

DENMARK

CERD 28TH No. 18 (A/9018) (1973)

302. The initial report of Denmark, submitted on 5 January 1973, was considered by the Committee at its eighth session (159th meeting).

303. Some members observed that the report was prepared in conformity with the guidelines laid down by the Committee. Several members noted that a committee of experts had been set up in 1966 to consider what statutory amendments would be necessary for ratification of the Convention by Denmark; that that committee had presented in 1969 a detailed review, comparing the provisions of the Convention with existing Danish law; and that, in accordance with the recommendations of that committee, Act No. 288 and Act No. 289 had been enacted in 1971, amending existing legislation in order to bring Danish law into conformity with the requirements of Articles 4 and 5 of the Convention. This procedure satisfied the requirements of article 2, paragraph 1 (c) and (d), of the Convention. Special note was taken of the administrative measures adopted to provide assistance to gypsies who had been granted Danish residence and work permits and to accelerate their integration into the Danish society, as required under article 2, paragraph 2, of the Convention and countenanced by article 1, paragraph 4. The information that no persons had been convicted under Acts Nos. 288 and 289 of 1971 was also noted.

304. Some members expressed the opinion that, whereas the information provided in the report about new legislation adopted to give effect to some provisions of Articles 4 and 5 of the Convention and special measures in accordance with Article 2, paragraph 2, was adequate, the information relating to the remaining provisions of the Convention consisted of no more than an assertion that no special measures had been adopted. In this connection, the hope was expressed that, in future reports, information about relevant existing legislation would be furnished, in order to enable the Committee to determine the degree of conformity of Danish Law with all the provisions of part I of the Convention. Some members expressed the view that not all the requirements of article 4, paragraphs (a) and (b), had been complied with by the reporting State; and doubt was expressed whether the obligation to “condemn racial segregation and apartheid” had been fulfilled. The lack of information - except with respect to the special administrative measures taken in order to assist a group of gypsies - on administrative, judicial and other measures, as required under article 9, paragraph 1, of the Convention, was pointed out by some members.

305. Some members expressed the wish that information would be provided in future reports regarding the practice of the courts with regard to cases of racial discrimination, migrant workers, the Ombudsman and his role, the situation of the Eskimos, the progress achieved by the gypsies, the ethnic composition of the population of Denmark, and the status of the relations of Denmark with the racist régimes in southern Africa.

306. The representative of Denmark assured the Committee that the comments made during the consideration of his country's report would be communicated to his Government and that the

requests for further information and for more comprehensive reporting would be taken into consideration in future reports. Referring to the statement in the report that no person had been convicted under Acts No. 288 and 289 of 1971, he informed the Committee that, since the compilation of the report, three co-defendants had been convicted under Act No. 289. As far as he knew, the Ombudsman had never received any complaints about racial discrimination. With respect to the observations made about the provisions of Act No. 288 and the extent to which they satisfied the requirements of article 4 of the Convention, he noted that that Act had been enacted in accordance with the recommendations of the committee of experts mentioned in the report, and stated that that committee had not recommended any other changes in the existing Danish law in order to fulfill the obligations of his Government under article 4. He expressed the view that the question of the relations of Denmark with the racist régimes in southern Africa might be better dealt with in another organ; in any case, Denmark's position on the matter was well known.

307. The Committee decided to consider the report, as amplified by the statement of the representative of Denmark, satisfactory, and expressed the hope that the Government of Denmark would continue to co-operate with the Committee.

CERD 30TH No. 18 (A/10018) (1975)

94. Members of the Committee noted that, although no new legislation relating to racial discrimination had been enacted in Denmark since the submission of its initial report, the second periodic report contained extensive information, which was organized in accordance with the guidelines laid down by the Committee. The report took into account the requests for additional information as well as the observations made by the members of the Committee during its consideration of the initial report. The second periodic report contained a section on Greenland and the texts of the legislative provisions to which reference was made, in accordance with the wishes expressed by the Committee. Some information on the demographic composition of Denmark, and separate demographic information on Greenland, was also included in response to the Committee's general recommendation IV. Members of the Committee observed, however, that the information envisaged in general recommendation III was not supplied, and that the information on court decisions and on the implementation of article 7 of the Convention was meagre.

