

Frans National contribution to the Fundamental Rights Report 2022

DENMARK

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Franet country study: policy and legal highlights 2021

Issues in the fundamental rights institutional landscape	No development in 2021.
EU Charter of Fundamental Rights	No development in 2021
Equality and non-discrimination	<p>Strengthening of the legal protection against hate crimes and hate speech</p> <p>The term 'Gender Identity, Gender, expression and sex characteristics' was included in the Danish Criminal Code (<i>Straffeloven</i>) section 81 (6) regarding hate crime as an aggravating circumstance. The term was also included in the Danish Criminal Code (<i>straffeloven</i>) section 266 b on hate speech.</p>
Racism, xenophobia & Roma integration	<p>Strengthening of legislation on hate crimes that are partly motivated by racism</p> <p>The Danish parliament also adopted an expansion of the Danish legislation on hate crimes so that the Danish criminal code (<i>straffeloven</i>) section 81 (6) and 266b apply not only to hate crimes that are wholly motivated by hatred against the protected grounds, but also hate crimes partly motivated by hatred. The bill was passed in December 2021.</p>
Asylum & migration	No development in 2021.
Data protection and digital society	<p>Strengthening tele-data retention rules</p> <p>To comply with the practice of the Court of Justice of the EU, the Danish Ministry of Justice (<i>Justitsministeriet</i>) revised the current Executive Order on tele-data retention.</p> <p>The revised bill was submitted to the Danish Parliament for consideration, starting on 23 November 2021. However, the bill was not passed. It has currently been submitted to the legal affairs committee for a review before the second reading in the Parliament.</p>
Rights of the child	In line with a recommendation from the UN Committee of the Rights of the Child in 2017 the helpline for children with Child's Welfare in Denmark (Børns Vilkår) expanded its availability to 24 hours as of 1 November 2021.
Access to justice, including victims of crime	<p>Counselling for victims of sexual assault is going to be strengthened as several political parties representing a majority of the Danish Parliament has agreed upon several initiatives, including giving victims of sexual assault access to guidance from an assistance lawyer</p>

	before reporting to the police and access to a follow-up conversation with the assistance lawyer after a trial.
Convention on the Rights of Persons with Disability	<p>Strengthening of the legal protection against hate crimes and hate speech</p> <p>The term 'disability' has been added to the Danish Criminal Code (<i>Straffeloven</i>) section 81 (6) regarding hate crime as an aggravating circumstance.</p> <p>The term 'disability' has also been included in the Danish Criminal Code (<i>straffeloven</i>) section 266 b, thereby strengthening the legal protection of persons with disabilities against hate speech.</p>

Chapter 1. Equality and non-discrimination

1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination against EU citizens based on their nationality and against LGBTI people

In August 2021 the Ministry of Immigration and Integration introduced a bill on citizenship for public consultation.¹ If the bill is adopted in its current form, it will become more difficult for Nordic citizens who have not become citizens through naturalization to obtain a Danish citizenship. Currently, Nordic citizens between the age of 18 and 23 can obtain citizenship by declaration but the proposed Act suggests that this group must go through the same procedure as other foreigners.²

The Danish Institute for Human Rights has published a report from 2021 raising awareness of the unequal treatment between Nordic and non-Nordic young people's access to a citizenship. Though, the Institute advocated that the Danish rules on citizenship should be changed in a way that would make the obtaining of citizenship easier for all young people, who are either born or have grown up in Denmark consistent with our international commitments.³

In August 2020 the Danish Government presented the initiative "Freedom to diversity" (*Frihed til forskellighed*).⁴ "Freedom to diversity" introduces ten initiatives to strengthen rights and equal possibilities for LGBTI+ in Denmark. This includes more equal possibilities in the area of family rights, and in situations where a person would like to change their legal gender. All together the initiatives form the basis of a far more effective protection against discrimination against LGBTI+ in Denmark.

¹ Denmark, the Ministry of Immigration and Integration, draft bill on amending the Danish Aliens Act, 18 August 2021, available in Danish, at: <https://prodstoragehoeringspo.blob.core.windows.net/70aaed3a-4bb1-4bbd-95b2-76b3a1267611/Lovforslag%20om%20%C3%A6ndring%20af%20lov%20om%20indf%C3%B8dsret.pdf>

² Denmark, The Danish Government, 'Aftale om indfødsret', 20 April 2021, available in Danish at: <https://www.regeringen.dk/media/10334/aftale-om-indfoedsret.pdf>

³ Denmark, the Danish Institute for Human Rights, Stranger in your own country? Access to citizenship for children and youth, who were born and/or have grown up in Denmark (*Fremmed i eget land? Adgang til statsborgerskab for børn og unge, der er født og/eller opvokset i Danmark*), February 2021, available in Danish at: https://menneskeret.dk/sites/menneskeret.dk/files/media/document/Statsborgerskab_Fremmed%20i%20eget%20land.pdf

⁴ Denmark, Report from the Ministry of Environment and Food (*Miljø- og Fødevareministeriet*), 20 August 2020, available in Danish at: https://mfvm.dk/fileadmin/user_upload/MFVM/Ligestilling/lgbt_publication_skaermlaesbar.pdf

In August 2020 the Danish Government presented the initiative "Freedom to diversity" (*Frihed til forskellighed*).⁵ "Freedom to diversity" introduces ten initiatives to strengthen rights and equal possibilities for LGBTI+ in Denmark. This includes more effective protection against hate crimes and hate speech, more equal possibilities in the area of family rights, and in situations where a person would like to change their legal gender. More specifically, the ten initiatives are all legal changes with three main focus areas.

The Government has introduced new legislation on the first four initiatives regarding explicit prohibition against discrimination, hate crimes and hate speech which entered into force 1 January 2022⁶. The amendments in legislation include an explicit prohibition against discrimination due to sexual orientation within the labour market, and an explicit prohibition against discrimination due to gender identity, gender expression and sex characteristics both within and outside the Danish labour market, as well as a complaint handling procedure to the Danish Board of Equal Treatment (*Ligebehandlingsnævnet*). Furthermore, the Danish Criminal Code (*Straffeloven*) has been changed so crimes targeting a persons' gender identity, gender expression or sex characteristics is an aggravating circumstance in the measurement of the punishment.

Further, the three initiatives concerning family rights law were proposed by the Government on 10 November 2021 and are, if adopted, expected to enter into force 1 April 2022⁷. The last three initiatives concerning trans children and young people's ability to change one's legal gender are not part of this year's law programme.⁸

The Danish Government has agreed on a multi-year agreement on how the police, the Prosecution Service and the Danish Courts must treat and enforce cases of hate crimes and hate speech.⁹ This agreement is relevant especially for LGBTI+,

⁵ Denmark, Report from the Ministry of Environment and Food (*Miljø- og Fødevareministeriet*), 20 August 2020, available in Danish at:

https://mfvm.dk/fileadmin/user_upload/MFVM/Ligestilling/lgbt_publication_skaermlaesbar.pdf

⁶ Denmark, The Ministry of Employment (*Beskæftigelsesministeriet*), Amendment to legislation on gender equality, prohibition against discrimination on the labour market etc., the criminal code and other legislation (*Lov om ændring af lov om ligestilling af kvinder og mænd, lov om forbud mod forskelsbehandling på arbejdsmarkedet m.v., straffeloven og forskellige andre love*), 28 December 2021, available in Danish at: [Lov om ændring af lov om ligestilling af kvinder og mænd, lov om forbud mod forskelsbehandling på arbejdsmarkedet m.v., straffeloven og forskellige andre love](#)

⁷ Denmark, The Ministry of Social Affairs and Senior Citizens (*Social- og Ældreministeriet*), Proposal for amendment to legislation of the Children's Act, the Names Act and different other acts (*Forslag til Lov om ændring af børneloven, navneloven og forskellige andre love*), 2021, available in Danish at: [Forslag til Lov om ændring af børneloven, navneloven og forskellige andre love](#)

⁸ Denmark, The Government, Law Programme 2021-2022 (Regeringens lovprogram 2021-2022), available in Danish at: [Regeringens lovprogram for 2021-2022 - Regeringen.dk](#)

⁹ Denmark, Agreement on the police and the Prosecution Service's economy 2021-2023 (*Aftale om politiets og anklagemyndighedens økonomi 2021-2023*), available in Danish at: [Aftale-om-politiets-og-anklagemyndighedens-oekonomi-2021-2023.pdf \(justitsministeriet.dk\)](#)

as this group is generally highly vulnerable to hateful crimes and speech. The contracting parties aim for improving the way the police and the Prosecution Service handle victims of hate crimes. As a part of this improving initiative, new information material should be prepared to secure more and better information when a crime is to be seen as a hate crime. Additionally, the agreement will strengthen the supplementary training about hate crimes in the police from 2022. Moreover, this educational focus should help securing that more hate crimes are identified and registered correctly for a better data evidence on the area. Besides this, it will secure that prosecutors who deals with hate crime are more educated in this matter.

As a part of the Danish Finance Act (*Finansloven*) covering 2021, it was decided to raise a new shelter, which is the first shelter for LGBTI+ people with minority background. The shelter is going to be established with a four-year grant of five million DKK yearly, from the Danish Finance Act 2021.¹⁰

1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against EU citizens on the grounds of nationality and against LGBTI people

On 16 April 2021, the Danish Institute for Human Rights (*Institut for Menneskerettigheder*) published a policy brief on effective protection of hate crimes.¹¹ The policy brief targeted hate crimes in general and is therefore of relevance for LGBTI+. The three main recommendations from the Danish Institute for Human Rights are the following:

- The police, the Prosecution Service and the courts must ensure that hate crimes are prosecuted and lead to conviction, when the crime is completely as well as partially reasoned in the protected grounds in Section 81(6) of the Danish Criminal Code.
- The Danish Criminal Code should be modified so that it is explicitly stated that hate crimes should be convicted regardless of whether the crime is completely or partially reasoned in the protected grounds in Section 81(6) of the Danish Criminal Code.
- All judgments, in which Section 81(6) is invoked, must be available publicly.

¹⁰ Denmark, Agreement on the Finance Act 2021, December 2020 (*Aftaler om finansloven for 2021, December 2020*), page 30, available in Danish at: [Aftaler om finansloven for 2021 \(fm.dk\)](https://fm.dk)

¹¹ Denmark, The Danish Institute for Human Rights (*Institut for Menneskerettigheder*) Policy brief on effective protection of hate crimes (*Effektiv bekæmpelse af hadforbrydelser*), available in Danish at: <https://menneskeret.dk/sites/menneskeret.dk/files/media/document/Effektiv%20bek%C3%A6mpelse%20af%20hadforbrydelser%20-%20policy%20brief.pdf>

On 17 May 2021, the Danish Institute for Human Rights published a case catalogue that focused on how different family constellations, including LGBTI+-families, experience the meeting with the Danish rules on maternity leave.¹² Statistics Denmark (*Danmarks Statistik*) estimate that 3,316 children in Denmark in 2018 are so-called "rainbow children" (*Regnbuebørn*), which correspond to five percent of all children born in Denmark in 2018. This number has tripled within the last ten years.¹³ A number of case persons within different groups of parents who experience challenges according to rules on maternity leave, are interviewed in the case catalogue. The catalogue consists of nine in-depth interviews with case persons, including two interviews with couples representing the LGBTI+ in the maternity leave discussion. The aim was therefore not to conduct a generalizable qualitative research study, but rather to get in-depth insight in which challenges these people experience. The two interviews with LGBTI+-families indicate some of the challenges that LGBTI+-families experience in general, e.g. getting registered as legal parents when there are two fathers in the family. In relation to the implementation of the EU-Directive on work-life balance (2019/1158), the Danish Institute for Human Rights urge the Danish Government to reform the Danish rules on maternity leave and to include more family constellations in the rules.

In August 2020, the Danish Government (*Regeringen*) presented the initiative "Freedom to diversity – strengthened rights and opportunities for LGBTI+" (*Frihed til forskellighed – styrkede rettigheder og muligheder for LGBTI-personer*).¹⁴ One of the proposals is to give children and young people under 18 years the right to change their legal gender. The purpose is to make it easier for children and young people to live in accordance with their gender identity. In the Government's proposal, there is no lower age limit to apply for changing one's legal gender. However, the parents or custody holders must provide their consent if the child or young person is under the age of 15.

Following the Danish Government's recommendation, the Danish Institute for Human Rights published a memorandum overview on 14 June 2021 related to children and young people's right to change their legal gender.¹⁵ In the memorandum, the Danish Institute for Human Rights recommends that the age

¹² Denmark, The Danish Institute for Human Rights (*Institut for Menneskerettigheder*), Case catalogue on parents and maternity leave, 17 May 2021, available in Danish at: [Forældre på barsel 9 fortællinger om erfaringer med barselsreglerne \(menneskeret.dk\)](#)

¹³ Denmark, Statistics Denmark (*Danmarks Statistik*) "The Rainbow Families has grown" (*Regnbuefamilien er blevet større*) available in Danish at: [Regnbuefamilien er blevet større - Danmarks Statistik \(dst.dk\)](#)

¹⁴ Denmark, Report from the Ministry of Environment and Food (*Miljø- og Fødevarerministeriet*), 20 August 2020, available in Danish at: https://mfvm.dk/fileadmin/user_upload/MFVM/Ligestilling/lgbt_publication_skaermlaesbar.pdf

¹⁵ Denmark, The Danish Institute for Human Rights (*Institut for Menneskerettigheder*), Memorandum overview on children and young people's right to modifying their legal sex, 14 June 2021, available in Danish, at: [Overbliknotat om børn og unges ret til at ændre juridisk køn.pdf \(menneskeret.dk\)](#)

limit for changing one's legal gender should be abolished, so that the decision regarding the changing legal gender is always based on an individual assessment in the specific case rather than a stereotypical view on what a person is capable of at a given age.

In December 2020, the Ministry of Justice (*Justitsministeriet*), in collaboration with the University of Copenhagen (*Københavns Universitet*) and the Danish Crime Prevention Council (*Det Kriminalpræventive Råd*), published a research report on victims' exposure towards violence and other forms of crime between 2005-2019 (*Udsathed for vold og andre former for kriminalitet – Offerundersøgelserne 2005-2018*).¹⁶

The report is a part of a nationwide omnibus victim survey by Statistics Denmark (*Danmarks Statistik*) from 2005 until 2019. The participants were randomly selected through the Danish civil registration system (*CPR-registeret*), so that they made up an extract representative of the population between the age of 16-74 years. From 2005-2010 the information was provided through telephone interviews. After June 2010 the participants were contacted by Statistics Denmark by mail to their online digital mailbox (*E-boks*) from which they could reach a digital survey or sign up for a telephone interview. If a selected participant did not respond to the first inquiry several reminders followed. In each year from 2005-2015 around 18,000 persons were requested to participate in the survey. Between 2016-2019 the number was higher. In 2018 the net test sample consisted of 21,894 persons. Altogether, 286,894 persons were involved. Out of those, 172,975 persons have participated, which is an overall response rate of 60%. From 2015-2019 the response rates vary between 59 and 65% with the lowest rate in 2019.

In relation to discrimination against LGBTI+, the main findings in the report focuses on violence on the grounds of homo- or transphobia. According to the study, the reported numbers here does correspond to the fact that between 1,500 - 2,500 persons between 16 and 74 years, within the last year have experienced violence on the grounds of their sexual orientation. It is there important to be aware of the fact that sexual orientation in this case covers both homophobia and transphobia. Starting from 2019 it is further asked in the survey, to which extend that the violence – according to the victim itself – is motivated of the victims' gender identity. Moreover, it is also here important to be aware of the sparse data material, which means that the results are encumbered with a certain uncertainty.

¹⁶ Denmark, Report on victims and exposure from the Ministry of Justice (*Udsathed for vold og andre former for kriminalitet*), available in Danish on: [Udsathed for vold og andre former for kriminalitet. Offerundersøgelserne 2005-2019 \(justitsministeriet.dk\)](https://www.justitsministeriet.dk/udsathed-for-vold-og-andre-former-for-kriminalitet-offerundersogelserne-2005-2019)

Chapter 2. Racism, xenophobia and related intolerance

2.1 Findings and methodology of research, studies, or surveys on experiences of ethnic discrimination, racism and hate crime

The Board of Equal Treatment (*Ligebehandlingsnævnet*) receives individual complaints related to equal treatment, including those protected by the Act on Ethnic Equal Treatment in relation to the directive. The Board of Equal Treatment may award compensation if it finds that discrimination has occurred.

