



2008 Human Rights Report: Denmark

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

[2008 Country Reports on Human Rights Practices](#)

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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 (Venstre) won a plurality of seats in the 2007 elections, which were deemed free and fair. 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 provide effective means of dealing with individual instances of abuse. Reports of religious and ethnic discrimination against minority groups have remained relatively constant over the past several years, while domestic violence against women and trafficking in women and children continued to be reported.

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.

A delegation from the Council of Europe's Committee for the Prevention of Torture (CPT) visited the country February 11-20 and, at the request of the Danish government, issued a report on September 25. The great majority of persons met by the delegation who had been detained by police indicated that they were treated correctly at the time of apprehension and during questioning. Several persons, however, complained of excessive use of force, while maintaining that they had not offered resistance. Some detained persons of foreign origin or non-Danish ethnicity alleged verbal abuse with xenophobic or racist connotations by the arresting officers.

Prison and Detention Center Conditions

Prison conditions generally met international standards; however, pretrial detainees were often held with convicted criminals. The CPT report stated that efforts by the authorities had succeeded in reducing interprisoner violence.

During its February visit, the CPT delegation heard allegations that officers at the East Jutland prison used excessive force when controlling and placing prisoners in a security cell.

The government permitted visits by independent human rights observers.

d. Arbitrary Arrest or Detention

The constitution and law prohibit 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. In January 2007 the government initiated a reform of the police, with the objective of achieving a more modern police service with sustainable police districts capable of carrying out major investigations and providing large-scale emergency and support services. As part of the reform, the previous 54 police districts were consolidated into 12 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 and impunity were not a problem. The government has effective mechanisms to investigate and punish abuse and corruption. There was continued police training in recognition, reporting, and investigation of racially motivated cases during the year.

Arrest and Detention

By law the police are allowed to begin investigations and make arrests either without a warrant based upon visual evidence, or on the basis of indictments filed by public prosecutors with the courts. A court may summon the accused to appear or order police to arrest the accused based upon an application filed by a public prosecutor. Apprehended persons were brought before an independent judiciary. 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. Detainees were informed promptly of charges against them. The country does not have a bail system; rather, a judge decides within 24 hours of detention either to release the detainee on his or her recognizance or to keep the detainee in jail until trial. According to the Office of the Director of Public Prosecution, of the total number of pretrial detainees in 2006, 88 percent served less than three months in pretrial custody.

Arrested persons have the right to counsel at the initial hearing, and the government provided counsel for those who could not afford legal representation. In addition, a Ministry of Justice circular to police provides detailed rules and procedures to be followed by police with regard to the rights of detained persons to inform next-of-kin of their arrest, to contact a lawyer, and to have access to medical treatment. However, during its February visit to the country, the CPT heard allegations from detained persons that the instructions were not being applied systematically. According to the CPT report, "The majority of the detained persons interviewed by the delegation indicated that the first time they had met a lawyer was in court, when the application of the measure of remand custody was being decided."

The CPT delegation also heard from a number of detained persons (including juveniles) that they had not been allowed to contact their relatives in person after being detained.

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.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice. The judicial system consists of local courts, which hear cases in the first instance; two regional high courts, which address appeals; and the Supreme Court, which is the highest and final court of appeal.

Trial Procedures

The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. Defendants are presumed innocent until proven guilty. 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 have the right to question witnesses against them and to present their own witnesses. Defendants and their attorneys have access to government evidence relevant to their case. The right of appeal encompasses both procedural matters and sentences imposed. The law provides that criminal sentences can be increased when bias is proved as a motive. Bias can be based on race, ethnicity, gender, sexual orientation, or religion.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, including access to the court system to bring lawsuits seeking damages for, or cessation of, a human rights violation. There were no reported problems enforcing domestic court orders.

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

The constitution and law prohibit 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 constitution provides for freedom of speech and of the press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press. Individuals were able to criticize the government publicly and privately without reprisal.

The law prohibits any public speech or dissemination of statements or other pronouncements by which a group of persons is threatened, derided, or degraded because of their race, skin color, national or ethnic background, faith, or sexual orientation; offenders may be fined or imprisoned for up to two years. The law also prohibits "blasphemy" and provides that a person who publicly mocks or insults a legally existing religious community's tenets of faith or worship may be fined or imprisoned for up to four months.