95. Several members of the Committee expressed the views that the legislation giving effect to the provisions of article 4, paragraphs (a) and (b), of the Convention satisfied the requirements of that article; that the measures taken to apply article 6 of the Convention were satisfactory; that the situation relating to the application of the provisions of the Convention in Greenland was also satisfactory; and that the special measures and the policies described in the report, relating to the German minorities and the gypsies, were in accord with the provisions of article 2, paragraph 2, of the Convention.

96. Concern was expressed with regard to the compatibility of the distinctions made among migrant workers on the basis of their countries of origin with the provisions of article 1 of the Convention. It was noted that distinctions were made between the nationals of the Nordic countries, those of States members of the European communities, and those of other countries, with respect to the requirement of work permits. Although they recognized that the preferential treatment in that regard granted to workers from the Nordic or other European countries was the result of the terms of international instruments to which Denmark was a party, some members of the Committee nevertheless were of the opinion that the situation under consideration represented a conflict between the commitments of Denmark under those instruments and the commitments it assumed under the Convention.

97. The following questions were raised during the consideration of the report: Which courts were competent to hear cases relating to section 78, subsection 2, of the Constitution, which provides for certain associations to be dissolved by judgement? How was article 7 of the Convention implemented? How were the fines which were imposed out of court, in the cases mentioned in the report and dealing with admission to restaurants, imposed? Had the freeze imposed on the immigration of foreign labour at the end of 1973 applied to nationals of all countries, with no exception made for workers from the Nordic or other European countries? Did the competence of the Danish ombudsman also extend to Greenland? Were there cases of racial discrimination directly related to Greenland? Was the ombudsman able to provide effective protection in cases of racial discrimination?

98. The representative of Denmark assured the Committee that all the questions raised during the discussion of his Government's report would be dealt with in future reports. In the meantime, he gave the following preliminary answers to some of those questions: Cases relating to section 78, subsection 2, of the Constitution would be heard in ordinary courts of first instance, with the possibility of appeal reaching as high as the Supreme Court. In Denmark there was a commission responsible for school textbooks which endeavoured to include in them information on human rights and racial discrimination; schools were free to choose the texts which they preferred from among those offered to them by the commission. With regard to the fines imposed out of court, it was the police who imposed them; if the person fined agreed to pay, the case was closed; if the person did not agree to pay, recourse could be had to the courts.

99. Regarding migrant workers, the representative of Denmark stated that the requirement that nationals of countries other than the Nordic countries or member States of the European communities should obtain work permits before taking up employment could not be considered discriminatory: it was a preference granted by Denmark to certain nationalities in accordance with international treaties which it had concluded.

CERD A/32/18 (1977)

229. The third periodic report of Denmark was considered by the Committee together with the introductory statement made by the representative of Denmark - who explained that her Government's current report consisted mainly of replies to questions raised during the Committee's consideration of the second periodic report of Denmark.

230. It was asked whether the Convention was to become a part of Danish law or whether the only legislation was to be the Racial Discrimination Act - which appeared to cover only article 4, paragraph (b), of the Convention, to some extent article 6, and possibly the condemnation of racial discrimination required in article 3, but not the Convention as a whole.

231. It was noted that the measures described for implemented article 2, paragraph 2, of the Convention, with respect to Greenland had not yet gone beyond intentions. A member of the Committee asked if any steps had been taken to apply that provision of the Convention, as a result of the recommendations contained in the preliminary report of the Committee for Local Autonomy in Greenland. Another member noted with satisfaction that progress continued to be made towards granting the inhabitants of Greenland greater share in their own administration.

232. A member of the Committee asked whether the Government of Denmark considered that the provisions of article 3 of the Convention were met by accession to the International Convention on the Suppression and Punishment of the Crime of Apartheid.

233. The degree to which the relevant provisions of the Constitution and Danish legislation satisfied the requirements of article 4, paragraph (b), of the Convention gave rise to much discussion. Some members asked for further clarifications, beyond those given in the report under consideration. Could legal proceedings be instituted against the leaders of an association which continued its activities after it had been prohibited provisionally by the Government or dissolved by a court judgement? If so, what form would the punishment for such an offence take? And what would be the penalty for members of an association who had committed an illegal act before the association had been prohibited or dissolved? Other members stated that the Danish law cited in relation to article 4, paragraph (b), of the Convention referred specifically to the use of violence or instigation to violence, whereas that provision of the Convention made no such reference but simply referred to organizations, and organized and other propaganda activities, which promoted and incited racial discrimination. Other members of the Committee, however, expressed the view that Danish law satisfied the requirements of article 4, paragraph (b), of the Convention.