In 2020, the Board received 630 complaints out of which 192 were considered. A majority of the considered cases related to gender (100), while 69 related to race and ethnic origin. The 69 cases represent a large increase in number of considered cases regarding race and origin compared to 2019 where 48 cases were considered. The board received 222 cases regarding discrimination based on ethnicity as a result of evictions of residents in areas that have been categorized as "ghettos" or "hard ghettos" as a part of the implementation of the "ghetto-plan" that target social housing areas with the aim of fostering mixed housing areas. Thus, the board has not considered any of the cases since three court cases on the issue are still pending. The figures for 2021 will be forthcoming later this year.¹⁷ The Ministry of Immigration and Integration has provided the same information and states additionally that The Board of Equal Treatment and the board's secretariat from 1 January to 18 October 2021 has made decisions in 234 cases. 24 of the cases were about complaints of discrimination on the grounds of race, nationality or ethnic origin.¹⁸

The Danish National Police (*Rigspolitiet*) has since 2015 published an annual report with an overview of hate crimes registered by the local police districts (*politikredsene*). The report from 2020 from the National Police on hate crimes shows that there were 635 registered cases of hate crime in 2020. This represents a 12 percent increase from 2019 where 569 cases of hate crime were registered. Out of the 635 cases in 2020, 360 were motivated by racism and 194 were religiously motivated. The report shows that many hate crimes were linked to the

¹⁷ Denmark, The Board of Equal Treatment (*Ligebehandlingsnævnet*), Annual report 2020 (*Ligebehandlingsnævnets årsberetning 2020*), pp. 3, 36 and 38, available in Danish at: <https://ast.dk/publikationer/ligebehandlingsnaevnets-arsberetning-2020>

¹⁸ Denmark, information provided by the Ministry of Immigration and Integration by e-mail on 18 October 2021

COVID pandemic, though in Denmark only few cases were targeting people of East Asian origin who have been a common target of hate crimes in other countries.¹⁹

Furthermore, the Ministry of Justice (*Justitsministeriet*) annually publishes a crime victim survey. The reports indicate that a considerable number of hate crimes motivated by racism in Denmark are not reported to the police. The survey participants are randomly selected through the Danish civil registration system (*CPR-registeret*) and constitute a representative sample of the population between the age of 16-74 years. The information is collected through telephone or web interviews by Statistics Denmark (*Danmarks Statistik*). The latest published crime survey is from 2019 and showed that 8 percent of victims of violence believe that the violence against them in all certainty was motivated by racism.²⁰ The net test sample consisted of 22,894 persons and out of those 11,385 participated in the survey which is a response rate of 50 percent.

The Danish research agency "Analyse og Tal" has developed a new algorithm that shows the amount of hate crime in the public debate on Facebook. Through machine learning and deep learning-technology the algorithm has with high accuracy analysed 63 million comments. The analysis showed that one out of 20 comments are assaults and Muslims are the most targeted. Approximately 50 percent of all hate speech against protected groups target either nationality, ethnicity, or religion.²¹

A new correspondence test study shows discrimination on grounds of ethnicity by school administrators against parents with "Muslim" names in Denmark. Scholars from Copenhagen University (*Københavns Universitet*) sent out letters to 1698 schools across the country to ask whether they could move their son to that school. 25 percent of fathers with a "Danish" name received a positive answer, compared with 15 percent fathers with a "Muslim" name. Muslims also faced greater administrative burdens in the form of additional questions.²²

Another study from 2021 by the Danish Centre for Social Science Research "VIVE" (independent state-funded research institution) looks into experiences with offensive behaviour on the labour market. The study is based on 7,700 survey responses from Danish employees. Among other things the research showed that

¹⁹ Denmark, Danish National Police (*Rigspolitiet*), Report on hate crimes (*Hadforbrydelser i 2020 – Rigspolitiets årsrapport vedrørende hadforbrydelser*), November 2021, available in Danish at: <https://politi.dk/statistik/hadforbrydelser>

²⁰ Denmark, The Ministry of Justice (*Justitsministeriets Forskningskontor*), 'Offerundersøgelserne 2005-2019', [page 11 and 19](#), 2020, available in Danish at: <https://dkr.dk/materialer/vold-og-voldtaegt/offerundersogelser-2005-2019>

²¹ Denmark, analysis and numbers (*Analyse og Tal*), Assaults in the public debate on Facebook (*Angreb i den offentlige debat på Facebook*), May 2021, available in Danish at: <https://strapi.ogtal.dk/uploads/966f1ebcfa9942d3aef338e9920611f4.pdf>

²² Olsen, A. L., Kyhse-Andersen, J.H., Moynihan D., The Unequal Distribution of Opportunity: A National Audit Study of Bureaucratic Discrimination in Primary School Access, 29 December 2020, Copenhagen, available at: <https://onlinelibrary.wiley.com/doi/10.1111/ajps.12584>

7.2 percent of employees have experienced discrimination on the labour market during the last year. Ethnicity is the second most common ground for discrimination. Out of the 7.2 percent of employees who have experienced discrimination during the last year, 20.2 percent mention ethnicity as the ground for discrimination while 25.8 percent mention gender. Among other less common grounds mentioned are religion (5.3 percent), sexuality (1.8 percent) and political belief (4.6 percent). Though, 59.2 percent mention "other reasons" than the options as the ground for discrimination. The study was requested by the Ministry of Employment (*Beskæftigelsesministeriet*).²³

2.2 Legal and policy developments or measures relating to the application of the Framework Decision on Racism and Xenophobia and the Racial Equality Directive

The Danish Act on Ethnic Equal Treatment²⁴, in combination with the Act on the Ban against Discrimination on the Labour Market etc.,²⁵ implements the principle of equal treatment between persons irrespective of racial or ethnic origin as specified in the EU Racial Equality Directive no. 2000/43/EF.

There are currently three Danish court cases pending on the impact of current "parallel society" legislation, claiming that it is discriminatory²⁶. The legislation was introduced in 2018 as a part of the "ghetto-plan" and require that social housing associations reduce the number of family dwellings to 40 percent by 2030 in areas that have been categorized as "transformation areas". Parallel Societies are defined by meeting two out of four socioeconomic criteria as well as a share of residents that are immigrants or descendants from non-western countries that exceeds 50 percent, while "transformation areas" are defined as areas that have met the mentioned criteria for four years or more. Therefore, the majority of the residents of 'transformation areas' are of non-western background²⁷.

²³ Denmark, Vive, Study on offensive behaviour and conflicts on the Danish labour market (*En undersøgelse af omfanget af krænkende handlinger og konflikter på det danske arbejdsmarked*), 6 April 2021, page 19, paragraph 3.9, available in Danish at:

<https://www.vive.dk/media/pure/16066/5499859>

²⁴ Denmark, Consolidated Act no. 438 of 16 May 2012 on Ethnic Equal Treatment, available in Danish at: <https://www.retsinformation.dk/eli/lt/2012/438>.

²⁵ Denmark, Consolidated Act no. 1001 of 24 May 2017 on the Ban against Discrimination on the Labour Market etc., available in Danish here: <https://www.retsinformation.dk/eli/lt/2017/1001>.

²⁶ Altinget (2021), 'Institute for Human Rights: The ghetto legislation is still a barrier for minorities and vulnerable groups (Institut for Menneskerettigheder: Ghetto-loven er stadig en barriere for minoriteter og udsatte), 15 October 2021, available in Danish at:

<https://www.altinget.dk/kommunal/artikel/institut-for-menneskerettigheder-flere-almene-boliger-er-ikke-nok-ghetto-loven-er-stadig-en-barriere-for-minoriteter-og-socialt-udsatte>

²⁷ Denmark, The Ministry of Transport and Building (Transport- og Boligministeriet), Law on social housing (*Bekendtgørelse af lov om almene boliger m.v.*), 1 February 2019, available in Danish at: <https://www.retsinformation.dk/eli/lt/2019/119>

Consequently, residents of buildings that are known to have a high number of residents with a non-western background are being evicted. In one area, some residents are being evicted because they live in a 'parallel society' that is in risk of being categorized as a 'transformation areas, which the municipality wants to avoid. Consequently, residents in buildings known to have a high number of residents with a non-Western back-ground are being evicted. In other areas, buildings are being sold off to meet the legislative requirements concerning 'transformation areas'. Thus, the new laws have severe consequences for many of the persons living in a 'parallel society' or 'transformation areas'. And since both areas are defined as having more than 50 per cent non-Western residents, these laws target and affect ethnic minorities to a large extent. The impact of the legislation is criticized for violating the laws against discrimination based on ethnicity. The Danish Institute for Human Rights (*Institut for Menneskerettigheder*) has intervened in the lawsuits supporting the residents who are facing evictions.

In June 2021, The Danish Government and a majority of the political parties in parliament made a new agreement targeting social housing areas. The agreement will reduce the share of people of "non-western" origin in all social housing areas to less than 30 percent within 10 years. It adds on to the existing legislation as the agreement extends some of the measures to change the residential population in the 'parallel society' areas to a new category of social housing areas labelled 'prevention areas'. The Government has categorized 62 new areas as "prevention areas" defined by meeting some socioeconomic criteria and a share of "non-western" residents above 30 percent. The threshold for being categorized as a prevention area is therefore lower compared to the existing. The new legislation entered into force on 30 November 2021.²⁸

The Ministry of Justice emphasizes that in recent years, the Danish police have had an increased focus on improving the service provided to victims of a crime. Primarily new information material on victims' rights has been developed.²⁹ During police training an increased emphasis has also been placed on teaching about the proper interaction between the police officer and the victim. A new concept for handling calls for service has been developed and implemented in all police districts call centres. The new caller-handling concept is inspired by the logic of procedural justice. The abovementioned initiatives have not specifically been developed to benefit victims of hate speech but all victims of crime and citizens in general. More specialized support to victims of hate crime and hate speech is currently being developed.

²⁸ Denmark, the Danish Parliament (Folketinget), Act amending the Act on social housing (Lov om ændring af lov om almene boliger m.v., lov om leje af almene boliger og lov om kommunal anvisningsret), 27 November 2021, available in Danish at: <https://www.retsinformation.dk/eli/lt/2021/2157>

²⁹ Denmark, information provided by the Ministry of Justice by e-mail on 8 October 2021.

The Ministry also states that The Danish National Police and the Danish Public Prosecution Service are currently in the process of developing new information material aimed at victims of hate crimes (including hate speech) as well as information material aimed at key stakeholders (e.g. the Muslim Council, the Jewish community in Denmark, Disabled People's Organisations Denmark and the National Association of LGBT-persons in Denmark). The purpose of this information material is among other things to inform potential hate crime victims about what constitutes hate crimes or hate speech in a judicial sense, in order to increase the reporting of these offences.³⁰

During mandatory police training, all future police officers are introduced to the topic of hate crimes, including hate speech and the appropriate ways to handle hate crime cases when they are reported to the police. Additionally, the Danish police offer specialized training on the topic of hate crimes for key personal groups including investigating police officers. Cooperating partners in this training have included the Danish Public Prosecution Service, the Muslim Council, the Jewish community in Denmark, and the National Association of LGBT-persons in Denmark. As part of an ambition to increase awareness of hate crimes, the specialized training program is currently being reviewed, including in terms of which key stakeholders should partake in the training program to ensure a wide variety of stakeholders, and it has been expanded from a one-day training course to a two-day training course. The Ministry states that the new specialized training is expected to be implemented in 2022.³¹

A majority in the Danish parliament supported a change of the Danish legislation on hate crimes so that the Danish criminal code (*straffeloven*), section 81 (6), regarding hate crime as an aggravating circumstance will protect minorities (ethnic, national, religious, gender or sexual minorities and people with disabilities) who have been exposed to hate crimes that are either wholly or partly motivated by hatred against the protected grounds. Until now it has been difficult to pass sentence in cases where the crime has only been partly motivated by for example racism even though it follows from the legal considerations of the current legislation that hate crimes can also be partly motivated. This means that if one cannot prove that the motive behind the action has been hateful from the beginning until the end then it would not be considered hateful according to current case law. Therefore, the proposal involves a clarification of the wording in the legislation. The bill was passed in December 2021.³²

³⁰ Denmark, information provided by the Ministry of Justice by e-mail on 8 October 2021

³¹ Denmark, information provided by the Ministry of Justice by e-mail on 8 October 2021

³² Denmark, The Danish Government, proposal on amending Act on prohibition against differential treatment with in the labour market (*Forslag til lov om ændring af lov om ligestilling af kvinder og mænd, lov om forbud mod forskelsbehandling på arbejdsmarkedet m.v., straffeloven og forskellige andre love.*), available in Danish at: <https://www.ft.dk/samling/20211/lovforslag/l18/index.htm>

Chapter 3. Roma equality and inclusion

3.1 Policy developments in regards to the application of the EU Roma strategic Framework for equality, inclusion and participation for 2020-2030

Please put down the name of the national Roma framework/Roma strategy/integrated set of policy measures and the link	Danish strategy on Roma equality, inclusion and participation, 2021.
Please add a hyperlink if the strategy is publicly available.	It is not publicly available yet.
Did an evaluation of the previous Roma inclusion strategy take place? If yes, please provide reference	No
Does the strategy use the (headline) indicators as suggested in the new portfolio of indicators?	Yes, with a few exceptions.
Was Roma civil society involved in the development of the strategy? Please provide examples?	No
Were NHRIs and/or equality bodies involved in the strategy development? Please provide example?	No
Does the new strategy link to the operational programmes for the new EU funding period 2021-2027?	No

3.2 Legal and policy developments or measures directly or indirectly addressing Roma/Travellers inclusion

According to the Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*) Denmark does not have an integration policy specifically aimed at e.g. the Roma population.³³ Furthermore, Danish authorities do not register ethnicity and are consequently unable to collect and quantify data disaggregated on ethnic groups. Rather the group has – on equal footing with everyone legally residing in the country – access to the universal welfare state’s services (childcare, education, health care, employment effort etc.) largely funded by the general taxation. In addition, Denmark’s emphasis on abiding by general principles of equal treatment ensures recognition of political, civil, social etc. rights of the Roma population. These principles are thus the bedrock of Denmark’s approach to Roma inclusion. Any target for education level, employment rate and health (including COVID-19) - as well as its monitoring mechanisms - in Denmark apply to Roma as well as to everyone else.

Since 2017 begging in the streets has been criminalized in Danish legislation with up to 14 days imprisonment. The intension of the legislation was to reduce the number of homeless foreign nationals, including Roma.³⁴ In a judgement in January 2021, the European Court of Human Rights held that the penalty imposed on a Roma woman in Switzerland for begging in public was a breach of the European Convention on Human Rights. Based on the judgement the Danish Ministry of Justice (*Justitsministeriet*) has pointed out that there is a risk that Denmark could lose a similar case at the European Court of Human Rights.³⁵ Despite the recognized risk the current Danish legislation has not been changed.

³³ Denmark, information provided by the Ministry of Immigration and Integration by e-mail on 18 October 2021.

³⁴ Denmark, News from Radio Denmark (2017), available in Danish at: [Nu kan tiggeri straffes med to ugers fængsel](#), 14 June 2017

³⁵Denmark, The Danish Parliament (*Folketinget*), Memo on the European Court of Human Rights’ judgement in the Lacatus case against Switzerland (*notat om Den Europæiske Menneskerettighedsdomstols dom i sagen Lacatus*), 21 May 2021, available in Danish at: [Notat om Den Europæiske Menneskerettighedsdomstols dom i sagen Lacatus mod Schweiz](#)

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

4.1 Number of beneficiaries of international protection whose protection status was revoked in 2021

Country	Cessation of refugee status		Cessation of subsidiary protection	
	Number of refugee status revoked	Main reasons	Number of subsidiary protection status revoked	Main reasons
Denmark	5	Refugee status was revoked due to fraud or expulsion (crime).	127	Subsidiary protection was revoked due to changed circumstances, new information, fraud or expulsion (crime).

The Ministry of Immigration and Integration reported, that the numbers above cover the period 1 January to 19 December 2021. The numbers have been calculated on the basis of registrations in the immigration authorities' electronic case and document management system. The statistical information is subject to uncertainty, as the electronic case and document management system is not designed to be used for statistical purposes. Please also note that the numbers above is from the Refugee Appeals Board and therefor only final decisions are indicated.³⁶

³⁶ Denmark, information provided by the Ministry of Immigration and Integration by e-mail on 20 January 2022

4.2 National border monitoring mechanisms

Country	Legal source providing for border monitoring	Organisation(s) responsible for monitoring	Is the monitoring body at the at same time the National Preventative Mechanism? (Y/N)	Are reports publicly available? [if yes, please add hyperlink]	Number of monitoring operations in 2021	Is monitoring (at least partially) funded by the EU? If so, under which modalities?
Denmark	No	No	No	No	No	No

Chapter 5. Information society, privacy and data protection

5.1 Legal and policy developments or measures that have been implemented related to data protection and private life with regards to security issues

Data retention

The Danish Government has since 2007 ordered telecommunications providers to carry out general and indiscriminate retention of all traffic and location data of all subscribers and registered users. This practice has continued even though the European Court of Justice has repeatedly stated that the practice is a violation of Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) and of the Charter of Fundamental Rights of the European Union.³⁷ In 2016 the European Court of Justice ruled in the case of Tele2 Sverige AB/Watson (case C-203/15), that a general and unrestricted logging of all people's electronic communications constitutes a violation of the right to communication secrecy and privacy. Despite the European Court of Justice's rulings, the Danish Government has postponed the revision of the statutory order of data retention ten times so far.³⁸

However, on 23 March 2021, the Danish Ministry of Justice (*Justitsministeriet*) presented a draft bill which, in the light of an EU ruling from 6 October 2020 (Case C-623/17), should contain the general principles for the forthcoming bill.³⁹ The intention is to make the Danish law compliant with Courts practices in e.g case C-203/15 (Tele2 Sverige AB/Watson), case C-623/17, Privacy International, and joined cases C-511/18, La Quadrature du Net and Others, C-512/18, French Data Network and Others, and C-520/18, Ordre des barreaux francophones et germanophone and Others.