On February 13, all 17 major newspapers in the country republished Kurt Westergaard's caricatures of the Islamic prophet Mohammed that first appeared in 2005. The republication was stimulated by a foiled plot by three Muslims to kill the cartoonist. Press reports suggested that the majority of citizens saw the issue as one of freedom of speech being more important than the objections by members of a particular religious community. The

republication was followed by anti-Denmark demonstrations and Danish embassy closings in several Muslim-majority countries. Members of parliament cancelled a planned trip to Iran after members of the Iranian parliament demanded an apology for the republication of the cartoon; the members of parliament did not apologize. The government did not attempt to apply the anti-blasphemy law to the publication and republication of the cartoon.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. As of July 2007 an estimated 83 percent of the population had access to the Internet from home.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

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

c. Freedom of Religion

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

The Evangelical Lutheran Church is the official state church and enjoys some privileges not available to other faiths, such as receiving state subsidies directly through the tax system. Members of other faiths, notably Catholics, have asserted that the system is unfair, and that although the government provides religious freedom, it does not provide religious equality. Allowing other religious organizations to be given the same status and privileges as the Evangelical Lutheran Church would require changes to the constitution. While the government does not require that religious groups be licensed, the government's recognition is required for religious ceremonies, such as weddings, to have civil validity or for such religious groups--at year's end numbering more than 100--to receive tax exemptions.

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

Societal Abuses and Discrimination

There were isolated incidents of societal abuses and discrimination, including 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. Societal discrimination against religious minorities was difficult to distinguish from discrimination against ethnic minorities. The government condemned the incidents, investigated several, and brought some cases to trial.

Reports continued of desecration of graves, including Muslim graves. The number of cemeteries vandalized in the country increased from previous years. Unofficial data compiled by the newspaper *Kristeligt-Dagblad* indicated that 45 cemeteries were vandalized in 2007, compared to an annual average of 29 cemeteries from 2001 to 2005.

The Jewish population was estimated at 7,000 persons. There were isolated incidents of anti-Semitism, apparently perpetrated primarily by immigrants, according to victims' reports. Most incidents involved vandalism, such as graffiti, and nonviolent verbal assaults.

Police made no arrests and closed the January 2007 case of vandalism of the Copenhagen synagogue. Unknown perpetrators had thrown rocks at two of the synagogue's windows and smashed them.

For a more detailed discussion, see the 2008 International Religious Freedom Report at www.state.gov/g/drl/irf/rpt.

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern.

The constitution and law prohibit 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 the expulsion or return of refugees to countries where their lives or freedom would be threatened. The government granted refugee status or asylum. In the period through July, 1,126 applications for asylum were filed and 765 persons were granted residency permits, including some that resulted from applications filed in 2007. This total included temporary protection provided to certain individuals who fell outside the definition of the 1951 UN convention and the 1967 protocol; the government provided such protection to 238 persons through July, including 71 Iraqi interpreters and their families.

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

The constitution provides citizens 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 and the Faroe Islands have democratically elected home rule governments whose powers encompass all matters except foreign and national security affairs, police services, and monetary matters. Greenlanders and Faroese have the same rights as other citizens. Each territory elects two representatives to the parliament. In a November referendum ratifying an agreement between Denmark and Greenland, Greenland was granted additional responsibilities for justice and home affairs and was granted formal legal recognition as a people.

Elections and Political Participation

Prime Minister Anders Fogh Rasmussen, leader of the Liberal Party, was reelected in November 2007 in free and fair elections.

In 2005 free and fair municipal elections were held following parliament's adoption of a structural reform plan, which reduced the number of municipalities from 271 to 98 in January 2007. As a result of the elections, the number of municipal council members from ethnic minority backgrounds significantly increased.

Political parties could operate without restriction or outside interference.

There were 68 women in the 179-seat parliament and seven women in the 19-seat cabinet. Women accounted for 44 percent of the public council board and committee members.

There were four members of minorities in the 179-seat parliament. There were none in the 19-seat cabinet.

Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government generally implemented the law effectively. There were isolated reports of government corruption during the year. Public officials are not subject to financial disclosure laws, but a government official is not allowed to work on cases in which he or she has a personal or economic interest, or represents or has close relations to someone with a special interest in the case. Officials are obligated to inform superiors of any possible disqualification issues related to a case. The Ministry of Justice and the State Employer's Authority in the Ministry of Finance are responsible for combating government corruption.