234. A member of the Committee asked whether migrant workers had the same rights and privileges as Danish workers. An inquiry was made about the number of migrant workers in Denmark, the proportion of the total population they represented, and the proportion among migrant workers of those who were nationals of Nordic States, member States of the European Economic Community and other States.

235. It was observed that none of the three reports received from Denmark contained sufficient information with respect to that country's fulfilment of its obligations under article 7 of the

Convention; and it was hoped that additional information on that subject would be given.

236. It was noted that the information envisaged by the Committee in general recommendation III and decision 2 (XI), concerning relations with the racist régimes of southern Africa, had not been supplied by the reporting State.

237. The representative of Denmark commented on some of the observations and questions summarized in the preceding paragraphs. In Denmark, national law was carefully examined and, when necessary, adapted before international conventions were ratified. Further information on Greenland would be furnished in the next periodic report. The Danish Government considered that its ratification of the Convention was in itself sufficient implementation of article 3. She gave the Committee some information on migrant workers in her country and on the application of article 7 of the Convention, and assured the Committee that she would convey to her Government, for further consideration, the requests for information and the questions raised by members of the Committee.

CERD A/34/18 (1979)

382. The fourth periodic report of Denmark (CERD/C/48/Add.2) was considered by the Committee together with the additional information given in his introductory statement by the representative of the reporting State, who also informed the Committee that at the referendum on local autonomy for Greenland held in January 1979, 63.3 per cent of the eligible persons had taken part; 70.1 per cent had voted for and 25.8 per cent against local autonomy, which came into effect on 1 May 1979.

383. Members of the Committee expressed their satisfaction with the report, which supplied ample information on various measures taken for the implementation of the Convention and was noteworthy both in form and substance.

384. It was noted that international treaties were not automatically incorporated into national law in Denmark. States had to recognize the primacy of international law, while the legal literature referred to in section III of the report concerning the impact of the Convention on Danish domestic law did not create an obligation that was binding upon a judge. For those reasons that section caused some concern to Committee members. It was stated in this connection that the Danish Government should submit to the Committee the text of the first section of the memorandum concerning Denmark's membership in the European Economic Community, which might give further information on the interpretation of domestic legislation and international treaties.

385. With respect to the system of local autonomy for Greenland, referred to in section V of the report, the Committee requested information on the terms of reference of the referendum held in Greenland in January 1979. A question was asked whether the Danish Government considered that by granting legal autonomy to Greenland it would be complying with all its obligations under article 2 of the Convention. Some members were interested in the level of economic development of the Faroe Islands and Greenland as compared with Denmark proper, and the efforts being made to achieve uniform development.

386. Some members were concerned at the fact that aliens living in Denmark were generally not entitled to national invalidity and widow's pensions, except where provided for by bilateral agreement with the country of their origin, and stated that this could lead to discrimination. It was pointed out that alien residents should receive benefits on the same basis as citizens, whether or not there were bilateral agreements to that effect, and that the Danish Government should rethink its position on that question. It was, however, noted by one member that article 1, paragraph 2, of the Convention permitted States parties to apply distinctions between citizens and non-citizens. The Committee should not be burdened with matters outside its competence.

387. It was asked whether there were any programmes in the economic field to facilitate the return of migrants to their countries of origin. While welcoming the measures taken by the Danish Government to enable non-Danish-speaking children to maintain and develop knowledge of their mother tongues and of the conditions prevailing in their countries of origin, the Committee wished to receive the details concerning the Government's efforts to disseminate information about other countries, civilizations and peoples and to support cultural or other associations of non-Danish-speaking youths.

388. It was pointed out that the report failed to answer the question concerning the attitude of Denmark towards the racist régimes in southern Africa and the steps it had taken to break off relations with those régimes.

