the former local governance structure, which had been made up of 14 counties. The number of municipal newly elected council members from ethnic minority backgrounds showed a significant increase.

There were 65 women in the 179-seat parliament, and 5 women in the 19-seat cabinet. Women also accounted for 44 percent of the newly elected public council board and committee members.

There were 3 members of minorities in the 179-seat parliament. There were no members of minorities in the 19-seat cabinet.

Government Corruption and Transparency

There were isolated reports of government corruption during the year.

The law provides for public access to government information, and the government provided access in practice for citizens and noncitizens, including foreign media.

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

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

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination based on race, gender, disability, language, or social status; however, violence against women and trafficking in persons were problems.

Women

Violence against women, including spousal abuse, remained a problem. In 2004 the Institute for Public Health estimated that at least 64 thousand women were exposed to domestic violence in 2003 and that domestic violence affected 30 thousand children. The National Organization of Shelters for Battered Women and their Children reported that in 2004 shelters provided a safe haven for 3,512 women and children; 30 percent of the women supported were not citizens.

Rape, including spousal rape, is a criminal offense, and the government effectively prosecuted those accused of such crimes. There were 562 reported rapes resulting in 386 official charges for rape in 2004, and there were 361 during the first nine months of the year.

Prostitution was legal, but subject to restrictions; pimping, coercion into prostitution, solicitation of prostitution from a minor, and trafficking were illegal. According to an April report published by the Ministry for Social Welfare and Gender Equality, an estimated 3,750 persons worked in legal prostitution in 2004, while an unknown number participated in illegal prostitution including streetwalking.

Trafficking in women was a problem (see section 5, Trafficking).

The law prohibits sexual harassment and provides for awards of monetary compensation for victims of sexual harassment. The government effectively enforced the law, and there were few reported cases during the year.

Women had the same legal status as men, including under family law, property law, and in the judicial system. The law requires equal pay for equal work but, in practice, female workers earned approximately 14 percent less than their male counterparts. Women held positions of authority throughout society, although they were underrepresented in senior business positions and as university professors. The government's interagency gender-mainstreaming project promoted gender equality in government agencies through an interagency steering committee of managers which oversaw gender mainstreaming initiatives. It also provided administrators with education and tools related to gender mainstreaming and published individual ministry projects on the ministry of gender equality's Web site.

Children

The government was strongly committed to children's rights and welfare. Education was compulsory through the ninth grade and free through the university level; school attendance was nearly universal. Slightly more women than men completed postsecondary education.

Medical care was free and boys and girls had equal access.

In October the UN's Committee of the Rights of the Child published its concluding observations on the country's implementation of provisions of the Convention on the Rights of the Child. Among other observations the committee expressed its concern regarding de facto discrimination against, and racist attitudes toward, children of ethnic minorities and migrant families as well as refugee and asylum-seeking families.

There were some reports of child abuse.

Trafficking in children was a problem (see section 5, Trafficking).

Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports that persons were trafficked to the country. The law criminalizes trafficking and provides for a maximum prison term of eight years for those convicted of trafficking in persons. During the first 9 months of the year there was 1 conviction under the trafficking in person's law, while another 23 cases against pimping have been initiated in connection with trafficking cases.

A Ukrainian woman was serving a one-year prison sentence for a 2004 trafficking in persons conviction.

The national commissioner for police maintained an internal task force on trafficking in persons, assisted local police constabularies with investigations, and trained its officers to recognize and investigate trafficking cases. The government cooperated with international investigations of trafficking and exchanged information with neighboring countries.

The country was both a destination and a transit point for women and children who were trafficked from the former Soviet Union, Eastern Europe, Thailand, and Africa for the purposes of sexual exploitation and occasionally to work as thieves.

Traffickers lured victims with the prospect of higher wages and a better life, then forced them into prostitution, often withholding their passports. Authorities suspected traffickers had ties to organized crime, specifically in Russia and the Baltic countries, and subjected them to

police investigations and prosecutions.