³⁷ Tele2 Sverige AB (sag C-203/15), para. 134

³⁸ Denmark, Executive Order on providers of electronic communication networks and electronic communications services registration and storage of telecommunications information (bekendtgørelse nr 988 af 28/09/2006), Available in Danish at <https://www.retsinformation.dk/eli/lt/2006/988>

³⁹ Denmark, Press release from the Ministry of Justice, available in Danish at: <https://www.justitsministeriet.dk/pressemeddelelse/regeringen-vil-sikre-at-loggede-teleoplysninger-fortsat-kan-udgoere-et-vigtigt-redskab-i-efterforskning-af-alvorlig-kriminalitet/>

The Danish Institute for Human Rights has criticized the draft law for potentially violating EU case law.⁴⁰ According to the draft bill, it will still be possible for the Danish Government to impose excessive data retention on the telecommunications providers, if the Centre for Terror Analysis (CTA) in their annual threat assessment believes it to be required. In this regard it is worth mentioning that the CTA every year since 2014 has assessed that there is a constant and extensive terrorist threat against Denmark⁴¹ which will make the data protection improvements of the draft law illusory. The new Act on data retention is expected to be introduced on 1 January 2022. The draft bill was not passed. It has been submitted to the legal affairs committee for a review before the second reading in the Parliament⁴².

As of the 27 September 2021, the Danish Ministry of Justice (*Justitsministeriet*) has sent a draft bill regarding tele-data retention for public consultation. The bill is expected to be submitted to the Danish Parliament in the fall of 2021. The Danish Minister of Justice (*Justitsministeren*) made a statement to the Danish press concerning the bill, stating: "*We do not propose to change the retention rules because we want to, but because we have to*".⁴³ The reluctance to change the law stems from the fact that he believes it will weaken the police's ability to investigate crime.

As previously mentioned, the bill was submitted to the Parliament for consideration but has not been passed. It has been submitted to the legal affairs committee for a review before the second reading in the Parliament.

In July 2021 the Danish Data Protection Agency published a decision regarding the National Police's processing of telecommunication data. There was a problem with the IT-systems, in which personal information was being processed (geographical location based on mast information, etc.), which resulted in inaccurate data results. One of the reasons for the inaccurate information in the IT-system was due to an update of the IT-systems in which tele-data was being processed, that changed the way that the converted tele-data was loaded into the system in a way that delayed the loading of the data,

⁴⁰ Denmark, News from the Danish Institute for Human Rights, available in Danish at:

⁴¹Denmark, PET, *assessment of the terrorist threat to Denmark 2021*, available in Danish at: <https://www.pet.dk/~media/VTD%202021/2021VTDENGpdf.ashx>

⁴² Denmark, the Danish Parliament (Folketinget), Proposal for parliamentary resolution on changing the Danish Administration of Justice Act (*Retsplejeloven*) and the Electronic Communications Networks and Services Act (*lov om elektroniske kommunikationsnet og -tjenester*), L93, Available in Danish at: [Lovforslag nr. L 93, Folketinget 2021-22, Forslag til Lov om ændring af retsplejeloven og lov om elektroniske kommunikationsnet og -tjenester \(Revision af reglerne om registrering og opbevaring af oplysninger om teletrafik \(logning\) m.v.\) \(ft.dk\)](#)

⁴³ Denmark, News from Danmarks Radio, available in Danish at: [EU-dom tvinger regeringen til at sende lovforslag om logning af borgere i hørning | Seneste nyt | DR](#)

which led the system to start skipping sections of files.⁴⁴

On these grounds the Danish Data Protection Agency expressed severe criticism of the National Police's processing of personal data, since the processing was not in accordance with the Danish Act on the processing of personal data by law enforcement authorities (*Lov om retshåndhævende myndigheders behandling af personoplysninger*).⁴⁵

Furthermore, the Data Protection Agency issued an order to delete the personal data from the telecommunications centre of the National Police, that should have been deleted in accordance with the telecommunications center's own guidelines, since this had not been done.

The Danish Data Protection Agency

In July 2020, the European Court of Justice ruled in case C-3111/18 (Schrems II), in which the Privacy Shield scheme was rejected as a sufficient legal basis for the transfer of personal data to third countries. The verdict affected a great number of Danish companies and public offices. As a response to the verdict, the Danish Data Protection Agency published a set of guidelines in July 2021⁴⁶ to support the relevant actors in the process of having to renegotiate the transfer basis in the contracts.

The Guidelines contains, amongst other, a description of the alternative solutions to the Privacy Shield scheme, e.g. Standard Contractual Clauses, Binding Corporate Rules, codes of conduct etc. and examples on when to use them.

The purpose of the guide is to ensure the rights of the data subjects by giving either Data Controllers or Data Processors an introduction to The General Data Protection Regulation (GDPR) chapter 5, so that the protection of the GDPR continues by the transferal of personal data to third countries or organizations outside the EU/EEA.

⁴⁴ Denmark, decision from the Danish Data Protection Agency, available in Danish at: [Afgørelse vedrørende Rigspolitiets behandling af teledataoplysninger \(datatilsynet.dk\)](#)

⁴⁵ Denmark, *Lov 2017-04-27 nr. 410 Act on the processing of personal data by law enforcement authorities*, available in Danish at: <https://www.retsinformation.dk/eli/lta/2017/410>

⁴⁶ Denmark, *Guidelines on third country transfers*, the Danish Data Protection Agency. Available in Danish at: [Datatilsynet Overførsel til tredjelande V3 1.0 juli2021.pdf](#)

COVID-19

Regarding the COVID-19 situation in Denmark, the Agency for Digitisation (*Digitaliseringsstyrelsen*) and the Health Ministry (*Sundhedsministeriet*) launched the digital corona passport in a mobile app in February 2021. The process of developing the app has been monitored by an Advisory Board with representatives from e.g. the the Data Ethics Council (*Dataetisk Råd*) and the Cyber Security Council⁴⁷ (*Cybersikkerhedsrådet*).

The Danish Data Protection Agency (*Datatilsynet*) made a statement as a reaction to the many inquiries about the corona passport from concerned citizens, because the older version of the passport required the person to show their national identification number (*CPR-nummer*). The Agency clarified that people in general should be careful when it comes to sharing the national ID number, but that in certain situations it could be necessary and proportionate for the Government or companies to verify the identity of the citizen. They also pointed out, that although companies could see the number, it would not be well-founded for the social security number to be written down by the company.⁴⁸

In relation to the creation of the digital corona passport, the Data Ethics Council (*Dataetisk Råd*) made a set of guidelines for the Government to consider in the process of developing the app "*Five data ethic benchmarks for the development of a digital corona passport*". The guidelines entail a list of five points on good data ethics regarding the processing of citizens' personal data⁴⁹.

In April 2021 the Danish Data Protection Agency (*Datatilsynet*) published another decision regarding the State Serum institute's (Statens Serum institut, SSI) processing of personal data in connection with the escalation of the COVID-19 situation in Denmark.

As a consequence of the lockdown in 2020, the SSI had to share personal data, including health data, with a group of experts whose job was to calculate possible scenarios for the reopening of the Danish society.

Prior to the data-exchange with the experts, SSI had itself assessed that the risk for the data subjects was moderate to high and found that at the start of the processing, a complete mapping and assessment of the risks involved in the treatment had

⁴⁷ Denmark, Press release from the Danish Health Data Authority, available in Danish at: [Nu er det digitale coronapas klar til din smartphone - Sundhedsdatastyrelsen](#)

⁴⁸ Denmark, the Danish Data Protection Agency, statement on the corona passport, available in Danish at: [Coronapas i Danmark og EU \(datatilsynet.dk\)](#)

⁴⁹ Denmark, Data Ethics Council, *Five data ethic benchmarks for the development of a digital corona passport* available in Danish at: [Dataetisk Råd fremsætter fem dataetiske pejlemærker til udvikling af digitalt coronapas | Dataetisk Råd \(dataetiskraad.dk\)](#)

not been carried out, which in itself entailed a high risk to the data subjects' rights. However, this did not stop them from commencing the collaboration with the experts. Since it was a matter of urgency, the SSI gave the experts access to their own SFTP-server, giving the experts usernames and passwords to log in to the secured site.

The Danish Data Protection Agency found that the SSI had failed to make a data protection impact assessment, knowing that the data processing was a high risk to the rights of the data subjects. Furthermore, the SSI had failed to enquire the opinion of the Data Protection Agency before commencing the data processing, which is required when the risk of the data subjects is high. Besides from this, an actual data processing agreement had only been signed five weeks after the actual data processing had started. Additionally, the SFTP -server access was not deemed to have the required level of security⁵⁰. On these grounds the Data Protection Agency expressed *severe criticism* of the SSI's data processing. It was however considered a mitigating circumstance that there was a significant societal interest in the quick processing of the data due to the international COVID-19 crisis.

Combatting illegal content online

On the 16th of December 2021 the Danish Parliament passed a bill on an amendment of the Danish Penal Code (*Straffeloven*), the Danish Administration of Justice Act (*Retsplejeloven*) and various other laws as a result of a Financial agreement regarding the funding of the Police force and the Prosecution Service⁵¹.

The act created a digital police unit with the purpose of strengthening the police's digital presence, because of the increasing number of citizens communicating on digital platforms - especially children and young people. Therefore, a digital patrol unit will be established with a mandate to be visible online and do "digital-patrolling" in open groups on different social media platforms to prevent crime and digital violations. The intention is, that the presence of the officers will have a calming effect

⁵⁰ Denmark, decision from the Danish Data Protection Agency, available in Danish at: [Ny afgørelse: Kritisable forhold ved Statens Serum Institut COVID-19-modelleringsprojekt \(datatilsynet.dk\)](#)

⁵¹ Denmark, Act no. 2601 of 28 December 2021 on an amendment of the Danish Penal Code (*Straffeloven*), the Danish Administration of Justice Act (*Retsplejeloven*) and various other laws, (L 14 Forslag til lov om ændring af straffeloven, retsplejeloven, hvidvaskloven og forskellige andre love (Implementering af initiativer i aftale om politiets og anklagemyndighedens økonomi 2021-2023, herunder etablering af National enhed for Særlig Kriminalitet)), Available in Danish at: <https://www.retsinformation.dk/eli/lta/2021/2601>

in e.g. online debates, and in that way prevent violations and hate speech against certain groups and intervene if offenses take place. In addition, the police unit (with the necessary court orders) will be able to contribute to and support the investigation of crimes committed in closed groups, where e.g. child pornography, drugs, weapons or thefts are for sale or hate speech is taking place. The digital patrol unit will be in the new national investigation unit.⁵² The bill – and the associated initiatives – entered into force on on the 1st of January 2022.⁵³

5.2 Artificial intelligence and big data

Actor*	Type**	Description	Are Human Rights issues mentioned? (yes/no)	Reference
Danish Agency of Digitisation The Danish Ministry of Health The Danish Health Data Authority	Mobile app for the citizens to show their Corona "passports"	In February 2021 the Agency for Digitisation (<i>Digitaliseringsstyrelsen</i>) and the Danish Ministry of Health (<i>Sundhedsministeriet</i>) launched the release of a digital corona passport in a mobile app. By downloading the app, the user will get a "passport" that shows	Yes, mainly EU's data Protection regulation. No specific articles are mentioned.	Denmark, the Danish Data Protection Agency (<i>Datatilsynet</i>), News on the digital coronapassport, ("Coronapas i Danmark og EU"), Available in Danish at: Coronapas i Danmark og EU (datatilsynet.dk) , 10/04/2021

⁵² Denmark, Ministry of Justice, Press release about the Financial agreement on the funding of the Police and Prosecution Service for 2021-2023, available in Danish at <https://www.justitsministeriet.dk/wp-content/uploads/2021/08/Aftale-om-politiets-og-anklagemyndighedens-oekonomi-2021-2023.pdf>

⁵³ Denmark, Act no. 2601 of 28 December 2021 on an amendment of the Danish Penal Code (*Straffeloven*), the Danish Administration of Justice Act (*Retsplejeloven*) and various other laws, (L 14 Forslag til lov om ændring af straffeloven, retsplejeloven, hvidvaskloven og forskellige andre love (Implementering af initiativer i aftale om politiets og anklagemyndighedens økonomi 2021-2023, herunder etablering af National enhed for Særlig Kriminalitet)), Available in Danish at: <https://www.retsinformation.dk/eli/lta/2021/2601>

		<p>how far they are in their vaccination process. It also shows the users COVID - test results and whether a user previously has been tested positive.</p> <p>When using the passport in Denmark, personal information on vaccine, testing and previous infection will be available to the user only.</p> <p>The app will only show whether the coronapassport is valid or not, but it won't show <i>why</i>. It is voluntary to download the app.</p> <p>The app's backend does not store health data, but only acts as a gateway between the web service and the citizens' app. The app's backend only saves the receipt for ordering the corona passport so that it can be retrieved when it is formed.⁵⁴</p> <p>The development of the app has been discussed along the way in an Advisory Board with the participation of representatives of the Data Ethics Council, the Cyber</p>		<p>Denmark, the Danish Health Data Authority (<i>Sundhedsdatastyrelsen</i>) News on the digital coronapassport ("Nu er det digitale coronapas klar"), available in Danish at: Nu er det digitale coronapas klar til din smartphone - Sundhedsdatastyrelsen, 28/05/2021</p> <p>Denmark, Agency for Digitisation (<i>Digitaliseringsstyrelsen</i>), News on the launch of the digital coronapassport ("<i>Første fase af coronapas lanceret</i>"), Available in Danish at: Første fase af coronapas lanceret (digst.dk), 03/03/2021</p>
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⁵⁴ Denmark, *Whitepaper on corona passport*, Danish Agency of Digitisation (*Digitaliseringsstyrelsen*), available in Danish at: [Whitepaper om coronapas 290521 \(002\).pdf](#), page 26

		<p>Security Council and Copenhagen Airports, Tivoli and the Divisional Association, which have been appointed by Dansk Industri and the Danish Chamber of Commerce (<i>Dansk Erhverv</i>). The Advisory Board has advised on usability, data management and security.</p> <p>The app is developed by the Danish Health Data Authority (<i>Sundhedsdatastyrelsen</i>), State serum institute (<i>Statens serum institut</i>) Agency for Digitisation (<i>Digitaliseringsstyrelsen</i>), The Ministry of Health in cooperation with Netcompany and Trifork.</p>		
Danish Institute for Human Rights	A report on challenges related to rights and rule of law when the public administration uses automated decision-making systems	<p>In the fall of 2021 the Danish Institute for Human Rights will publish a report on the use of AI to make decisions in the public sector. The report is meant to be a guide with concrete suggestions as to what should be considered in the process of implementing AI.</p> <p>Algorithmic profiling is the type of AI that raises the most challenges regarding the in upholding the citizens' rights and due process</p>	Yes. The General Data Protection Regulation various articles. The Danish Data Protection Act. The European Convention on Human Rights. The International	Denmark, Danish Institute for Human Rights (2021), Report on Challenges related to rights and rule of law when the public administration uses automated decision-making systems ("Når algoritmer sagsbehandler -Rettigheder og retssikkerhed i offentlige myndigheders brug af profileringsmodeller"), Available in Danish at: Når algoritmer sagsbehandler - Rettigheder og retssikkerhed i

		<p>protection, which is where the main focus of the report lies.</p> <p>The main conclusion of the IHR report is, that the Danish framework and legislation is falling behind as the central administration starts to implement AI as part of the decision-making mechanism in the public sector.</p> <p>In the report, the DIHR calls for increased control by, among other things, introducing a public register of all authorities that make use of AI, and generally strengthening the supervision of the authorities and demanding transparency as part of the process.</p> <p>The report makes reference to the draft AI regulation in its analysis of the challenges posed by public use of AI and in its recommendations, which are addressed to the Ministry of Justice and the central administration.</p>	<p>Covenant on Civil and Political Rights. The EU Charter of Fundamental Rights article 8. The Treaty on the Functioning of the European Union.</p> <p>The various laws and treaties is used to describe a legal map of the Danish data protection obligations, to be able to assess whether the public administration's automated decision-making systems are in</p>	<p>offentlige myndigheders brug af profileringsmodeller Institut for Menneskerettigheder and Når algoritmer sagsbehandler (menneskeret.dk) 11/10/2021</p>
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			accordance with the law.	
Danish Agency of Digitisation	Signature projects involving the use of AI to optimize services in the public sector	<p>The Danish Government, Local Government Denmark (<i>Kommunernes Landsforening</i>) and Danish Regions (<i>Danske Regioner</i>) agreed in the 2022 financial plan to initiate 12 new signature projects involving AI in the public sector, in both the regions and the municipalities, e.g.:</p> <ul style="list-style-type: none"> • AI to prevent malnutrition and hospitalization of the elderly (region) • WARD HOME - safe discharge from the hospital (region) • Better diagnostics of pregnant women using AI (region) • SmartMail - intelligent handling of mails (municipality) • Increased continuity in elderly care with the help of AI- based optimization (municipality) • AI to support visitation of rehabilitation courses <p>The AI – projects has been through a test period to map out where the</p>	<p>Yes. EU’s General Data Protection Regulation. No specific articles are mentioned. However, data security considerations and the ability to comply with GDPR legislation regarding the projects are considered.</p>	<p>Denmark, the Danish Agency for Digitisation (<i>Digitaliseringsstyrelsen</i>), News on algorithms in the public sector, (<i>“Algoritmer på arbejde”</i>), available in Danish at: Algoritmer på arbejde: 12 nye projekter med kunstig intelligens flytter ind på rådhus og hospitaler (digst.dk), 02/09/2021</p> <p>Denmark, the Danish Agency for Digitisation</p>