389. With regard to the implementation of article 4 of the Convention, members of the Committee noted that Danish legislation did not fully comply with the provisions of that article. It was not clear whether associations whose activities fell within the provisions of section 266 of the Penal Code or of the Racial Discrimination Act would automatically and necessarily be dissolved or whether a separate procedure was required for their dissolution or, in the latter case, who could initiate proceedings for the dissolution of such an association: the Public Prosecutor, the Ombudsman or a private party. Information was sought whether financing of such associations was liable to the same penalties as actual participation in them and why article 132a of the Penal Code was not automatically applied to their leaders.

390. In connection with violations of the Racial Discrimination Act and the Marketing Act described in the report, some members asked what hierarchical relationship existed between the Ombudsman and the Public Prosecutor and whether the Minister of the Interior or the Ombudsman was empowered to prosecute violations of the Marketing Act.

391. With reference to article 7 of the Convention, it was pointed out that the contents of the report were not entirely satisfactory with regard to the measures to be taken under that article in the fields of teaching, education, culture and information to combat racial prejudice, and that further information on the implementation of article 7 should be made available to the Committee.

392. Replying to the questions of the members of the Committee, the representative of the reporting State informed the Committee that the arrangements for local autonomy in Greenland were patterned on those in use in the Faroe Islands, which had worked to the satisfaction of all for some 31 years. The Government provided massive economic assistance to Greenland, but the climatic and geographical conditions of the area were such that its economy was barely viable.

393. With regard to article 4 of the Convention, he said that the main thrust of the relevant article of the Constitution was to prohibit the Government from making prior authorization a condition for the establishment of an association. An association whose activities were in contravention of the Penal Code or the Racial Discrimination Act was unlawful, and it was the duty of the Danish authorities to ensure compliance with Danish law in that regard. Any type of participation in such associations fell within the scope of the Penal Code and was punishable, as was leadership in such associations.

394. Touching upon violations of the Marketing Act, he said that it was the responsibility of the Ombudsman to prosecute violations, and there was no reason to believe that the Minister of the Interior could prevent him from doing so.

395. As to article 7 of the Convention, he informed the Committee of important cultural and information activities aimed at combating racial prejudice carried out by his Government in addition to measures in the educational field. His Government would provide further information, as requested, concerning the application of that article.

396. The Danish Government had, in various international forums, stated its strong opposition to apartheid.

CERD A/36/18 (1981)

459. The fifth periodic report of Denmark (CERD/C/75/Add.5) was considered by the Committee together with the introductory statement of the representative of the reporting State.

460. Members of the Committee congratulated the Danish Government on its objective report which showed that Denmark was undoubtedly promoting the goals enshrined in the Convention and that the Government was willing to maintain a permanent dialogue with the Committee.

461. In connection with article 2 of the Convention, the Committee drew particular attention to the situation in Greenland which had acquired certain administrative autonomies since the adoption of the Greenland Home Rule Act by referendum in 1979. The wish was expressed to receive the full text of the new Home Rule Act and fuller explanation of how the provisions of the Convention were enshrined in it, particularly those relating to language, culture and education. It was asked, in this connection, whether the ordinance of 1972 implementing the Convention in Greenland was still in force and if so, what was its relationship to the Home Rule Act, whether the central Danish Government could ask the territory to enact the necessary legislation to implement international instruments, whether that problem had come up already and whether, in future, the Government to be established in Greenland would be able to make corrections if local authorities infringed the provisions of the Convention. Members of the Committee were also interested in any new political or socio-economic measures taken in Greenland. They requested, in particular, information on the position and competence of the various institutions dealing with Greenland when the new Home Rule Act had come fully into force, on whether, after the Home Rule Act was implemented, the inhabitants of Greenland would still be citizens of Denmark and whether they would elect representatives to local legislative organs as well as to the Danish Parliament. Information was also requested on the Faroe Islands and any progress which had been made there since the adoption of the Home Rule Act, with regard, in particular, to opportunities available to the population to develop its own traditions, culture, language and socio-economic position. Since both Greenland and the Faroe Islands would continue to be heavily dependent on Danish support, detailed information was requested on the assistance provided by Denmark to ensure economic stability in both territories. It was asked, in particular, whether provision had been made to continue to supplement capital transfer from Denmark to Greenland beyond 1984, when Greenland achieved full autonomy, what measures had been taken by the Committee set up to facilitate the improvement of the standard of living in Greenland and whether the economic and social situation had improved, what opportunities were given to inhabitants of Greenland and the Faroe Islands to secure employment in Denmark, what opportunities would be opened up with the transfer to Home Rule of the production and sales activities of the Royal Greenland State Department, whether statistics could be provided on the per capita income in Greenland and Denmark and on that of the Eskimo population and whether information could be provided on the benefits from the loans granted by Denmark to the Faroe Islands. Precise information was also requested on the demographic composition of Denmark.