According to the national police, trafficking victims generally returned voluntarily to their home countries with nongovernmental organization (NGO) support and were not officially deported nor prosecuted for immigration violations.

In September the Ministry of Social Affairs and Gender Equality officially added trafficking in children as an appendix to the government's action plan to combat trafficking in women, published in 2002. The initiatives of the appendix are divided into two areas, support for victims and prevention of child trafficking.

The government funded three NGOs that provided social, medical, and legal services to trafficking victims. Government funding was also used for NGO outreach programs as well as hotlines to support victims, prevent trafficking, and gather data on the extent of the problem. The ministry of social affairs and gender equality conducted an antitrafficking advertising campaign in all major newspapers, subsidized a hotline and website, and funded an NGO program to identify trafficking victims and provide them with information on how they can get help.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services, and the government effectively enforced it in practice. The law mandates access to buildings for persons with disabilities, and the government generally enforced these provisions in practice. The responsibility for protection of the rights of persons with disabilities is shared by all government ministries. The Danish Disability Council, a government-funded organization, monitored the status of persons with disabilities in the country and advised the government and the parliament on issues relating to disability policy. The Equal Opportunities Center for Disabled Persons is a government-funded entity, which alerts the government to and documents, inequalities in society related to persons with disabilities.

National/Racial/Ethnic Minorities

According to the Police Intelligence Service, during the year there were 48 cases of racial discrimination or racially motivated violence reported to the authorities; however, some incidents went unreported. Reported cases involved graffiti, vandalism, theft, and racist Internet and written messages. The victims were Jews and "people of an ethnic origin other than Danish" (usually meaning Muslims or Africans). Minority group members were also sometimes the perpetrators of the incidents. The government effectively investigated and dealt with cases of racially motivated violence.

The inflow of ethnically and racially diverse refugees and immigrants (mostly Iraqis, Palestinians, Pakistanis, Sri Lankans, Somalis, and refugees from the former Yugoslavia) caused some tension between citizens and immigrants, which was reflected in press reports on the failure of the immigrants to integrate and on the correlation between immigration and crime levels.

Indigenous People

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

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 78 percent of wage earners belonged to unions that were independent of the government and political parties.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference and the government protected this right in practice. Collective bargaining is protected in law and was freely practiced. Approximately 83 percent of the workforce was covered by collective bargaining agreements. These collective bargaining agreements also indirectly influence wages and working conditions for the remaining percentage of the workforce. The law provides for the right to strike, and workers exercised this right by conducting legal strikes. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see section 5).

d. Prohibition of Child Labor and Minimum Age for Employment

Laws and policies prohibit the exploitation of children in the workplace, and the government effectively enforced these laws and policies in

practice.

The minimum legal age for full-time employment is 15 years. The law sets a minimum age for part-time employment of 13 years; however, school-age children are limited to less strenuous tasks. The law contains provisions that limit work hours and sets occupational health and safety restrictions for children. Trafficking in children occurred (see section 5). The law is enforced by the Danish Working Environment Service (DWES), an autonomous arm of the Ministry of Labor.

e. Acceptable Conditions of Work

The law does not mandate a national minimum wage; however, the average net wage including pension benefits of adult workers in 2004 was \$29 (177 Danish Kroner) per hour, which was sufficient to provide a decent standard of living for a worker and family.

Workers generally worked a 37-hour workweek, which was established by contract, not by law. Workers were not subjected to compulsory overtime, and received premium pay for overtime. Working hours are decided by collective bargaining agreements, which adhere to the European Union directive that stipulates that an average work week not exceed 48 hours.

The law also prescribes conditions of work, including safety and health; the DWES ensured compliance with labor legislation. During the year the DWES conducted approximately 58 thousand company screenings and inspections, which resulted in 23,500 notices of varying severity for required improvements. Workers may remove themselves from hazardous situations without jeopardizing their employment, and authorities effectively enforced this right in practice. Similar work conditions were found in Greenland and the Faroes, except that the workweek was established by contract at 40 hours.

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