		<p>main challenges lies. So far many of the new projects has been a success⁵⁵. However, the test period did identify many challenges with the new technologies. Some of the most visible struggles included the following:</p> <ul style="list-style-type: none"> • Insufficient data quality, data amounts and lack of common data standards • Legal challenges including the integration of GDPR when processing personal data. • Lack of legal skills in understanding AI • General challenges with IT infrastructure including limited technical access to data and data sharing between systems. • Uncertainty regarding the ethical and responsible use of data, and a lack of transparency. 		<p>(<i>Digitaliseringsstyrelsen</i>), News on the challenges regarding the use of AI in the public sector, (<i>"Digitaliseringsstyrelsen, KL og Danske Regioner opsamler erfaringer og udfordringer med kunstig intelligens i det offentlige"</i>), Available in Danish at: Digitaliseringsstyrelsen, KL og Danske Regioner opsamler erfaringer og udfordringer med kunstig intelligens i det offentlige (digst.dk), 28/04/2021</p>
ADD project	Project	In 2021 the ADD (<i>Algoritmer, Data og Demokrati</i>) project was launched to, amongst other things, contribute with research about	No	Denmark, the ADD project (<i>Algoritmer, Data og Demokrati</i>) News on big data and tech giants, (<i>"Big Tech,</i>

⁵⁵ Denmark, press release from the Agency for Digitisation, available in Danish at: [Algoritmer på arbejde: 12 nye projekter med kunstig intelligens flytter ind på rådhus og hospitaler \(digst.dk\)](#)

		<p>digitalisation topics such as e.g. cyber security and privacy, predictive algorithms in the central administration, Health data between autonomy and control, and financial transparency.⁵⁶</p> <p>ADD is a project dedicated to examine the challenges facing the democracy in the light of the digital development.</p> <p>The general purpose of the project is to contribute to a coherent effort of societal, institutional, organizational and technical solutions that can meet the challenges in a sustainable way for the benefit of democracy and all population groups.⁵⁷</p> <p>The focus of the ADD is both on big data and tech giants (see link) and on digitalisation in the public sector and increased use of algorithms (see link). The goal is to make Denmark a digital pioneer within the area of responsible digitalisation.</p>	<p><i>Big Power, Big Impact</i>”), Available in Danish at: Big Tech, Big Power, Big Impact. Er det overhovedet realistisk at underlægge de globale techselskaber magt og øget demokratisk kontrol? - Algoritmer, 09/08/2021</p> <p>And Denmark, the ADD project (<i>Algoritmer, Data og Demokrati</i>, News on big data and tech giants, (“<i>Is Big Brother watching or helping you</i>”), Available in Danish at: Is Big Brother watching or helping you? - Algoritmer</p> <p>Denmark, the ADD project (<i>Algoritmer, Data og Demokrati</i>), News on digitalisation and algorithms in the public sector, (“<i>Predictive algorithms in the public sector</i>”), Available in Danish at: 40 centrale aktører drøftede: Hvad skal vi med anvendelsen af prædiktive algoritmer i den offentlige sektor? - Algoritmer</p>
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⁵⁶ Denmark, the ADD-project, *The research project* (Forskningsprojektet), Available in Danish at: [Forskningsprojektet - Algoritmer](#)

⁵⁷ Denmark, the ADD Project, “About” (Om), available in Danish at: [Projektet - Algoritmer](#), Available in English at: [About - Algorithms](#)

Chapter 6. Rights of the child

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

<p>Measures to address the specific vulnerabilities of children living in poverty</p>	<p>On 20 April 2021, the Danish Parliament (<i>Folketinget</i>), adopted the Proposal for an Act amending the Act on and temporary child allowance for certain dependents (<i>Lov om ændring af lov om et midlertidigt børnetilskud til visse forsørgere</i>) which extends a temporary extra child allowance for some families until the so-called "Benefit Commission" (<i>Ydelseskommissionen</i>), which is scrutinising the framework for public benefits in Denmark, has given its recommendations to the Government and subsequently that a new system for benefits might enter into force.⁵⁸</p> <p>As part of the COVID-19 recovery, in June 2021 the Finance Committee (<i>Finansudvalget</i>) of the parliament endorsed the request from the Ministry of Social Affairs and Senior Citizens (<i>Social- og Ældreministeriet</i>) to grant an additional DKK 220 million (app. EUR 29 million) to organisations working on vulnerable children and their families with view to support cultural experiences.⁵⁹</p> <p>Moreover, a partnership between the state, the national association of municipalities and foundations was established in support of vulnerable children's learning and well-being after the closures under COVID-19. The partnership supported, among other things, holiday camps and similar activities in the summer and autumn of 2021 with a total of DKK 8.7 million (app. EUR 1.2 million).⁶⁰ The VILLUM Foundation (<i>VILLUM FUNDEN</i>) has supported with 1.4 million DKK (app. EUR 188,000) to the (<i>Ungdomsskoleforeningen</i>) for summer activities etc. for vulnerable children and young people and with app. DKK 2.3 million (app. EUR 309,000) to the Scouts for vacancies (<i>fripladser</i>) and initiatives in vulnerable housing areas for vulnerable children and young people. In October the partnership launched an initiative with a total of DKK 86 million (app. EUR 11.5) to support learning and the well-being of vulnerable</p>
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⁵⁸ Denmark, Proposal for an Act amending the Act on and temporary child allowance for certain dependents (Extension of the temporary child allowance) (*Forslag til Lov om ændring af lov om et midlertidigt børnetilskud til visse forsørgere (Forlængelse af det midlertidige børnetilskud)*), available in Danish at: <https://www.retsinformation.dk/eli/ft/202013L00163>

⁵⁹ Denmark, The Danish Parliament (*Folketinget*), document no. 293, available in Danish at: https://www.ft.dk/RIPdf/samling/20201/aktstykke/aktstk293/20201_aktstk_afgjort293.pdf

⁶⁰ Denmark, Ministry of Social Affairs and Senior Citizens (*Social- og Ældreministeriet*), press release of 30 June 2021, available in Danish at: <https://sm.dk/nyheder/nyhedsarkiv/2021/jun/staten-kl-og-fonde-giver-udsatte-boern-ferieoplevelser>

	<p>children and help them catch up with academic backlog in school after the COVID closure.⁶¹ The initiative will be channelled through 25 municipalities that will receive a direct grant to implement knowledge-based initiatives in primary and lower secondary school. The municipalities have been selected on the basis of administrative data on the proportion of vulnerable children and youngsters.⁶²</p> <p>The Ministry of Social Affairs and Senior Citizens (<i>Social- og Ældreministeriet</i>) states that the pandemic has been especially hard for vulnerable or marginalized children and youth. For this reason, the public institutions' delivery of social services to children have been defined as a critical function during the pandemic – and have continued during lockdown. Thereby ensuring support and help to children in need of special support from for example the municipality.⁶³</p> <p>Furthermore, the government has ensured a number of support packages, which have been put into place to support children in need of special support. These packages follow the extensive measures taken during 2020.</p> <p>On February 3, 2021, the government and a number of parties in parliament agreed to grant 11 million DKK distributed to eight organisations working to ensure the well-being of children during the COVID-19 situation.</p> <p>On June 4, 2021, the government and a number of parties in parliament agreed to grant 15.5 million DKK to a number of organisations providing summer camps and activities for vulnerable children. Additionally, 1 million DKK was granted specifically to an organisation working with children suffering from anxiety.</p> <p>As part of the national implementation of the EU Child Guarantee, Denmark has appointed a national Child Guarantee Coordinator who will work to ensure the effective coordination and monitoring of the Guarantee in a Danish context.⁶⁴</p>
Measures to protect children from violence	<p>In January 2021, the Government presented a political initiative, 'The Children First' (<i>Børnene Først</i>), which includes a proposal on better quality in placement services and the surrounding case handling (<i>Bedre kvalitet i anbringelser og sagsbehandling</i>) under which the Government proposes an initiative on 'Investigation and help for children exposed to abuse and violence' (<i>Udredning</i></p>

⁶¹ Denmark, Ministry of Social Affairs and Senior Citizens (*Social- og Ældreministeriet*), press release of 27. October 2021, available in Danish at: <https://sm.dk/nyheder/nyhedsarkiv/2021/okt/staten-kl-og-fonde-investerer-86-mio-kr-i-skoleboerns-laering-og-trivsel-efter-covid-19>

⁶² Denmark, The National Board of Social Services (*Socialstyrelsen*), website page on grants, available in Danish at: https://socialstyrelsen.dk/puljer-og-tilskud/puljer/alle-puljer/15.11.25.44._Udsatte_boerns_trivsel_og_laering

⁶³ Denmark, information provided by the Ministry of Social Affairs and senior citizens by e-mail on 7 October 2021

⁶⁴ Denmark, information provided by the Ministry of Social Affairs and senior citizens by e-mail on 7 October 2021

og hjælp til børn udsat for overgreb og vold).⁶⁵ As well as an initiative to prevent neglect and thereby avoid placement away from home which a view to give children a more safe home earlier in life.⁶⁶

Following visits to institutions for children and youth with disabilities, conducted in 2020, the Parliamentary Ombudsman (*Folketingets Ombudsmand*) issued a general recommendation that residences and residential institutions for children and young persons with disabilities have written guidelines on the prevention of violence and sexual abuse and on the procedure in case of suspicion about abuse.⁶⁷

In May 2021, the Government presented nine initiatives to ensure a better prevention, detection and investigation of sexual offenses against children.⁶⁸ The initiative includes a stronger response to digital infringement. In this regard a working group has been established to e.g. look into a section in the criminal law on grooming. It is expected that its work will be concluded the by end of 2021.

The Ministry of Social Affairs and Senior Citizens (*Social- og Ældreministeriet*) states that a part of the abovementioned support package of February 3rd 2021, the government and parties in parliament have granted 1 million DKK specifically to Save the Children Denmark to strengthen the organisation's advisory efforts against online abuse. Additionally, 1 million DKK has been given to support an organisation's helpline to support vulnerable children, including children in risk of violence and abuse.⁶⁹

Moreover, that on March 9th 2021, the government and a number of parties in parliament agreed to grant 1.5 million DKK to expand accommodation at emergency shelters for men – who have been subject to domestic violence – along with their children.

⁶⁵ Denmark, Ministry of Social Affairs and Senior Citizens (*Social- og Ældreministeriet*), Political Initiative, the Children First (*Børnene Først*), page 9, available in Danish at: https://sm.dk/media/40820/boernene_foerst_t.pdf

⁶⁶ Denmark, Ministry of Social Affairs and Senior Citizens (*Social- og Ældreministeriet*), Political Initiative, the Children First (*Børnene Først*), page 9, available in Danish at: https://sm.dk/media/40820/boernene_foerst_t.pdf

⁶⁷ Denmark, The Parliamentary Ombudsman (*Folketingets Ombudsmand*), thematic report 2020, page 25, available in Danish at: https://www.ombudsmanden.dk/ombudsmandensarbejde/ombudsmandens_sagstyper/tilsyn/temaer/temarapport_2020_paa_boerneomraadet/

⁶⁸ Denmark, The Ministry of Justice (*Justitsministeriet*), Protection against adults violating children <https://www.justitsministeriet.dk/wp-content/uploads/2021/05/Vaern-mod-voksne-der-kraenker-boern.pdf>

⁶⁹ Denmark, information provided by the Ministry of Social Affairs and senior citizens by e-mail on 7 October 2021

6.2 Legal and policy developments or measures relating to criminal proceedings

Legislative changes	
Policy developments	<p>In November 2021, the Government presented 12 new political initiatives to create more safety in the nightlife, on the streets etc.⁷⁰ One of the initiatives includes a proposal to adjust the requirements for the Juvenile Delinquency Board (<i>Ungdomskriminalitetsnævnet</i>) to determine an immediate measure (<i>straksreaktioner</i>).⁷¹ Moreover, the political proposal includes an initiative to develop an idea catalogue to the municipalities with possible immediate measures.</p> <p>The research department within the Ministry of Justice (<i>Justitsministeriets forskningskontor</i>) released the three of six evaluations of Juvenile Delinquency Board (<i>Ungdomskriminalitetsnævnet</i>). The first evaluation focuses on the meeting at the board.⁷² It shows that the majority of the children being presented before the board are boys (84 percent), that the majority of the children / young people have Danish origin, but that among the 10-14-year-olds there is a relatively large proportion of descendants from non-western countries. Similarly, the partial evaluation shows an overrepresentation of children with cognitive impairments. The latter two evaluations concerns respectively the phase of screening and referral of children to the Juvenile Delinquency Board⁷³ and youth oriented inquiries and recommendations (<i>ungefaglige undersøgelser og indstillinger</i>).⁷⁴ They show that several professionals estimate that there is a group of children and young people who are in 'the food chain' towards serious crime, but who do not meet the current criteria to be dealt with by the board. The Minister of Justice (<i>justitsministeren</i>) have indicated that a bill will be brought forward in 2022 with a view to increase the use of immediate measures (<i>straksreaktioner</i>).⁷⁵</p>

⁷⁰ Denmark, The Government, Political Initiative, November 2021, page 16, available in Danish at: <https://www.justitsministeriet.dk/wp-content/uploads/2021/11/Et-tryggere-Danmark.pdf>

⁷¹ Denmark, Act no. 1705 of 27 December 2018 on combatting juvenile delinquency (*lov om bekæmpelse af ungdomskriminalitet*), Ministry of Justice (*Justitsministeriet*), available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=206275>.

⁷² Denmark, The Ministry of Justice (*Justitsministeriet*), Evaluation report on Juvenile Delinquency Board, 20 May 2021, available in Danish at: <https://www.justitsministeriet.dk/wp-content/uploads/2021/05/Naevnsmoedet-En-devaluering-af-Ungdomskriminalitetsnaevnet..pdf>.

⁷³ Denmark, The Ministry of Justice (*Justitsministeriet*), Evaluation report on Juvenile Delinquency Board, 22 December 2021, available in Danish at: <https://www.justitsministeriet.dk/wp-content/uploads/2021/12/Devaluering-om-screening-og-henvisning.pdf>

⁷⁴ Denmark, The Ministry of Justice (*Justitsministeriet*), Evaluation report on Juvenile Delinquency Board, 22 December 2021, available in Danish at: <https://www.justitsministeriet.dk/wp-content/uploads/2021/12/Devaluering-om-ungefaglige-undersogelser-og-indstillinger.pdf>

⁷⁵Denmark, The Ministry of Justice (*Justitsministeriet*), presse release of 22 December 2021, available in Danish at: <https://www.justitsministeriet.dk/pressemeddelelse/nye-evalueringer-af-ungdomskriminalitetsnaevnet-offentliggjort/>

	<p>In 2020 the aim to “fast track” cases within The Danish Court Administration (<i>Domstolsstyrelsen</i>), meaning a case handling of maximum 37 days concerning juvenile delinquency, was reached in 51 percent of the cases.⁷⁶</p> <p>Juvenile delinquency was in 2020 a priority area for the Police and The Prosecution Service (<i>Anklagemyndigheden</i>).⁷⁷ The follow-up for 2020 shows that referral of cases relating to 10-14-year-olds who are suspected of crime and in the target group for the Juvenile Delinquency Board, has happened within the deadline of 10 days in 94 per cent of the cases in 2020.⁷⁸</p>
Other measures or initiatives	<p>The Ministry of Justice (<i>Justitsministeriet</i>) released a report on the development in juvenile delinquency 2011-2020.⁷⁹ The report shows an increase in the number of suspicions and charges against 10-17-year-olds from 2019 to 2020. Overall, however, it is still only around 1 percent of juvenile between the ages of 10-17 who commit crime.⁸⁰</p> <p>A report from the Danish Crime Prevention Council (<i>Det Kriminalpræventive Råd</i>), describes the role of parents as a protective factor in relation to children and young people's risk behavior online.⁸¹</p>

⁷⁶ Denmark, The Danish Court Administration (*Domstolsstyrelsen*), Annual report 2020, page 12, available in Danish at: <https://domstol.dk/media/2z1fbq3g/danmarks-domstoles-aarsrapport-for-2020.pdf>

⁷⁷ Denmark, The Police and the Prosecution Service (*Anklagemyndigheden*), Annual report 2020, page 8, available in Danish at: https://anklagemyndigheden.dk/sites/default/files/inline-files/Politiets%20og%20Anklagemyndighedens%20%C3%A5rsrapport%202020_0.pdf

⁷⁸ Denmark, The Police and the Prosecution Service (*Anklagemyndigheden*), Annual report 2020, page 44, available in Danish at: https://anklagemyndigheden.dk/sites/default/files/inline-files/Politiets%20og%20Anklagemyndighedens%20%C3%A5rsrapport%202020_0.pdf

⁷⁹ Denmark, the Ministry of Justice (*Justitsministeriet*), Report on the development in juvenile delinquency 2011-2020 (*Udvikling i børne- og Ungdomskriminalitet 2011-2020*), available in Danish at: <https://www.justitsministeriet.dk/wp-content/uploads/2021/06/Udvikling-i-boerne-og-ungdomskriminalitet-2011-2020.pdf>

⁸⁰ Denmark, the Ministry of Justice (*Justitsministeriet*), press release from 25 June 2021, available in Danish at: <https://www.justitsministeriet.dk/pressemeddelelse/mindre-stigning-i-ungdomskriminaliteten/>

⁸¹ Denmark, the Danish Crime Prevention Council (*Det Kriminalpræventive Råd*), report on the role of parents in children's digital lives - Prevention of risky behavior of children and young people online, available in Danish at: <https://dkr.dk/media/9545/foraeldres-rolle-i-boerns-digitale-liv.pdf>

Chapter 7. Access to justice

7.1 Legal and policy developments or measures relevant to the implementation of the Victims' Rights Directive and the EU strategy for Victims' Rights 2020-2025

On 1 July 2021, three amendments to several laws aimed at inter alia decreasing the case processing time in criminal cases came into force. The three legislative acts were Act no. 1169 of 8 June 2021 to amend inter alia the Danish Administration of Justice Act (Streamlining the process of criminal cases, digital communication etc.), Act no. 1170 of 8 June to amend the Danish Administration of Justice Act (Increased use of telecommunications in court hearings on certain matters) and Act no. 1171 of 8 June 2021 to amend inter alia the Danish Administration of Justice Act (Decrease of certain public benefits in the absence of the accused without documented grounds for absence).⁸² The amendments made changes regarding the defendant aimed at inter alia ensuring the presence of the defendant at trial in situations where the trial would otherwise be postponed or limiting the rights of the defendant in specific situations e.g. when the defendant did not show up for trial.