462. With regard to article 3 of the Convention, up-to-date information was requested on Denmark's stand on relations with South Africa with particular reference to investments and measures to assist national liberation movements in southern Africa.

463. In connection with article 4 of the Convention, one member referred to subsection I of section 78 of the Constitution on the prohibition of racist organizations and asked for clarification with regard to who could request an association to be declared illegal or racist, whether it was the public prosecutor, the ombudsman or any individual in general.

464. In connection with article 5 of the Convention, more information was requested on the Danish Government's policy on aliens, especially migrant workers. It was also asked how the Danish Government viewed the possibility of migrant workers becoming a full-fledged minority, with all the rights that that status entailed and whether migrant workers could form unions in the same manner as Danish workers. Reference was made to the study of the Danish Ministry of Social Affairs concerning the possibility of amending the provisions of Danish pension laws relating to the build-up period, citizenship and residence and it was asked whether information could be provided on the results of that study. It was asked also whether Laps, Eskimos and other ethnic groups had the same rights under article 5 of the Convention as other Danish citizens and what was the situation of the inhabitants of the Faroe Islands with respect to their enjoyment of the rights mentioned in that article.

465. With regard to article 6 of the Convention, it was asked what were the specific means by which foreign workers could seek remedies from the country's tribunals and State institutions and whether there had been cases of discrimination against Eskimos or the inhabitants of the Faroe Islands. More information was also requested on the two communications received by the consumer ombudsman about racial discrimination in advertising.

466. In respect to article 7 of the Convention, more information was requested on measures in fields other than education. Furthermore, noting that the programme for education and the dissemination of the ideas of good relations between Danish citizens and foreigners were under the responsibility of local authorities and that there had been some cases of racial discrimination in the press, one member expressed the opinion that a centralized programme and the codification of the condemnation of the dissemination of racist information might be more in line with the Convention's ultimate objective.

467. Replying to questions raised by members of the Committee, the representative of Denmark explained, in connection with article 2 of the Convention, that the Danish Constitution, Penal Code and all other legislation enacted before the Home Rule Act entered into effect still applied in Greenland. Therefore, the laws designed to prevent racial discrimination would be in force in Greenland. Greenlanders were considered Danish citizens and were free to seek work in Denmark. Both Greenlanders and Faroe Islanders had two representatives in the Parliament. Greenland's geographic location and climatic conditions placed natural limits on its economic development. The annual capital transfers from Denmark to Greenland would continue in the future even after home rule had been fully established. As regards the ethnic composition of the Danish population, the representative stated that the Government did not register persons according to ethnic origin and that there was a register law in Denmark with strict rules on what could be included in registers.

468. With regard to article 3 of the Convention, he pointed out that his Government had voiced its strong condemnation of apartheid on numerous occasions in various international fora and that in that regard, Denmark participated with the other Nordic countries in a common action oriented

programme against South Africa.

469. In connection with article 5 of the Convention, he stated that foreign workers could establish trade unions of their own in accordance with the freedom of association which was enshrined in the Constitution. In actual practice, however, most foreign workers joined regular Danish trade unions.

470. As regards article 6 of the Convention, he explained that foreigners who wished to lodge complaints could either resort to the Courts or to the Ombudsman. The latter procedure was free of charge and did not entail any formality. He also stated that no cases of discrimination against Eskimos or the people from the Faroe Islands had been brought before the Court.

471. In connection with article 7 of the Convention, the representative pointed out that, even though education was the responsibility of the local authorities in Denmark, there was a wide range of private schools which were supplied by the State.