The law provides for public access to government information, and the government granted access to 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 generally cooperative and responsive to their views.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status, and the government generally enforced the law effectively. However, there were incidents of violence against women, child abuse, and trafficking in persons.

Women

Rape, including spousal rape, is a criminal offense, and the government effectively prosecuted persons accused of such crimes. There were 492 reported rapes, 401 official charges of rape, and 87 convictions in 2007. Preliminary figures for the current year indicated that there were 183 reported rapes and 158 charges filed through June, with 29 convictions.

Violence against women, including spousal abuse, remained a problem. During the year the Institute for Public Health and the National Organization of Women's Shelters estimated that approximately 70,000 women annually are exposed to physical violence, with approximately 28,000 exposed to domestic violence or the threat of domestic violence. In 2007 approximately 22,000 children aged 15 or younger were living in homes where the mother was exposed to violence. The National Organization of Shelters for Battered Women and Their Children reported that in 2007 shelters provided a safe haven for 3,327 women and children, 45 percent of whom were of non-Danish background. According to the law, any assault on another person is illegal. This also applies to domestic violence and rape. Penalties include imprisonment for up to 12 years depending on the magnitude of the offense. The government and nongovernmental organizations (NGOs) have set up 24-hour hot lines, counseling centers, and shelters for female victims of violence and embarked on nationwide information campaigns and police training on gender-based violence.

Prostitution is legal, but subject to restrictions; pimping, coercion into prostitution, solicitation of prostitution from a minor, and trafficking are illegal. According to the Ministry for Social Welfare and Gender Equality, an estimated 5,500 persons were engaged in prostitution in 2007, while an unknown number participated in illegal prostitution.

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

Women have 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 2006 female workers earned approximately 21 percent less on average than male workers in the private sector, while the wage gap was approximately 16 percent in the local government and 8 percent in the central government. Even when adjusted for maternity leave, differences in education, and other relevant factors, women earned approximately 2 to 6 percent less than their male counterparts for the same work. Women did not experience economic discrimination in access to employment, credit, or owning or managing businesses. Women held positions of authority throughout society, although they were underrepresented in senior business positions and as university professors. Amendments to the Act on Equal Pay to Men and Women came into effect in January 2007 that, among other things, oblige employers to report wages by gender.

Children

The government was strongly committed to children's rights and welfare.

In 2007 there were 126 reports of sexual abuse of children aged 15 or younger, 132 official investigations, and 36 convictions (some of the investigations and convictions resulted from reports or investigations instigated the previous year). Preliminary reports through June indicated 80 reports of sexual abuse, 76 charges filed against suspects, and nine convictions. NGOs and the Antitrafficking Center reported that during the year 14 minors had indicators of being trafficked, possibly for commercial sexual exploitation or petty crime.

Female genital mutilation (FGM)--with or without consent from the victim or her parents--is illegal and carries a penalty against the perpetrator of six to 10 years imprisonment. The law applies to Danish nationals or residents regardless of whether the act was committed within the country or abroad and regardless of whether the act was a criminal offense under the law of the state where it was committed. At year's end, there had been no convictions under this section of the law since the criminal code was amended in 2003, but the first court case under this section was scheduled to go to trial in January 2009. The government conducts information campaigns targeting the issue of FGM.

Trafficking in Persons

The law prohibits all forms of trafficking in persons; however, there were reports that persons were trafficked to and through the country.

The country was both a destination and a transit point for women and children trafficked from the Baltic countries, Eastern Europe, Southeast Asia, West Africa, and Latin America for the purposes of sexual exploitation and occasionally to work in petty crime. There were approximately 5,000-6,000 prostitutes in the country, including an estimated 2,000-3,000 foreign women, some of whom were believed to be trafficking victims.

Traffickers lured victims with the prospect of higher wages and a better life, then forced them into prostitution, often withholding their passports. According to Copenhagen police, women were recruited in their native countries and then transported to Denmark and forced into prostitution. Authorities suspected that traffickers had ties to

organized crime.