Interpretation before the courts has long been criticised for lacking in quality and the Danish Institute for Human Rights published a report dealing with the issues existing in 2015.⁸³ In 2018, The Auditor General (*Rigsrevisionen*) published a study on the use of interpretation services from public authorities. It concluded that public authorities had challenges in ensuring interpretation services of a satisfying quality.⁸⁴ In February 2021, the Auditor General (*Rigsrevisionen*)

⁸² Denmark, Act no. 1169 of 8 June 2021 to amend inter alia the Danish Administration of Justice Act (Streamlining the process of criminal cases, digital communication etc.) (*Lov nr. 1169 af 8. juni 2021 om ændring af bl.a. retsplejeloven (Effektivisering af straffesagskæden m.v.)*), available in Danish at: <https://www.retsinformation.dk/eli/lta/2021/1169>, Act no. 1170 of 8 June to amend the Danish Administration of Justice Act (Increased use of telecommunications in court hearings on certain matters) (*Lov nr. 1170 af 8. juni 2021 om ændring af retsplejeloven (Øget brug af telekommunikation med billede i retsmøder om visse foranstaltninger)*), available in Danish at: <https://www.retsinformation.dk/eli/lta/2021/1170>, Act no. 1171 of 8 June 2021 to amend inter alia the Danish Administration of Justice Act (Decrease of certain public benefits in the absence of the accused without documented grounds for absence) (*Lov nr. 1171 af 8. juni 2021 om ændring af bl.a. retsplejeloven (Nedsættelse af visse offentlige ydelser ved tiltaltes udeblivelse den dokumenteret lovligt forfald)*), available in Danish at: <https://www.retsinformation.dk/eli/lta/2021/1171>.

⁸³ Denmark, Danish Institute for Human Rights (*Institut for Menneskerettigheder*), Interpretation in the Danish legal system, 2015 (*Tolkning i Retsvæsenet, 2015*), available in Danish at: <https://menneskeret.dk/udgivelser/tolkning-retsvaesenet>.

⁸⁴ Denmark, the Auditor General (*Rigsrevisionen*), Study on the use of interpretation services from public authorities, March 2018, page 9-10 (*Rigsrevisionens beretning om myndighedernes brug af tolkeydelser, marts 2018, side 9-10*), available in Danish at: <https://rigsrevisionen.dk/revisionsager-arkiv/2018/mar/beretning-om-myndighedernes-brug-af-tolkeydelser>.

issued a follow-up memo finding that there are deficiencies in the efforts of the Ministry of Justice to ensure that contracts with future providers of interpretation services live up to the quality requirements set by the ministries. The Auditor General (*Rigsrevisionen*) will follow-up on this aspect and on the work of the Ministry of Justice in establishing satisfactory supervision of the use of interpreters by the authorities and the quality of interpretation services (the key task of the Auditor General (*Rigsrevisionen*) is the annual financial audit of the government accounts, but *Rigsrevisionen* also carry out studies of specific policy areas, such as the quality of infrastructure and service delivery in the health sector).⁸⁵

Lack of quality of and failure to deliver interpretation services carries general implications for the rule of law and may as such also carry implications directly for victims and their rights to interpretation or indirectly when amongst other a court case is postponed because an interpreter for either the accused or the victim was not available.

In an agreement between the government and a number of political parties as part of the Danish Finance Act covering 2020 it was decided to set up an inter-ministerial committee that shall make recommendations on how to improve the interpretation services in the public sector, including interpretation before the courts, and to set aside a reserve of DKK 5 million in 2020 to follow-up on the recommendations from the inter-ministerial committee.⁸⁶

The Institute has on 8 October 2021 received a written reply from the Ministry of Justice (Justitsministeriet) in which the ministry states that in line with the conclusions of the National Audit Office's report of 29 January 2021, the Ministry of Justice continues to work to strengthen the supervision of the ministry's and its subordinate authorities' use of interpreters as well as the quality of interpreting services. In this regard, the Ministry has ongoing dialogues and follow-ups with the underlying authorities and the National Court Administration regarding their supervision.

In order to achieve a high quality of interpretation in the public sector, the Government decided to set up a committee (in 2020) with participation of relevant authorities tasked to consider ways to improve interpretation skills through certification and education of interpreters. The work is led by the Ministry of Higher Education and Science, while a number of ministries, including the Ministry of Justice, contributes with analyses to the work of the committee. The Ministry of Higher Education and Science has requested University of

⁸⁵ Denmark, the Auditor General (*Rigsrevisionen*), Memo of 29 January 2021, page 2 (*Rigsrevisionens notat af 29. januar 2021*), available in Danish at: <https://rigsrevisionen.dk/revisions-sager-arkiv/2018/mar/beretning-om-myndighedernes-brug-af-tolkeydelser#heading6>.

⁸⁶ Denmark, agreements on the Finance Act 2020, December 2019 (*Aftaler om finansloven for 2020, december 2019*), page 34, available in Danish at: https://fm.dk/media/18005/aftaler_om_finansloven_for_2020_a.pdf.

Copenhagen in collaboration with University College Copenhagen to develop concrete and scalable models for certification and education of interpreters.

The work of the committee on ways to improve interpretation in the public sector is still in process.

In June 2021, the government along with several political parties representing a majority in the Danish Parliament (*Folketinget*) agreed upon several initiatives aimed at strengthening counselling for victims of sexual assault.⁸⁷ The agreement has the following initiatives:

1. Victims of sexual assault can get guidance from an assistance lawyer before reporting the assault to the police.
2. Introduction of specific documentation requirements for assistance lawyers in connection with remuneration of guidance given to victims of sexual assault.
3. The access of victims to guidance from an assistance lawyer is established on the basis of the current assistance lawyers lists, which must be communicated to authorities and organizations with contact to victims of sexual abuse and published on the website of authorities.
4. Clear guidelines for the role and work of assistance lawyers is developed in collaboration with relevant actors in the field.
5. Victims of sexual assault can have a follow-up conversation with the assistance lawyer after a trial to get an explanation of the verdict and the persons rights and possibilities. In addition, guidance may be provided as necessary on a possible subsequent compensation case.

The Institute has on 8 October 2021 received a written reply from the Ministry of Justice (Justitsministeriet) in which the ministry describes the following two legislative initiatives:

Video interrogation of rape victims

On 6 October 2021, the Danish Government put forward a legislative proposal in the Danish Parliament proposing to expand the current video questioning scheme in section 745 e of the Administration of Justice Act so that the aggrieved party in a rape case is given the choice to give his or her statement in

⁸⁷ Denmark, Ministry of Justice (*Justitsministeret*), political majority will strengthen counselling for victims of sexual assault, press release, 22 June 2021 (*Politisk flertal vil styrke rådgivning for ofre for seksuelle overgreb, pressemeddelelse, 22. juni 2021*), available in Danish at: <https://www.justitsministeriet.dk/pressemeddelelse/politisk-flertal-vil-styrke-raadgivning-for-ofre-for-seksuelle-overgreb/>

the form of a video interrogation.⁸⁸ If the aggrieved chooses to give his or her statement in the form of a video interrogation, the video will be presented in court during the processing of the case as part of the evidence, after which the aggrieved must acknowledge the explanation. In this connection, it will also be possible to ask additional questions to the aggrieved. The legislative proposal was in public hearing from 17 August 2021 to 14 September 2021 and from 23 August 2021 to 20 September 2021. The legislative proposal was passed in Parliament on 16 December 2021 and entered into force on 1 January 2022.

Strengthened counselling for victims of sexual assault

6. On 30 September 2021, the Danish Government submitted a legislative proposal for public hearing regarding, inter alia, strengthening of the counselling for the aggrieved party in cases of sexual assault.⁸⁹ First of all, it is proposed to amend section 741 a of the Administration of Justice Act with the aim of providing the aggrieved party the right to a free conversation/counselling with a legal representative prior to filing a report to the police. Secondly, it is proposed to amend section 741 c of the Administration of Justice Act to provide the aggrieved party the right to a free conversation/counselling with a legal representative following a possible sentence. The purpose of these conversations is to explain the course and outcome of the case as well as inform the aggrieved about his or her rights and possibilities before and after the trial. The legislative proposal was put forward before Parliament on 10 November 2021 and is still being reviewed by Parliament.

7. The Danish National Police (*Rigspolitiet*) measures in a survey on a yearly basis the experience of security in the Danish population (*Politiets tryghedsundersøgelse*).⁹⁰ The survey for 2020 is not yet published. We will monitor and describe relevant aspects of the survey if it is published before the deadline for the final submission.

⁸⁸ Denmark, legislative proposal L 14 on amending the Danish Criminal Code, the Danish Administration of Justice Act, the Act on money laundering and different others legislative Acts (Implementing initiatives in agreement regarding the economy of the Danish police and the Prosecution Authority 2021-2023, including establishing a National Unit for Special Crime) (*L 14 Forslag til lov om ændring af straffeloven, retsplejeloven, hvidvaskloven og forskellige andre love (Implementering af initiativer i aftale om politiets og anklagemyndighedens økonomi 2021-2023, herunder etablering af National enhed for Særlig Kriminalitet*), available in Danish at: <https://www.ft.dk/samling/20211/lovforslag/L14/index.htm>.

⁸⁹ Denmark, Draft legislative proposal on amending the Danish Criminal Code, the Danish Administration of Justice Act and the Act on passports to Danish Nationals etc. (Strengthened efforts against sexual abuse of children, strengthened counselling for victims of sexual assault and notification in cases on sexual assault) (*Udkast til forslag til lov om ændring af straffeloven, retsplejeloven og lov om pas til danske statsborgere m.v. (Styrket indsats mod seksuelle overgreb mod børn, styrket rådgivning til ofre for seksuelle overgreb og underretning i sager om seksuelle overgreb*), available in Danish at: <https://hoeringsportalen.dk/Hearing/Details/65562>.

⁹⁰ Denmark, The Danish National Police (*Rigspolitiet*), Surveys on security (*tryghedsundersøgelser*), available in Danish at: <https://politi.dk/statistik/tryghed>.

7.2 Measures addressing violence against women

In December 2020, the Ministry of Justice (*Justitsministeriet*), in collaboration with the University of Copenhagen (*Københavns Universitet*) and the Crime Prevention Council (*Det Kriminalpræventive Råd*), published a research report on victims' exposure towards violence and other forms of crime between 2005-2019 (*Udsathed for vold og andre former for kriminalitet – Offerundersøgelserne 2005-2018*).⁹¹

The report is a part of a nationwide omnibus victim survey by Statistics Denmark (*Danmarks Statistik*) from 2005 until 2019. The participants were randomly selected through the Danish civil registration system (*CPR-registeret*) so that they made up an extract representative of the population between the age of 16-74 years. From 2005-2010 the information was provided through telephone interviews. After June 2010 the participants were contacted by Statistics Denmark by mail to their online digital mailbox (*E-boks*) from which they could reach a digital survey or sign up for a telephone interview. If a selected participant did not respond to the first inquiry several reminders followed. In each year from 2005-2015 around 18,000 persons were requested to participate in the survey. Between 2016-2019 the number was higher. In 2018 the net test sample consisted of 21,894 persons. Altogether, 286,894 persons were involved. Out of those, 172,975 persons have participated, which is an overall response rate of 60%. From 2015-2019 the response rates vary between 59 and 65% with the lowest rate in 2019.

The report shows that around one out of twenty victims of crime in the report had been exposed to domestic violence. That corresponds to 0,1% of the Danish population, or between 3.500 and 4.700 persons at the age of 16-74 years annually experience domestic violence. In 86% of the reported cases on domestic violence, the violence was against women. Furthermore, the report shows that women who have been exposed to domestic violence from a former partner (28%) are significantly more likely to report the episode to the police than women who are exposed to domestic violence from their current partner (16%).

However, in the years 2005-2019 only 130 persons reported that they had experienced domestic violence. It is therefore a sparse data material that the overall conclusions on this area are based on. It is important to be aware of the fact that the definition of "violence" was left up to the respondents themselves.

⁹¹ Denmark, Ministry of Justice (*Justitsministeriet*), report on victims and exposure from the Ministry of Justice (*Udsathed for vold og andre former for kriminalitet*), available in Danish on: [Udsathed for vold og andre former for kriminalitet. Offerundersøgelserne 2005-2019 \(justitsministeriet.dk\)](https://www.justitsministeriet.dk/udsathed-for-vold-og-andre-former-for-kriminalitet-offerundersogelserne-2005-2019)

Furthermore, the research showed that on average between 2008-2019, 1,4 % of women had been subjected to forcible intercourse or attempted forcible intercourse within the last year. In 2019, it was 2,2 % of women, which is significantly higher than the average for the full period. However, the number is on the same level as the examinations in 2015-2018. That means that the average number of women who has been subjected to forcible intercourse within the last five years, have been higher compared to earlier years.

Finally, the research showed, that according to family type, single women are significantly more at risk of rape than women in relationships. However, in this case it is also important to be aware of the limited number of observations, as only 1017 respondents in the period from 2008-2019 report that they have been subjected to forcible intercourse or attempted forcible intercourse within the last year.

In 2019, the provision on psychological violence in the Danish Criminal Code (*Straffeloven*) entered into force. This meant that psychological violence in close relationships is now a criminal act on equal terms with physical violence. In March 2021, the specific notion of "negative social control" was added to the provision on psychological violence.⁹²

In March 2019, the Minister for Food, Fisheries and Equal Opportunities (*Ministeren for fødevarer, fiskeri og ligestilling*) presented an action plan on physical and psychological violence in close relations 2019-2022 (*Handlingsplan til bekæmpelse af psykisk og fysisk vold i nære relationer 2019-2022*).⁹³ The action plan was initiated based on the fact that psychological and physical violence in close relationships, stalking and digital violations continue to be a significant problem in Denmark. Similar action plans have been made since 2002. The action plan presents 18 initiatives that is to be implemented over a three-year period between 2019-2022. Some of the initiatives have already been adopted while others have not yet. One of the initiatives have been to provide funding to the NGO Danish Stalking Center (*Dansk Stalking Center*) to create a national outpatient offer in the form of telephone-, social- and legal counselling as well as professional psychological treatment directed at both victims and perpetrators of stalking and to further qualify professionals in, among other, the municipalities

⁹²Denmark, Portal for legal information (*Retsinformation*) Act amending the Danish Criminal Code, available in Danish at: [Lov om ændring af straffeloven, lov om pas til danske statsborgere m.v. og udlændingeloven \(Styrket indsats mod negativ social kontrol m.v.\) \(retsinformation.dk\)](#)

⁹³ ⁹³ Denmark, [Ministry for Food, Fisheries and Equal Opportunities](#) (*Fødevarer, Fiskeri og Ligestillingsministeriet*), Action plan for combating psychological and physical violence in close relations 2019-2022, (*Handlingsplan til bekæmpelse af psykisk og fysisk vold i nære relationer, Udenrigsministeriet, 2019-2022*), page 7, available in Danish at: https://mfvm.dk/fileadmin/user_upload/MFVM/Ligestilling/Andre_dokumenter/Handlingsplan_til_bekmpelse_af_psykisk_og_fysisk_vold_2019_-2022_2_.pdf

and the police.⁹⁴ The strengthening of the Centre has not yet been evaluated due to its effect on both victims and perpetrators of stalking. In August 2021 the Danish Stalking Centre, in collaboration with the research unit Oxford Research, published a report on what we know about stalkers (*Det ved vi om udøvere af stalking*)⁹⁵ The report is based on answers from 49 stalkers who have been treated in the Centre in the period from 2017-2020. The report shows that of those persons who have been treated in the Danish Stalking Centre, three out of four are men. The age varies between 17 and 65 years, and the largest proportion is within the 30-40 age group. More than 50 percent of the stalkers (55 %) have children, and out of these, one in four answers that they have children with the person they are stalking.