CERD A/39/18 (1984)

262. The sixth periodic report of Denmark (CERD/C/106/Add.9) was considered by the Committee after an introductory statement by the representative of the reporting State, who informed the Committee that a treaty had been signed recently with the European Economic Community (EEC) providing for the termination of Greenland's association with the EEC on 1 January 1985. He also informed the Committee that immigrant residents in Denmark had been granted the right to vote in local elections provided that they had been residing in the locality for at least three years.

263. The Committee noted with satisfaction that the report had been prepared in accordance with its guidelines and that it had taken into account the suggestions made by members during the consideration of previous reports. It was pointed out that the information contained in the report confirmed the earlier impression that Danish legislation was in keeping with the provisions of the Convention.

264. With regard to the demographic composition of Denmark, members of the Committee requested further data, particularly on the composition of the population of Greenland in order to permit an assessment of the participation of the Eskimos in local policies. Clarification was also requested regarding ethnic minorities since one part of the report stated that persons were not registered according to their ethnic origin, while another part stressed that all ethnic minorities had equal access to education.

265. In relation to the information concerning Greenland, it was observed that powers and responsibilities in various fields had been transferred to the indigenous population and that the Home Rule Act was based on the philosophy that the population of Greenland did not want independence but rather better opportunities to develop and strengthen the identity of Greenland. Members emphasized some of the positive aspects of the Home Rule Act which provided, inter alia, that Greenlandic should be the main language, while retaining the use of Danish on an equal footing with Greenlandic for official purposes. While Greenland authorities were given jurisdiction over fields such as social welfare, education and cultural affairs, the Danish national authorities continued to be responsible for implementing the Convention in Greenland. It was asked whether the Constitution of Denmark made provisions for the possibility of an eventual declaration of independence in Greenland. Further information was requested about the negotiations between Denmark and the European Economic Communities concerning the withdrawal of Greenland from the EEC. Clarifications were requested on Denmark's position with regard to the natural resources of Greenland and to what extent the Greenland authorities were prepared for taking over the production and sales activities of the Royal Greenland Trade Department as stipulated under the Royal Greenland Trade Act.

266. The Committee observed that the Board dealing with problems concerning the jurisdiction of the central authorities and the home rule authorities comprised seven members, three of whom were judges in the Supreme Court. Within this context, it was asked whether those judges could take any action in cases where the representatives of the home rule authorities accepted an interpretation that was not entirely in conformity with the Constitution and the Home Rule Act, with a view to avoiding a financial burden; and whether the Rigsombudsmand could intervene in such cases. In this

connection, it was asked whether it was possible for the population of Greenland to have a representative in the Supreme Court. More data was needed on the economic situation of Eskimos, their rate of literacy, percentage of Greenlanders in higher education, and on measures taken to put into effect the principle of equality between Danes and Eskimos. Comparative figures would also be needed to assess in particular the economic and social position of Danes in Greenland. More detailed information was requested on the representation of Greenland in bodies and institutions other than the Government and the Parliament, in order to ensure that the indigenous population did not feel that it had been relegated to an inferior position particularly with regard to sovereignty over natural resources. Questions were posed concerning how the plan to make Greenlandic one of the two official languages was being implemented.

267. Information was also requested concerning the demographic composition of the Faroe Islands as well as data on the educational and income levels of their inhabitants.

268. With reference to Denmark's immigration policy, the Committee observed that it seemed to be firmly based on the principle of respect for human rights and combined the preservation of the cultural identity of the immigrants with their integration into their new social environment. It praised the Government's progressive policy for granting the right to vote in local elections to immigrants as well as for allowing entry to immigrants' families on humanitarian grounds. It emphasized the efforts made to achieve de facto equality. Further information on the new legislation in question should be provided in the next report. Clarifications were requested as to whether, as a result of the 1981 local government elections, many immigrant leaders now participated in local government. It was also asked how long an immigrant had to have resided in a district in order to be able to vote in local elections held there, since it was assumed that the question of permanent residence was in the realm and not in the district. Noting that Denmark had imposed a ban on immigration in 1973, clarification was requested as to whether persons residing illegally in the country could appeal against deportation or had the possibility of acquiring residence. In this connection, reference was made to the report and it was asked what was meant by the words "third countries". It was also asked whether Denmark was taking into account the situation under which foreign workers tried to remain in the country, tried to obtain permanent residency and eventually citizenship, thus forming ethnic minorities and what steps were being taken in order to preserve their language and culture. In this connection, information concerning the procedure to acquire Danish nationality for immigrants was requested. Members were also interested to know whether immigrants' family members were allowed to work. The Committee commended the rapid and effective action taken by the Danish authorities against acts of racial discrimination, but expressed concern at cases of xenophobia, of violation of the right of access for aliens to public places, and tendencies of discrimination in certain schools. It was asked whether steps had been taken to make potential victims of discrimination aware of their rights.