The law criminalizes trafficking and provides for a maximum prison term of eight years for those convicted of trafficking in persons. In 2007 police conducted 11 trafficking investigations and prosecuted 23 trafficking cases. There were eight convictions on trafficking charges, with some resulting from prosecutions begun in previous years. The authorities also conducted 23 procurement investigations and prosecuted 31 procurement cases. There were 12 convictions on procurement charges.

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

Women identified as trafficking victims by the Danish Immigration Service were not prosecuted for immigration violations. Women who accepted the offer of assisted voluntary return received help from local NGOs and the International Organization of Migration.

In March 2007 the government adopted a trafficking action plan for 2007-10 based on the recommendations of an independent audit of the previous action plan. The government created the National Antitrafficking Center in 2007 to implement the new action plan and coordinate efforts to combat trafficking.

The government funded two NGOs that provided social, medical, and legal services to trafficking victims. Government funding was also used for NGO outreach programs as well as for hot lines to support victims, prevent trafficking, and gather data on the extent of the problem. The Ministry of Social Welfare subsidized a hot line and Web site, and organized antitrafficking seminars for NGOs, the police, and foreign embassies to provide information on legislation, identifying trafficking victims, and how to provide assistance.

The State Department's annual Trafficking in Persons Report can be found at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, and the provision of other state services, and the government effectively enforced these provisions 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 falls under the Ministry of Social Affairs and is implemented by the municipal governments. The Danish Disability Council, a government-funded organization, monitored the status of persons with disabilities 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 that documents and alerts the government to inequalities in society that affect persons with disabilities.

National/Racial/Ethnic Minorities

In 2007 there were 32 reported cases of racial discrimination or racially motivated violence; however, some incidents went unreported. Reported cases involved graffiti, vandalism, theft, and racist Internet and written messages. According to police, the victims were "Jews and people of an ethnic origin other than Danish" (usually meaning both African and Middle Eastern ethnic groups). Members of other minority groups were sometimes the perpetrators of the incidents. The government effectively investigated and dealt with cases of racially motivated violence.

The presence of ethnically and racially diverse refugees and immigrants (mostly Iraqis, Palestinians, Moroccans, Pakistanis, Sri Lankans, Somalis, and refugees from the former Yugoslavia) caused some tension between citizens and immigrants, which was documented in press reports.

Indigenous People

The law protects the rights of the indigenous Inuit inhabitants of Greenland. Greenland's legal system seeks to accommodate their customs, provides for the use of lay persons as judges, and sentences most prisoners to holding centers (rather than prisons), where they are encouraged to work, hunt, or fish during the day.

Other Societal Abuses and Discrimination

There were no reports of societal discrimination based on sexual orientation.

There were no reports of societal discrimination against persons with HIV/AIDS.

Section 6 Worker Rights

a. The Right of Association

The law states that all workers, including military personnel and police, may form or join independent unions of their choosing without previous authorization or excessive requirements. Approximately 77 percent of wage earners belonged to unions that were independent of the government and political parties. The law provides for the right to strike, and workers exercised this right by conducting legal strikes.

b. The Right to Organize and Bargain Collectively

Collective bargaining is protected by law and was freely practiced. Approximately 85 percent of the workforce was covered by collective bargaining agreements. These agreements indirectly influenced wages and working conditions for the rest of the workforce. The law allows unions to conduct their activities without interference, and the government protected this right in practice.

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 children were trafficked for commercial sexual exploitation.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the exploitation of children in the workplace, and the government effectively enforced it 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 limits work hours and sets occupational health and safety restrictions for children.

NGOs and the Antitrafficking Center reported that 14 minors had indicators of being trafficked during the year,

possibly for commercial sexual exploitation or petty crime.

Child labor 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; minimum wages are negotiated between unions and employer associations. According to the terms of the country's largest collective bargaining agreement, negotiated in the spring and covering almost the entire industrial sector, the minimum wage is 100.65 kroner (approximately \$19) per hour, exclusive of pension benefits. The wage provided a decent standard of living for a worker and family.

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

The law prescribes conditions of work, including safety and health; the DWES ensured compliance with labor legislation. During the year, the DWES conducted approximately 61,000 company audits with approximately 40,000 requests for additional information or required improvements, and approximately 28,000 company screenings and inspections. If required improvements are not carried out within the given time frame, the DWES has the authority to take the case to the police or courts. 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 Faroe Islands, except that there the workweek was established by contract at 40 hours.