In August 2021, the Danish Government (*Regeringen*) together with a majority of the remaining parties in the Danish Parliament (*Folketinget*), agreed on a new initiative which aims to eliminate stalking in Denmark.⁹⁶ The initiative will be implemented across the authorities with a holistic perspective against stalking. The Danish Government presented a number of initiatives, among others the following:

- New separate provision on stalking in the Danish Criminal Code
- Strengthened treatment of cases on restraining orders in the Danish police
- The police and the prosecution authority must have access to digital proclamation
- New four-week deadline for complaints in the legislation on restraining orders
- New IT solution for systematic search for cases on stalking in the Danish police
- Right to have an assistance lawyer and the possibility for video recording of victims of stalking in criminal proceedings

Sexual harassment has been widely debated in the Danish media due to second wave of #Me-too since 2020. Over the past year several women, within different sectors, have been standing up and stated that sexism exists in their workplaces. This increased focus on sexism and sexual harassment has continued into 2021,

⁹⁴ Denmark, Minister for Equal Opportunities (*Ministeriet for Ligestilling*), Action plan for combating psychological and physical violence in close relations 2019-2022 (*Handlingsplan til bekæmpelse af psykisk og fysisk vold i nære relationer 2019-2022*), page 17, available in Danish at: <https://www.ft.dk/samling/20181/almudel/LIU/bilag/58/2025429/index.htm>

⁹⁵Denmark, Danish Stalking Centre, Report on practitioners of stalking in Denmark (*Det ved vi om udøvere af stalking*), available in Danish at: [Udøverrapport - FINAL \(usercontent.one\)](#)

⁹⁶ Denmark, Ministry of Justice (*Justitsministeret*), Majority will strengthen stalking efforts and make separate stalking provision (*Flertal vil styrke stalking-indsats og lave selvstændig stalkingbestemmelse*), available in Danish at: <https://www.justitsministeriet.dk/pressemeddelelse/flertal-vil-styrke-stalking-indsats-og-lave-selvstaendig-stalkingbestemmelse/>

where there has been a wider coverage in the media on topics related to the subject.

Regarding the effect of the COVID-19 pandemic on domestic violence, the Danish National entity on tackling violence in close relationships 'Live without violence' (*Lev Uden Vold*), published in April 2021 their annual report on a 2020 status on their hotline and the amount of spaces on shelters for people exposed to violence in close relationships.⁹⁷ The report shows that there has been an increase in the prevalence of domestic violence and in the numbers of people who require a spot in a shelter. In December 2020, there were an average of 554 women enrolled in a women's shelter, which is higher than the total number of spots pr. 1 January 2020 (507 spots). During spring and summer 2020, emergency spots in the shelters were established in several regions. Further, the increase in the number of women enrolled has been steadily increasing during the year. At the same time, 'Live without violence' has further noticed changes in the nature and frequency of the violence for the hotline's users during the COVID-19 pandemic.

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

8.1 CRPD policy & legal developments

Legal developments

On 1 May 2021, Section 81 (6) in the Danish Criminal Code (*straffeloven*) on hate crimes was amended.⁹⁸ The amendment introduced disability as an aggravating circumstance that the courts in general must take into consideration when deciding on a penalty. This means that it is now considered an aggravating circumstance if a criminal act is based on the victim's or others' disability. Before the amendment it was only considered a hate crime if the criminal act was based on a victim's or others' ethnic origin, religion or sexuality or similar issues. The

⁹⁷ Denmark, Life Without Violence (*Lev Uden vold*), Annual Report 2020 (*Årsberetning 2020*), available in Danish at: [Notat med forside \(levudenvold.dk\)](https://levudenvold.dk)

⁹⁸ Denmark, Act no. 709 of 26 April 2021 on the amendment of the Danish Criminal Code (Crimes based on the victims disability as an aggravated circumstance) (*Lov nr. 709 af 26/04 2021 om ændring af straffeloven (Strafskærpeelse for forbrydelser med baggrund i offerets handicap)*), 26 April 2021, available in Danish at: <https://www.retsinformation.dk/eli/lta/2021/709>

amendment is a positive step towards promoting equal treatment and combatting hate crimes against people with disabilities.⁹⁹

On 6 October 2021 the Ministry of Employment (*Beskæftigelsesministeriet*) presented a bill to the Danish Parliament (*Folketinget*) on amending the Danish Criminal Code.¹⁰⁰ The bill amends Section 266 b, subsection 1 on hate speech in the Danish Criminal Code. This section criminalizes statements, communicated publicly or with the intention to disseminating in a larger circle, by which a group of persons is threatened, derided or degraded because of their race, colour of skin, national or ethnic origin, religion or sexual orientation. The proposal implies that "disability" will be inserted in Section 266 b, subsection 1, which would strengthen the legal protection against disability related hate speech.¹⁰¹ The bill entered into force on 1 January 2022.¹⁰²

On 11 November 2021 the Ministry of Health (*Sundhedsministeriet*) presented a bill to the Danish Parliament on amending the Danish Mental Health Act

⁹⁹ Denmark, the Danish Institute for Human Rights, 13 January 2021, available in Danish at: <https://menneskeret.dk/sites/menneskeret.dk/files/media/document/H%C3%B8ringssvar%20vedr.%20udkast%20til%20forslag%20til%20lov%20om%20%C3%A6ndring%20af%20straffeloven%200%28Strafsk%C3%A6rpelse%20for%20forbrydelser%20med%20baggrund%20i%20offerets%20handicap%29.pdf>

¹⁰⁰ Denmark, Bill no L18 of 6 October 2021 on the amendment of the act on equal opportunities between women and men, act on prohibition against discrimination on the labour market etc., the Danish Criminal Code and various other acts (Strengthened protection of LGBTI persons against discrimination, hate crimes, hate speech and protection of persons with disabilities against hate speech. (*lov nr. 18 af d. 6. oktober 2021 om ændring af lov om ligestilling af kvinder og mænd, lov om forbud mod forskelsbehandling på arbejdsmarkedet m.v., straffeloven og forskellige andre love (Styrket beskyttelse af LGBTI-personer mod forskelsbehandling, hadforbrydelser og hadefulde ytringer samt beskyttelse af personer med handicap mod hadefulde ytringer*)) available in Danish at: https://www.ft.dk/ripdf/samling/20211/lovforslag/l18/20211_l18_som_fremsat.pdf

¹⁰¹ Denmark, the Danish Institute for Human Rights, 9 August 2021, available in Danish at: https://menneskeret.dk/sites/menneskeret.dk/files/media/document/21_02172-2%20H%C3%B8ringssvar%20vedr%C3%B8rende%20udkast%20til%20lovforslag%20om%20%C3%A6ndring%20af%20straffeloven%20om%20styrket%20%20565509_4_0.pdf

¹⁰² Denmark, Act no. 2591 of 28 December 2021 on amendment of the act on equal opportunities between women and men, act on prohibition against discrimination on the labour market etc., the Danish Criminal Code and various other acts (Strengthened protection of LGBTI persons against discrimination, hate crimes, hate speech and protection of persons with disabilities against hate speech. (*lov nr. 2591 af 28. december 2021 om ændring af lov om ligestilling af kvinder og mænd, lov om forbud mod forskelsbehandling på arbejdsmarkedet m.v., straffeloven og forskellige andre love (Styrket beskyttelse af LGBTI-personer mod forskelsbehandling, hadforbrydelser og hadefulde ytringer samt beskyttelse af personer med handicap mod hadefulde ytringer)*)

(*psykiatriloven*).¹⁰³ The amendments entered into force on 1 January 2022.¹⁰⁴ The objective of the amendments is to reduce coercion in psychiatric treatment, to strengthen the legal protection of patients' rights and to secure the safety of staff and other patients in psychiatric institutions.

These objectives shall be seen in relation to the case of *Aggerholm v. Denmark*, in which the European Court of Human Rights found that Denmark violated the prohibition of torture, inhuman or degrading treatment in the European Convention on Human Rights in a case concerning the use of belt restraints for nearly 23 hours.¹⁰⁵ The extensive use of coercive measures in Danish psychiatric institutions has been criticised by many international bodies, including the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT),¹⁰⁶ the UN Committee on the Rights of Persons with Disabilities,¹⁰⁷ the UN Committee against Torture¹⁰⁸ and the UN Human Rights Committee.¹⁰⁹

¹⁰³ Denmark, Bill no. L84 of 11 November 2021 on the amendment of the Danish Mental Health Act (House rules at psychiatric wards, security checks in forensic psychiatry, special rules for persons placed in surrogate remand, intervals between medical assessments, etc.) (*Høring over udkast til lov om ændring af lov nr. L84 af 11. november 2021 om anvendelse af tvang i psykiatrien m.v. (Husordener på psykiatriske afdelinger, sikkerhedskontroller i retspsykiatrien, særlige regler for surrogatanbragte, interval mellem lægelige vurderinger, m.v.)*), available in Danish at: <https://www.ft.dk/samling/20211/lovforslag/l84/index.htm>

¹⁰⁴ Denmark, Act no. 2617 of 28 December 2021 on the amendment of the Danish Mental Health Act and the Danish Health Act (Obligation to take notes, interval between medical assessments, etc.) (*Lov nr. 2617 af 28. december 2021 om ændring af lov om anvendelse af tvang i psykiatrien m.v. og sundhedsloven (Notatpligt for den faste vagt for bæltefikserede patienter, interval mellem lægelige vurderinger m.v.)*), available in Danish at:

<https://www.retsinformation.dk/eli/lta/2021/2617>; and Act no. 2618 of 28 December 2021 on the amendment of the Danish Mental Health Act (House rules at psychiatric wards security checks in forensic psychiatry, special rules for persons placed in surrogat eremand etc.) (*Lov nr. 2618 af 28. december 2021 om ændring af lov om anvendelse af tvang i psykiatrien m.v. (Husordener på psykiatriske afdelinger, sikkerhedskontroller i retspsykiatrien, særlige regler for surrogatanbragte m.v.)*), available in Danish at: <https://www.retsinformation.dk/eli/lta/2021/2618>

¹⁰⁵ The European Court of Human Rights, *Aggerholm v. Denmark*, Application No. 45439/18, 15 September 2020, available at: [https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:\[%22Aggerholm%22\],%22itemid%22:\[%22001%E2%80%90204602%22\]}](https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:[%22Aggerholm%22],%22itemid%22:[%22001%E2%80%90204602%22]})

¹⁰⁶ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, *Report to the Danish Government on the visit to Denmark*, CPT/Inf (2014)25, available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168069570e>

¹⁰⁷ United Nations (UN), Committee on the Rights of Persons with Disabilities, *Concluding observations on the initial report of Denmark*, CRPD/C/DNK/CO/1, 30 October 2014, § 38-39, available at: <https://digitallibrary.un.org/record/791463?ln=en#record-files-collapse-header>

¹⁰⁸ United Nations (UN), Committee against Torture, *Concluding observations on the combined sixth and seventh periodic reports of Denmark*, CAT/C/DNK/CO/6-7, 4 February 2016, § 40-41, available through: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/017/75/PDF/G1601775.pdf?OpenElement>

¹⁰⁹ United Nations (UN), Committee on Human Rights, *Concluding observations on the sixth periodic report of Denmark*, CCPR/C/DNK/CO/6, 15 August 2016, § 25-26, available through: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/180/52/PDF/G1618052.pdf?OpenElement>

Among other things, the amendments imply that maximum intervals are determined for the medical assessment of the continuation of belt restraints, implying that the first medical assessment must be made no later than 4 hours after the use of belts has been initiated. Hereafter, medical assessments on the continuation of the use of belt restraints must be made at least every 10 hours. In its public consultation response, the Danish Institute for Human Rights (*Institut for Menneskerettigheder*) stated that the Danish authorities should take further measures to ensure the protection of psychiatric patients' human rights. Moreover, the Danish Institute for Human rights recommended that the Ministry of Health (*Sundhedsministeriet*) initiate the abolishment of the use of belt restraints lasting more than 48 hours.¹¹⁰ However, this recommendation has not been met.¹¹¹

On 15 October 2021, the Danish Safety Technology Authority (*Sikkerhedsstyrelsen*) initiated public consultation on a draft bill on the implementation of EU directive 2019/882 on the accessibility requirements for products and services.¹¹² The bill is expected to be presented to the Danish Parliament in February 2022 and to enter into force on 28 June, 2022.¹¹³ ..

The Danish Institute for Human Rights welcomes the draft bill but recommends that further steps are taken to ensure effective enforcement.¹¹⁴

Reforms and initiatives

The Ministry of Social Affairs and Senior Citizens (*Social- og Ældreministeriet*) has launched an evaluation of the current planning and organisation in the area of social policies concerning people with special needs (*Evaluering af det*

¹¹⁰ Denmark, the Danish Institute for Human Rights, public consultation, 29 September 2021, available in Danish at: <https://menneskeret.dk/sites/menneskeret.dk/files/media/document/H%C3%B8ringssvar%20vedr.%20lovforslag%20om%20%C3%A6ndring%20af%20lov%20om%20anvendelse%20af%20tvang%20i%20psykiatrien.pdf>

¹¹¹ Denmark, Bill no. 84/2021-2021, on the amendment of the Danish Mental Health Act (House rules in psychiatric wards, security checks in forensic psychiatry, special rules for other non-custodial sentenced prisoners, intervals between medical assessments, etc. (*Forslag til lov om ændring af lov om anvendelse af tvang i psykiatrien m.v. (Husordener på psykiatriske afdelinger, sikkerhedskontroller i retspsykiatrien, særlige regler for surrogatanbragte, interval mellem lægelige vurderinger, m.v.)*), appendix 1. Available in Danish at: <https://www.ft.dk/samling/20211/lovforslag/L84/bilag/1/2477926.pdf>

¹¹² Denmark, public consultation on the draft bill on the accessibility requirements for products and services (*høring over forslag til lov om tilgængelighedskrav for produkter og tjenester*) 15 October 2021, available in Danish at: <https://hoeringsportalen.dk/Hearing/Details/65626>

¹¹³ Denmark, The Danish Safety Technology Authority (*Sikkerhedsstyrelsen*) (2021), 'Der kommer nye krav om tilgængelighed for produkter og tjenester', 15 November 2021, available in Danish at: <https://www.sik.dk/erhverv/produkter/generel-produktsikkerhed/love-og-regler/der-kommer-nye-krav-om-tilgaengelighed-produkter-og-tjenester>

¹¹⁴ Denmark, The Danish Institute for Human Rights (*Institut for Menneskerettigheder*) (2021), *Høringssvar til forslag til lov om tilgængelighedskrav for produkter og tjenester*, public consultation memo, available in Danish at: <https://menneskeret.dk/sites/menneskeret.dk/files/media/document/Høringssvar%20vedr.%20for%20for%20lovforslag%20til%20lov%20om%20tilgængelighedskrav%20for%20produkter%20og%20tjenester.pdf>

specialiserede socialområde), e.g, people with severe physical or mental disabilities.¹¹⁵ The purpose of the evaluation is to strengthen the legal protection of people with disabilities and other special needs, and to make sure they get offered the right kind of service, equivalent to their needs. The evaluation is divided into three parallel tracks. The first track consists of a national evaluation of the entire area, covering the needs of different target groups, the current services offered and how the area is organized in general. The second track will develop a model for how the target groups and their needs can be measured. Based on the results, the third track will look into how the area is best organized.

The Government is currently working on a 10-year plan on psychiatry. The 10-year plan aims to strengthen the psychiatric care by focussing on prevention in mental health and stronger coherence between general practice, psychiatric hospital services (including outpatient treatment) and social psychiatry. Furthermore, children and young people as well as people with both mental illness and drug or alcohol abuse will be given a special focus in the plan.¹¹⁶ The Government has invited a number of stakeholders to contribute to the plan. The Ministry of Health and the The National Board of Social Services (*Socialstyrelsen*) are currently working on a report concerning challenges in psychiatric care and recommendations on how and in what order these should be solved. The release of the report has been postponed several times, but it is expected that it will be published by the end of 2021.¹¹⁷

Initiatives taken in relation to COVID-19 and disability

On 23 February 2021 the Danish Parliament (*Folketinget*) adopted the new Danish Epidemic Act (*epidemiloven*), which entered into force on 1 March 2021.¹¹⁸ The new act replaces an emergency Epidemic Act passed in March 2020, which gave the Government (*Regeringen*) extended powers to intervene in society in order to fight the Covid-19 pandemic. The new Danish Epidemic Act continues some of the same legal measures as the emergency act. For instance, the new Epidemic Act continues the possibility for the Danish Patient Safety Authority (*Styrelsen for Patientsikkerhed*) to order the Municipal Council (*kommunalbestyrelsen*) to

¹¹⁵ Denmark, The Ministry of Social Affairs and Senior Citizens (*Social- og Ældreministeriet*), Parliamentary brief on the evaluation of policies concerning people with special needs (*Kommissorium for en evaluering af det specialiserede socialområde*), 26 June 2020, available in Danish at: https://sm.dk/media/7111/kommissorium-for-evaluering-af-specialiserede-socialomraade_t.pdf

¹¹⁶ Denmark, The Ministry of Social Affairs and Senior Citizens (*Social- og Ældreministeriet*), 10-year plan on psychiatry (*10-års plan for psykiatrien*), available in Danish at: <https://sum.dk/temaer/10-aars-plan-for-psykiatrien>

¹¹⁷ Altinget (2021), 'Minister postpones preparatory work for psychiatric plan again' (*Minister udskyder forarbejde til psykiatriplan igen*), 18 May 2021, available in Danish at: <https://www.altinget.dk/social/artikel/minister-udskyder-forarbejde-til-psykiatriplan-igen>

¹¹⁸ Denmark, Act no. 285 of 27 February 2021 on Epidemics (*Lov nr. 285 af 27. Februar 2021 om epidemier m.v.*), available in Danish at: <https://www.retsinformation.dk/eli/lt/2021/285>

temporarily restrict or ban visitors' access to private or public nursing homes, relief centres, protected housing offers (*botilbud*) etc., located in the municipality in question.¹¹⁹ Chapter 12 of the new Epidemic Act introduces the Board of Appeal for Visitor Restrictions (*Ankenævnet for Besøgsrestriktioner*).¹²⁰ Persons residing or staying in one of the above-mentioned types of accommodations and their close relatives can make a complaint to the Board, if they are affected by restrictions on visits. The Board is responsible for ensuring the legality of the order issued by The Danish Patient Safety Authority and the correct subsequent implementation of the order by the municipality.¹²¹

During the late winter and spring of 2021, restrictions on visits were still upheld in many municipalities. At the moment there are no restrictions on visits in force.