269. With reference to article 3, members commended Denmark for its contributions to many funds to assist Namibia. They regretted, however, that the report did not contain detailed information on Denmark's policies regarding the apartheid régime and the practices of racial discrimination in south Africa, especially as Denmark had made appreciable efforts in that area.

270. With regard to article 4 and the dissolution of associations pursuing illegal goals, it was asked whether the police had ever been requested to open investigations with a view to dissolving an

association.

271. In connection with article 6, the Committee noted that there was a system of juridical and administrative resources guaranteeing respect for the rights of the individual, in particular, the role of the ombudsman.

272. Replying to questions raised concerning the demographic composition of Denmark, the representative of the reporting State indicated that the term "immigrant" used in the report denoted all non-citizens resident in the country who had immigrated. A detailed breakdown of that population - including their ethnic origin - was given in the report.

273. Referring to the questions posed with regard to Greenland, he stated that until 1953 Greenland had been a colony. The 1953 Constitution had made Greenland an integral part of the realm having equal status with other parts. The people of Greenland were Danish and had the same rights and obligations as other Danish citizens. The Home Rule Act of 1978 had preserved the unity of the realm and competence in such spheres as foreign affairs, defence and currency policy remained vested in the national authorities in Copenhagen. The national authorities of Denmark continued to have responsibility for the implementation of the Convention in Greenland. The indigenous language and Danish were the official languages of Greenland. He explained that when Denmark entered the European Economic Community, the Faroe Islands had enjoyed home rule for over 20 years, but not Greenland which had therefore automatically become a member. Following the adoption of the 1978 Home Rule Act, Greenland had decided to hold a referendum to determine whether it should remain in the Community. That referendum had been held two years ago and a majority of the population had voted in favour of withdrawal. The treaty of withdrawal had been signed recently. Concerning the questions raised in connection with the establishment of a Board, under the Home Rule Act, for the purpose of settling any disputes that might arise between the national and the home rule authorities, he said that if the four political appointees on the Board agreed, then the matter was settled. If they did not, then the question would be decided by the three judges on the Board. The Constitution did not provide for the possibility that Greenland might acquire independence.

274. With regard to questions raised relating to immigrants, the representative of Denmark explained that the residency requirement for immigrants to vote in local elections referred to residency in the realm. In order to vote, a person had to be resident in the locality in which the vote was to take place and be registered on the list of those eligible to vote. Immigrants could become Danish citizens subject to certain requirements, including seven years' continuous residence, knowledge of Danish and approval by a parliamentary committee. Referring to the ban on immigration, he said that the term "third countries" covered all countries other than the members of the EEC, whose nationals were protected by the Treaty of Rome, and the Nordic countries, with whom Denmark had signed a passport union. Most of the immigrants from other countries were joining their families; they could work provided that they obtained a work permit. The ban did not extend to refugees, for whom the Government had a separate policy.

275. In relation to the implementation of article 3, he informed the Committee that Denmark had long been in the forefront of the struggle to eliminate apartheid. At the thirty-eighth session of the General Assembly, Denmark had indicated that it favored the adoption of mandatory economic

sanctions against South Africa.

276. In connection with the implementation of article 4 and the question what constituted violence, he stated that any form of racial discrimination, including verbal, was outlawed. The actions of an organization which practised verbal discrimination were considered a form of violence and could be prosecuted under the law.

277. The representative assured the Committee that all the questions raised during the consideration of the sixth periodic report of Denmark would be conveyed to his Government which would provide further information in its next periodic report.

CERD A/42/18 (1987)

246. The seventh periodic report of Denmark (CERD/C/131/Add.6) was considered by the Committee at its 763rd to 765th meetings on 12 and 13 March 1986 (CERD/C/SR.763-SR.765).