8.2 CRPD monitoring at national level

Changes relating to the structures established under Article 33 of the CRPD

On 21 January 2021 the Ministry of Social and Internal Affairs (*Social- og Indenrigsministeriet*) was reorganized into the Ministry of Social Affairs and Senior Citizens.¹²² The change means that the Ministry is now responsible for the development of policies concerning senior citizens, while the responsibility for internal affairs has been moved to a new ministry. The Ministry of Social Affairs and Senior Citizens is the focal point within the government under Article 33(1) of the CRPD.

Key outputs and activities of the monitoring framework

The Danish Institute for Human Rights has updated 'the Disability Index' (*Handicapbarometeret*) with new data from 2020.¹²³ The Disability Index is an

¹¹⁹ Denmark, Act no. 285 of 27 February 2021 on Epidemics (*Lov nr. 285 af 27. Februar 2021 om epidemier m.v.*), section 29, subsection 1-7 available in Danish at:

<https://www.retsinformation.dk/eli/lt/2021/285>

¹²⁰ Denmark, Act no. 285 of 27 February 2021 on Epidemics (*Lov nr. 285 af 27. Februar 2021 om epidemier m.v.*), section 61, subsection 1, available in Danish at:

<https://www.retsinformation.dk/eli/lt/2021/285>

¹²¹ Denmark, Act no. 285 of 27 February 2021 on Epidemics (*Lov nr. 285 af 27. Februar 2021 om epidemier m.v.*), section 61, subsection 2, available in Danish at:

<https://www.retsinformation.dk/eli/lt/2021/285>

¹²² Denmark, The Prime Minister's Office (*Statsministeriet*), New Ministry of the Interior and Housing (*Nyt Indenrigs- og Boligministerium*), 21 January 2021, available in Danish at:

<https://www.stm.dk/presse/pressemeddelelser/nyt-indenrigs-og-boligministerium/>

¹²³ The Danish Institute for Human Rights, The disability index (*Handicapbarometeret*), available in Danish at: <https://handicapbarometer.dk/>

ongoing status on equal rights and living conditions for persons with disabilities based on a set of statistical outcome indicators made by the Danish Institute for Human Rights in order to monitor the implementation of the CRPD in Denmark.¹²⁴

The Disability Index is presented as a webpage, that displays the situation of persons with disabilities compared to persons without disabilities in relation to ten key areas of life. Each indicator consists of comparative data points and all indicators are disaggregated on sex, ethnicity, age, type of disability (physical or mental) and degree of disability (minor or major) in order to highlight the intersection between disability and these categories.

All ten indicators show that persons with disabilities are in a disadvantageous position when compared with the rest of the population. In general, the data from the last eight years shows no real progress or slight decline in living conditions for persons with disabilities.

Summary of the 10 indicators in The Disability Index (2020)¹²⁵			
Indicator	Measures	People with disabilities	People without disabilities
1. Equality and non-discrimination	Self-reported discrimination on the basis of either age, gender, ethnicity, disability, religion, sexual orientation, appearance or partner's/child's/parent's disability	34 %	24 %
2. Violence	Self-reported subjection to either physical, psychological, economic or sexual abuse within the last year	27%	17 %
3. Accessibility and personal mobility	Self-reported ability to use busses and trains with no complication even	62 %	86 %

¹²⁴ The disability index focusses on ten key areas (equality and non-discrimination, violence, accessibility and mobility, freedom and personal integrity, independent living and inclusion, education, health, employment, social protection, political participation)

¹²⁵ The Danish Institute for Human Rights (December, 2021), The Disability Index (*Handicapbarometeret*), available in Danish at: <https://www.handicapbarometer.dk/>

	when there are many passengers		
4. Freedom and personal integrity	Amount of people who have been subjected to coercive measures in the psychiatric system	6198 (5,5 % increase since 2012)	
5. Living independently and being included	Self-reported experience of having the power to influence own life to a high degree	42 %	66 %
6. Education	Percentage of people aged 30-40 years who have finished a vocational or higher education	70 %	88 %
7. Health	The difference in life-expectancy for people with mental disorders compared to the rest of the population	Women: 7 years Men: 10 years	
8. Employment	Percentage of people in employment	60 %	80 %
9. Social safety	Self-reported experience of economic deprivation within the last 3 years	23 %	10 %
10. Participation in political and cultural life	Voting turnout in the last parliamentary election	80 %	86 %

In late April 2021, the Danish Institute for Human Rights published a report which examines accessibility in public busses for persons with physical disabilities in Denmark.¹²⁶ The report found that 5 out of 6 public transport companies in Denmark do not ensure spontaneous and independent travel for passengers with impaired physical mobility in their busses. Furthermore, the report compares Copenhagen to other European capitals and finds that Copenhagen is the only place where bus drivers are prohibited from helping passengers aboard. The report concludes that all citizens should have equal access to public transport in Denmark in accordance with the CRPD and recommends that initiatives should be taken to

¹²⁶ The Danish Institute for Human Rights, 'Busser for alle', 2021, available in Danish at: https://menneskeret.dk/sites/menneskeret.dk/files/media/document/Busser%20for%20alle_0.pdf#page=40&zoom=100,0,0

introduce an obligation to provide reasonable accommodation and accessibility in the Danish Act on a Ban against Discrimination on the Grounds of Disability (*lov om forbud mod forskelsbehandling på grund af handicap*).

In June 2021, The Danish Institute for Human Rights published a report, which examines the extent to which people with disabilities have the opportunity to live an independent life and decide where, how and with whom they want to live in accordance with Article 19 of the CRPD.¹²⁷ The report finds, that while many people with disabilities and need for support can choose between different types of housing, there is still a significant proportion of people who have little freedom of choice. In addition, many citizens are limited by their home municipality, as they have little opportunity to choose a different housing offer than the one offered in the municipality. The report recommends that steps are taken to ensure that the choice of housing is effectively separated from the allocation of support.

The Danish Institute for Human Rights has given advice to the government and members of parliament both in public consultation responses and in meetings on human rights and rule of law protection, including during the considerations on the new Epidemics Act which entered into force 1 March 2021. In the consultation response given by the Danish Institute for Human Rights, the Institute criticized a number of the proposed legal measures, including the continuation of restrictions on visitors' access to nursing homes, protected housing offers etc.¹²⁸ It was the assessment of the Institute that the proposed measures on visitor restrictions involved a risk of disproportionate interference with the right to an independent life as well as the right to private and family life protected by the ECHR and the CRPD.¹²⁹

¹²⁷ The Danish Institute for Human Rights, 'Boligvalg og retten til et selvstændigt liv for mennesker med handicap', 2021, available in Danish at:

<https://menneskeret.dk/sites/menneskeret.dk/files/media/document/Boligvalg%20og%20retten%20til%20et%20selvst%C3%A6ndigt%20liv%20for%20mennesker%20med%20handicap%20-%20FINAL.pdf>

¹²⁸ Denmark, the Danish Institute for Human Rights, public consultation, 12 November 2020, available in Danish

at: https://menneskeret.dk/sites/menneskeret.dk/files/media/document/H%C3%B8ringssvar%20vedr.%20udkast%20til%20forslag%20til%20lov%20om%20epidemier%20m.v.%20%28epidemiloven%29_2.pdf

¹²⁹ Denmark, the Danish Institute for Human Rights, public consultation, 12 November 2020, page 32, available in Danish

at: https://menneskeret.dk/sites/menneskeret.dk/files/media/document/H%C3%B8ringssvar%20vedr.%20udkast%20til%20forslag%20til%20lov%20om%20epidemier%20m.v.%20%28epidemiloven%29_2.pdf; Denmark, the Danish Institute for Human Rights, public consultation, 15 January 2021, page 15, available in Danish at: <https://menneskeret.dk/sites/menneskeret.dk/files/media/document/H%C3%B8ringssvar%20vedr.%20forslag%20til%20epidemiloven%20.pdf>

As mentioned above, the amended Epidemics Act introduces the Board of Appeal for Visitor Restrictions. An employee from the Danish Institute for Human Rights is an appointed member of the Board.¹³⁰

In its work, the Danish Institute for Human Rights continuously focuses on its independence and on the involvement of civil society. For instance, Danish civil society organisations representing people with disabilities are consulted in the drafting of reports and public consultation responses.

¹³⁰Denmark, Act no. 285 of 27 February 2021 on Epidemics (*Lov nr. 285 af 27. februar 2021 om epidemier m.v.*), section 62, subsection 2, available in Danish at: <https://www.retsinformation.dk/eli/ta/2021/285>

Annex 1 – Promising Practices

Thematic area	<p style="text-align: center;">EQUALITY AND NON-DISCRIMINATION</p> <p style="text-align: center;">Please provide one example of a practice to tackle nationality-based discrimination, or discrimination against LGBTI people, such as awareness raising campaigns or training for relevant professionals. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2021 relevant to equality and non-discrimination of EU citizens or LGBTI people, preferably one conducted by a national equality body.</p>
Title (original language)	Ligebehandlingsrådgivningen
Title (EN)	Equal Treatment Counselling
Organisation (original language)	Institut for Menneskerettigheder
Organisation (EN)	The Danish Institute for Human Rights
Government / Civil society	Independent Governmental Institution
Funding body	Governmental/ the finance act
Reference URL, where available)	Counselling Institut for Menneskerettigheder

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	Ongoing (no end date)
Type of initiative	Counselling hotline
Main target group	People face discrimination based on their gender, ethnicity or disability.
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	The Danish Institute for Human Rights hold a counselling hotline on equal treatment (<i>Ligebehandlingsrådgivningen</i>) where one can call Monday to Thursday regarding experiences with discrimination and be provided with information and help on how to handle the situation and i.e. which possibilities they have with their case. In 2021 the counselling hotline has been promoted through awareness-raising campaigns on different social media to spread the knowledge of its existence.
Highlight any element of the actions that is transferable (max. 500 chars)	The basic idea of a counselling hotline might be transferable to other countries.

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>This can help victims of discrimination as soon as possible, and at the same time it can help raise larger cases within the subject.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>Statistics on which persons are calling with which kinds of issues can give an indication on which problems that are prominent in society at the moment. This indication can give rise to other initiatives that should be launched.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>It is a relatively simple setup only requiring a telephone line to call, and trained counsellors to pick up the phone.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning,</p>	

<p>evaluation, review assessment and implementation of the practice.</p>	
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	

<p>Thematic area</p>	<p style="text-align: center;">RACISM, XENOPHOBIA AND RELATED INTOLERANCE</p> <p style="text-align: center;">Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about either: active cooperation with CSOs in addressing racism and hate crime; or combating racism and unequal treatment in the context of the COVID-19 pandemic. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.</p>
<p>Title (original language)</p>	<p><u>No promising practice has been identified for this thematic area</u></p>

Thematic area	ROMA EQUALITY AND INCLUSION Please provide one example of promising practice related to the two topics addressed in the chapter. Please make the link between the selected practice and the topics explicit.
Title (original language)	<u>No promising practice has been identified for this thematic area</u>

Thematic area	<p style="text-align: center;">INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION</p> <p style="text-align: center;">Please provide one example of a promising practice related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.</p>
Title (original language)	Dataetisk Råd fremsætter fem dataetiske pejlemærker til udviklingen af digitalt coronapas.
Title (EN)	The Data Ethics Council sets out five data ethic benchmarks for the development of a digital corona passport
Organisation (original language)	Dataetisk Råd
Organisation (EN)	Data Ethics Council
Government / Civil society	Government
Funding body	Government
Reference (incl. URL, where available)	<p>Denmark, press release from the Data Ethics Council, 22 February 2021, available in Danish, at: https://dataetiskraad.dk/dataetisk-raad-fremsaetter-fem-dataetiske-pejlemaerker-til-udvikling-af-digitalt-coronapas</p> <p>Denmark, press release from the Ministry of Finance, 28 May 2021, available in Danish, at: https://fm.dk/nyheder/nyhedsarkiv/2021/maj/regeringen-er-klar-med-nyt-digitalt-coronapas/</p>

<p>Indicate the start date of the promising practice and the finishing date if it has ceased to exist</p>	<p>The Data Ethics Council published the guidelines on data ethics in relation to the development of the digital corona passport on 22 February 2021.</p>
<p>Type of initiative</p>	<p>Guidelines</p>
<p>Main target group</p>	<p>The Government</p>
<p>Indicate level of implementation: Local/Regional/National</p>	<p>National</p>
<p>Brief description (max. 1000 chars)</p>	<p>The guidelines of the Data Ethics Council were made to balance the interests of both citizens and society and contain concrete suggestions as to what could be done to ensure the safety and security of the citizens. The guidelines consist of five general benchmarks for the development of the digital corona passport:</p> <ol style="list-style-type: none"> 1) The purpose of the digital passport should be clearly stated alongside a clear description of what issue the passport is expected to solve. 2) The passport should be based on full transparency for the citizens and should be voluntary. 3) Safety and security for the citizen should be guaranteed when using the digital corona passport, including limiting the shared information. 4) Time limit for storing the data – it should not be stored for longer than is absolutely necessary. 5) The Danish parliament should decide how the passport is intended to be used, and it should be clear on a political level when and what the criteria are for companies to be able to demand the citizens to show their corona passports.

<p>Highlight any element of the actions that is transferable (max. 500 chars)</p>	<p>The Council's guidelines are transferable in their entirety</p>
<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The Data Ethics Council's guidelines recommended the Government to implement sustainable data-protection principles in their development of the digital corona-passport. As a result of the Data Ethics Council's guidelines, the Government implemented sustainable data-protection principles in their development of the digital corona-passport.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>In the process of developing the digital corona-passport, the Government appointed an advisory board with representatives from – among others – the Data Ethics Council to ensure an appropriate level of data protection and ethical reflection in the process of developing the app.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Similar guidelines can be introduced in other Member States to ensure an appropriate level of data protection and data ethics when developing digital apps. This is especially important in the light of the digitalisation and in cases where the digital solution involves the processing of sensitive personal data.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>N/A</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>Review and assessment are part of the Governments process when implementing new technologies. The Data Ethics Counsel’s guidelines provides an opportunity to assess whether there is sufficient focus on data protection and the rights of data subjects in the development of digital apps.</p>

Thematic area	RIGHTS OF THE CHILD Please provide a promising practice related to the topics addressed in the chapter.
Title (original language)	Joannahuset
Title (EN)	The Joanna House
Organisation (original language)	Non-profit forening
Organisation (EN)	Non-profit association
Government / Civil society	Civil society
Funding body	Public/private funding
Reference (incl. URL, where available)	https://www.joannahuset.dk/ Funding: Denmark, Denmark's Radio, available in Danish at: https://www.dr.dk/nyheder/regionale/hovedstadsomraadet/nu-aabner-landets-foerste-boernekrisecenter-josefine-ville

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	15 August 2020
Type of initiative	Crisis centre for children and youth under the age 18.
Main target group	Children and youth
Indicate level of implementation: Local/Regional/National	Located in Copenhagen but available for all children and youth Denmark, e.g. phone calls.
Brief description (max. 1000 chars)	Children and youth can 24/7 contact the Joanna house (<i>Joannahuset</i>) either in person or through a phone call. In the facility in Copenhagen the house offers children and youth food beverages, shower, laundry etc. as well as rights-based counselling and stay. Joanna house can offer approximately 3250 children counselling and care on a yearly basis and can provides shelter for approximately 400 children on a yearly basis. ¹³¹
Highlight any element of the actions that is transferable (max. 500 chars)	Unlike many public institutions working with children, the Joanna house is specifically designed to look like a home to ensure comfort for children and youth. ¹³² Moreover has the establishment of the shelter so far proven to address a need for shelter for homeless children and youth as 30 percent of inquiries relates to children who find themselves in a situation of homelessness, where they either coach surf, temporarily live on the street or other places.

¹³¹ Denmark, Joannahuset, available in Danish at: <https://www.joannahuset.dk/dem-hjaelper-vi>

¹³² Denmark, Denmark's Radio, 14. november 2020, available at: <https://www.dr.dk/nyheder/regionale/hovedstadsomraadet/flygter-fra-vold-og-misbrug-overraskende-mange-boern-har>

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>Since the Joanna house opened its shelter facility for children in December 2020 it has provided shelter for 50 children and youth in less than a year. The 212 children who have contacted the Joanna House physically have come from 34 different municipalities.¹³³</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>After one operational year, the Joanna house has shown a clear need for a specific crisis centre for children in Denmark.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The establishment of the shelter specifically designed for children and youth seems to create a safe space for some of the most vulnerable children and youth.</p>

¹³³ Denmark, Denmark's Radio, 26. October 2021, available in Danish at: <https://www.dr.dk/mitliv/tvaers/naar-boern-flygter-fra-deres-familie-giver-jette-dem-et-sted-sove-nu-faar-hun-stor?fbclid=IwAR1MM7UC2avsOuYalRr0FvFVtsBcwzJuFmHrgQCxB4hYs3tIK9eUkzyKH2k>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>N/A</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>N/A</p>

Thematic area	ACCESS TO JUSTICE Please provide one example of a promising practice related to the topics addressed in the chapter.
Title (original language)	<u>No promising practice has been identified for this thematic area</u>

Thematic area	<p>Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD)</p> <p>Please provide one example of a promising practice related to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities.</p>
Title (original language)	Min ven med handicap
Title (EN)	My friend with a disability
Organisation (original language)	Det Centrale Handicapråd
Organisation (EN)	The Danish Disability Counsel
Government / Civil society	Government
Funding body	Government
Reference (incl. URL, where available)	Denmark, The Danish Disability Counsel (<i>Det Centrale Handicapråd</i>), 'Min ven med et handicap', webpage, available in Danish at: https://dch.dk/min-ven-med-handicap

Indicate the start date of the promising practice and the finishing date if it has ceased to exist	22 November 2021
Type of initiative	Awareness raising campaign
Main target group	Children and youth
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	<p>The campaign 'My friend with a disability' includes three campaign videos showing friendships between children with and without disabilities, teaching material targeted at children around the age of 10-14, and a dialogue guide for parents of children around the same age.</p> <p>The campaign aims to combat prejudices against people with disabilities by challenging the negative perceptions that children and young people may have about having a friend with a disability.</p>
Highlight any element of the actions that is transferable (max. 500 chars)	<p>Campaign videos showing three different cases of friendships between children with and without disabilities.</p> <p>Teaching material presenting suggestions for class activities that focus on well-being, good childhood friendships and the capabilities and contributions of persons with disabilities.</p> <p>Guiding parents in having a dialogue with their children about diversity and friendships.</p>

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The material provided by this campaign can be used by teachers and parents, also in the future, as a ground for discussion and dialogue. Loneliness and exclusion are ongoing problems among both children and adults with disabilities. Thus, it is highly relevant continuously to raise awareness and promote positive perceptions throughout society, including in the educational system and at family level, towards people with disabilities.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>With the focus on children and young people the campaign can help ensure that the next generation of adults contribute to a more inclusive society and thus prevent future loneliness among adults with disabilities by establishing good friendships at an early age. However, it is challenging to measure concrete impact of awareness campaigns and is not standard in this area.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>Materials focusing on children, friendships, abilities and qualities of people with disabilities and their contributions might also be relevant in other Member States or settings, seeing that challenges of stereotypes and prejudices against people with disabilities are cross-national issues.</p>

<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>N/A</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>N/A</p>

Annex 2 – Case Law

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against EU citizens based on nationality or against LGBTI people. Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
Decision date	<i>No case law has been identified for this thematic area</i>

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide the most relevant <u>high court</u> decision concerning the application of <u>either</u> the Racial Equality Directive or the Framework Decision on racism and xenophobia, addressing racism, xenophobia, and other forms of intolerance more generally.
Decision date	20 January 2021
Reference details	Denmark, The Supreme Court (<i>Højesteret</i>), case 100/2020 (2 nd department), 10 January 2021

<p>Key facts of the case (max. 500 chars)</p>	<p>The case concerned a possible violation of the Danish Criminal Code (<i>straffeloven</i>), Section 266 (b) which punishes a person who, in public or with intent to spread to a wider circle, makes statements in which a group of persons are threatened, taunted or degraded because of their race, colour, national or ethnic origin, religion or sexual orientation.</p> <p>Three defendants had passed out spray cans in the public with the words “asylum spray” written on them along with other texts on migrants and asylum seekers. The Supreme Court found that the statements were taunting and degrading. However, a majority of the judges found that the non-western migrants and asylum seekers as a group could not be defined by a certain race, colour, religion, national or ethnic origin. Hence, the statements were not a violation of the Danish Criminal Code, Section 266 (b). The minority of the judges found that non-western migrants and asylum seekers as a group are defined by a common ethnicity or national origin and found that there had been a violation of Danish Criminal Code, Section 266 (b). Therefore, the defendants were found not guilty. The defendants had been found guilty in both city and high court.</p>
<p>Main reasoning/argumentation (max. 500 chars)</p>	<p>The court found that a number of the statements were taunting and degrading. However, a majority of the judges did not find that non-western migrants and asylum seekers are defined by a certain race, colour, religion, ethnic or national origin.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>Whether non-western migrants and asylum seekers as a group can be defined by a certain religion, ethnic or national origin, race etc.</p>

Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The defendants were not found guilty why there were no sanctions.
Key quotation in original language and translated into English with reference details (max. 500 chars)	N/A

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

<p>Thematic area</p>	<p>ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION Please provide the most relevant high court decision – or any court ruling – relating to the implementation of the <u>right to an effective remedy</u> in the context of storing data in national large-scale databases and in EU IT systems (Eurodac, VIS, SIS) delivered in 2021.</p>
<p>Decision date</p>	<p>10 August 2021 from the Danish Data Protection Agency (<i>Datatilsynet</i>)</p>
<p>Reference details</p>	<p>Denmark, Press release and decision, The Danish Data Protecting Agency, 17 August 2021, available in Danish, at: https://www.datatilsynet.dk/presse-og-nyheder/nyhedsarkiv/2021/aug/udlaendingestyrelsen-indstilles-til-boede Denmark, Press release from the Danish Immigration Service on the decision, 17 August 2021, available in Danish, at: https://www.nyidanmark.dk/da/Nyheder/2021/08/Underretning-om-databrud Denmark, Comment from the Ministry of Immigration and Integration on the decision, 17 August 2021: https://uim.dk/nyheder/kommentar-fra-udlaendingestyrelsen-og-hjemrejsestyrelsen-til-afgorelse-fra-datatilsynet Denmark, Short brief on the 'SALTO-system', Ministry of Immigration and Integration, 29 September 2020, available in Danish, at: https://www.ft.dk/samling/20191/almDEL/uuI/spm/409/svar/1693463/2252410.pdf Denmark, statement from the Danish immigration Service below the Ministry of Immigration and Integration on the lack of registrations sent to the Parliament's Committee on Immigration and Integration, 26 August 2020, available in Danish, at: https://www.ft.dk/samling/20191/almDEL/UUI/bilag/181/2252400/index.htm</p>

<p>Key facts of the case</p> <p>(max. 500 chars)</p>	<p>On 25 August 2021 the Danish Data Protection Agency initiated an ex officio examination of the Danish Immigration Service. The Agency initiated the examination after several media became aware that the Immigration Service had registered foreigners wrongly in an internal it-system in two different return centres in Denmark called Departure Centre Kaarshovedgaard (<i>Udrejsecenter Kærshovedgård</i>) and Departure Centre Sjaalsmark (<i>Udrejsecenter Sjælsmark</i>).</p> <p>At the two centres foreigners live because they are in a return position due to e.g. criminality or due to a rejection of their case in Denmark. Common for most of the foreigners are, that they have so-called information duties (<i>Opholdspligt, meldepligt og underretningspligt</i>) which involve a duty to report their presence to the departure centre.</p> <p>The Danish Immigration Service had failed to identify and thereby register the presence of several foreigners living at the two centres in the periods 9-10 June, 2-3 July and 17 July 2020. As a result, several foreigners who were present at the centres were registered as not being present. Consequently, the Danish Immigration Service initiated case handling concerning reduction of several residents' economic benefits as well as a police report of several residents for non-compliance with rules in the Danish Aliens Act.</p> <p>The Data Protection Agency concluded that the Danish Immigration Service had failed to contribute to an appropriate level of security according to the General Data Protection regulation.</p> <p>According to the Danish immigration Service the lack of registrations was caused by human mistake and insufficient backup frequency.</p>
<p>Main reasoning/argumentation</p> <p>(max. 500 chars)</p>	<p>The Danish Data Protection Agency emphasized in their decision that information and registrations that are part of a criminal case chain or used for control measures that are subject to sanctions must ensure that all activities are logged and backed up, at such intervals that data is not lost in the event of a breakdown.</p>
<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The Agency emphasized that the lack of registrations is taken very seriously because it is a fundamental right to rely on the information that authorities pass on to the police, and which may ultimately end up as evidence in court and which limits the access to an effective remedy.</p>

<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Data Protection Agency decided to report the Danish Immigration Agency to the police and recommends that the Danish Immigration Service is fined with 150.000 DKK (approximately 20.172 EUR). One of the main implications and consequences of the case is a breach of trust in the authorities handling personal information and disclosure of information to the Police.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>N/A</p>

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please provide the most relevant high court decision related to the topics addressed in the chapter, i.e. data protection, and/or artificial intelligence systems.
Decision date	12 February, 2021
Reference details	Denmark, District Court of Aarhus (<i>Retten i Aarhus</i>), case SS 3662/2020, 12 February 2021, available in Danish at: https://www.domstol.dk/aarhus/aktuelt/2021/2/selskab-idoemt-en-boede-paa-100000-kr/
Key facts of the case (max. 500 chars)	The case before the District Court of Aarhus concerned a company 'IDdesign A/S' that had failed to delete the personal data of approximately 350.000 customers for more than five years in its old IT-systems, which is the legal limit according to the Danish Consolidated Bookkeeping Act. The personal data was covered by the General Data Protection Regulation (GDPR) Article 6 and comprised inter alia phone number, name, address, email and purchase history. After an inspection by the Danish Data Protection Agency, the Prosecution Service pursued the case in court and recommended a fine of 1,5 million DKK for breaching GDPR Article 5(1)(e).
Main reasoning/argumentation (max. 500 chars)	The court found that IDdesign had stored personal data of approximately 350.000 customers for longer than was necessary for the purposes for which it was collected. The court found that IDdesign already per 25 May, 2018 should have implemented procedures to delete or anonymize the personal information and that the company therefore was in breach of GDPR Article 5(1)(e). However, the court found that IDdesign had acted negligently and that there were several mitigating circumstances under Article 83(2).
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The key issue of the case was the unnecessary storing of personal data that was more than five years old and IDdesign's lack of deletion- or anonymization procedures.

Results (sanctions) and key consequences or implications of the case (max. 500 chars)	<p>The court found that IDdesign's storing of customer personal data was a breach of GDPR Article 5(1)(e). However, due to the mitigating circumstances surrounding the breach; the general categories of the personal data, the negligent character of the infringement and the fact that it was a first-time violation, the court found that the fine should be considerably lower than what the Prosecution Service had recommended.</p> <p>Furthermore, the court found that the amount was to be calculated on the base of IDdesign's own turnover, and not the entire company-group. IDdesign was fined DKK 100.000 by the court.</p>
Key quotation in original language and translated into English with reference details (max. 500 chars)	N/A.

Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision related to the topics addressed in the chapter.
Decision date	27 May 2021
Reference details	Denmark, Supreme Court (<i>Højesteret</i>), case 5/2021, available in Danish at: https://domstol.dk/media/qe2p3llc/sag-5-2021-anonym.pdf
Key facts of the case (max. 500 chars)	The case concerned whether video interrogations of two children could be played during the principle proceedings in the criminal case against their parents, despite rules in the Danish Administration of Justice Act (<i>retsplejeloven</i>), Section 171(2)(1), that a defendant's close relatives have no duty to testify, if the testimony is likely to result in – for the witness – criminal responsibility or loss of welfare. The defendants had been charged with violent assault and threats against their two daughters and two sons. Both the parents and the children were Afghan citizens. The two daughters had given testimony to the police, which had been videotaped (video interrogation). During the principle proceedings in the City Court (<i>byretten</i>), the defendant's lawyer and the daughters' lawyer had objected during the main hearing in the City Court that the prosecutor was allowed to play the video interrogations of the daughters.
Main reasoning/argumentation (max. 500 chars)	The main question before the Supreme Court was whether playing the video interrogations assumably could expose the daughters to loss of welfare (<i>tab af velfærd</i>) pursuant to the Danish Administration of Justice Act (<i>retsplejeloven</i>), Section 171(2)(1). The consideration was that the daughters, in case of the expulsion of the parents during the criminal proceedings, would risk losing their basis of residence in Denmark or alternatively be separated from the parents.

<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The Supreme Court found that in the assessment of loss of welfare it must be included that the immigration authorities in a decision on the daughters' right to reside in Denmark, after the parents may become expelled, will be required to take into account the personal circumstances of the daughters and to observe Denmark's international obligations, including in light of the fact that their parents had been found guilty of aggravated assault against them. Furthermore, that an expulsion of the parents would not in itself preclude the daughters from having contact or other contact with them. It was therefore not a mistake that the daughters were not instructed on the contents of the Danish Administration of Justice Act (<i>retsplejeloven</i>), section 171(2)(1).</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The video interrogations of the defendant's daughters could be played during the principle proceedings in the criminal case against the parents.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>N/A.</p>

Thematic area	ACCESS TO JUSTICE Please provide the most relevant high court decision related to the topics addressed in the chapter.
Decision date	6 May, 2021
Reference details	Denmark, High Court of Eastern Denmark, case S-3135-20, 6 May 2021, available in Danish at: Ø.L.D. 6. maj 2021 i anke 2. afd. S-3135-20 Ø.L.D. 6. maj 2021 i anke 2. afd. S-3135-20 Karnov Group
Key facts of the case (max. 500 chars)	T, born in 1985 is charged for violence pursuant to Section 244 (1 and 2) and Section 247 (1) of the Danish Criminal Code as he, as previously punished for violence, at unspecified times in the period from 1 October 2017 to 19 January 2020, having repeatedly used violence against his wife F. In addition, he is charged with psychological violence pursuant to section 243 and section 247 (1) of the Danish Criminal Code as he at unspecified times in the period from April 2019 to 19 January 2020, repeatedly having subjected his wife F to gross degrading or abusive behaviour that was apt to be improper to control F, as defendant i.e. isolated her from her family, took control of her daily life, as the defendant determined when and how she might enter into social contexts with others, asking for permission if she wanted to leave the home, ignored her if she did not follow his instructions for her behaviour, took control over her finances, made threats against her family, among other things.
Main reasoning/argumentation (max. 500 chars)	The High Court has for the violation of Section 243 of the Danish Criminal Code on psychological violence, based its statement on the fact that, as a rule, no sentence of less than 60 days should be meted out for violation of this provision. Further the court also emphasised the extent of the period of the offence and the nature of the psychological violence.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The interconnection between section 243 and section 244 in relation to psychological violence and violence in a case with repeated situations.

<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>T was found guilty of violence, cf. Section 244 (2) of the Danish Criminal Code, as before punished for violence, cf. Section 247 (1) as he for a longer period of time had exposed his wife to various forms of violence, including strangulation, kicks, punches and spittle, just like he repeatedly over a period of time had subjected her to gross degrading, insulting and abusive behaviour, which was suitable for unduly controlling her. It had to be assumed that there was a fixed pattern of psychological violence that took place throughout the full cohabitation.</p> <p>The High Court punished T with 10 months of imprisonment, cf. The Danish Criminal Code Section § 244(2), and psychological violence in Section § 243, cf. Section § 247. The High Court emphasized that the psychological violence had been a fixed pattern throughout the relationship and that T was previously punished for a similar crime. The High Court found that there were no circumstances justifying an compensation pursuant to the Liability Act Section 26 (1 or 3). The City Court had reached the same result</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>N/A.</p>

Thematic area	DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD) Please provide the most relevant court judgment, which quoted the CRPD or prominently referred to the CRPD in the reasoning.
Decision date	11 May 2021
Reference details	Denmark, District Court of Frederiksberg (<i>Retten på Frederiksberg</i>), case No. 4121/2018, 18 December 2018. Denmark, Eastern High Court (<i>Østre Landsret</i>), case BS-50712/2018-OLR, 9 December 2019 Denmark, Supreme Court (<i>Højesteret</i>), case BS-20635/2020-HJR, 2 nd division, 11 May 2021, available in Danish at: https://domstol.fe1.tangora.com/media/-300016/files/BS-20635-2020_anonym_dom.pdf
Key facts of the case (max. 500 chars)	The plaintiff was an Iranian national, who had a temporary residence permit in Denmark since 3 September 2010. The plaintiff had a disability within the meaning of the Convention on the Rights of Persons with Disabilities (CRPD). The plaintiff applied for a permanent residence permit in Denmark on 15 December 2015. This application was rejected by the Immigration Appeals Board (<i>Udlændingenævnet</i>) on 14 August 2017, with reference to the fact that she did not meet the employment requirement in Section 11 (3), No 8-9 of the Danish Aliens Act (<i>udlændingeloven</i>). According to Section 11 (16) of the Aliens Act a permanent residence permit may still be granted even if the employment requirement is not satisfied, provided that the foreigner cannot be demanded to meet the requirements due to Denmark's international obligations, including the Convention on the Rights of Persons with Disabilities.
Main reasoning/argumentation (max. 500 chars)	The Supreme Court found that the plaintiff had not proved that she, as a consequence of her disability, did not have a reasonable prospect of being able to fulfil the employment requirement in the Danish Aliens Act. The court concluded that the Immigration Appeals Board would have put the plaintiff in a preferable situation compared to non-disabled people, if they had granted her exemption from the employment requirement.

<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The main question before the Supreme Court was whether the Immigration Appeals Board's verdict to reject the plaintiffs application for a permanent residence permit in Denmark with reference to the fact that she did not meet the employment requirement in the Danish Aliens Act was a violation of Article 5 of the Convention on the Rights of Persons with Disabilities and/or Article 14 read in conjunction with Article 8 of the European Convention on Human Rights due to the plaintiff's disability.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>The Supreme Court dismissed the plaintiff's claim and did not find that the Immigration Appeals Board's verdict to reject the plaintiff's application for a permanent residence permit violated Article 5 of the Convention on the Rights of Persons with Disabilities or Article 14 read in conjunction with Article 8 of the European Convention on Human Rights.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>N/A.</p>