247. In introducing the report, the representative of Denmark drew the attention of the Committee to his Government's adoption of a series of restrictive measures against South Africa and its participation in the international endeavours in the Security Council, the General Assembly, the Nordic Group of States and the European Economic Community (EEC). He also indicated that the number of so-called "spontaneous asylum seekers" - i.e., refugees who entered Denmark on their own initiative and not under the auspices of the United Nations High Commissioner for Refugees - had increased from 332 in 1983 to 4,312 in 1984. In September 1985, Denmark had adopted a comprehensive programme to ensure proper treatment of those refugees and their integration into Danish society.

248. Members of the Committee commended Denmark for its excellent record in implementing human rights internally and in aiding victims of racial discrimination abroad and for having made the declaration under article 14 of the Convention recognizing the competence of the Committee to deal with individual communications. They also praised the humanitarian assistance provided by the Danish Government to refugees. The Danish report complied fully with the Committee's guidelines (CERD/C/70/Rev.1). It was pointed out that, although Denmark did not collect information on the ethnic origin of individuals, the report showed that there were minorities or ethnic groups living in the country.

249. With reference to immigrants, it was observed that the Aliens Act distinguished between three categories and it was asked whether the purpose of that distinction was differential treatment of the three groups and whether any steps were taken to ensure that there was no discrimination against any of those groups. Clarification was sought concerning the ban restricting the entry and employment of aliens, in particular it was asked whether there was any corresponding legislation for the protection of aliens, what exceptions were made to the ban, and under what circumstances aliens could be expelled within a period of three months. Information was requested regarding the criteria for issuing work permits. Clarification of the requirements for becoming a Danish citizen was also requested. Members wished to know what type of education was provided to the children of immigrants. They also requested a breakdown of the national origin of refugees entering Denmark..

250. Members of the Committee inquired about the constitutional relationship between Denmark and Greenland. They expressed the hope that replies would be forthcoming to questions asked during the Committee's consideration of Denmark's previous report concerning the situation of Eskimos in Greenland, their economic situation and their representation in higher education posts and the civil service.

251. With regard to article 3 of the Convention, members of the Committee commended the Danish Government for its outstanding record of opposition to apartheid and for the measures it had taken, both alone and in association with other countries, in relation to the racist régime in South Africa.

They also emphasized the humanitarian assistance provided by Denmark to victims of apartheid, liberation movements and the front-line States. It was pointed out, however, that Denmark still had extensive relations with South Africa and it was asked what Denmark's position on armed struggle was when the need for such struggle was being imposed upon the population. Members requested further information regarding the decisions taken in Denmark to apply sanctions against South Africa. They also asked about the volume of Danish capital investment in South Africa and of trade relations between the two countries, whether any Danish companies had been penalized for their relations with South Africa, particularly for violations of the arms embargo, and whether the Committee could assume that Denmark no longer had any diplomatic relations with South Africa. It was also asked what steps Denmark had taken to encourage others members of EEC which still had extensive relations with South Africa to take effective measures against the apartheid régime, what had resulted from the negotiations with Nordic enterprises with a view to restricting their production in South Africa and whether Danish ships had stopped transporting oil to South Africa.

252. As far as the implementation of articles 4 and 6 of the Convention was concerned, members welcomed the inclusion in the report of information concerning two court cases involving racial discrimination. In connection with one of those cases, clarification was sought as to which authorities were responsible for serving the writ that had not been served in time. Members expressed surprise, however, that only two court cases involving racial discrimination had been reported, particularly in view of the present tide of xenophobia affecting the industrialized countries of Europe primarily as a result of increased unemployment. They inquired as to whether there had been any court cases regarding discrimination with respect to employment practices and whether there was any provision prohibiting discrimination in employment. They wished to know whether the reduced incidence of racial discrimination in Denmark at a time of rising xenophobia was due to the fact that immigrants, particularly newcomers, were poorly informed about the possibilities that existed for seeking redress, or that the preventive measures taken by the Government were successful, or that the problem was not adequately monitored. They also asked whether effective remedies were available to individuals who felt that their basic human rights had been violated and whether those remedies provided for prompt redress.

253. Regarding article 5, it was asked whether work was recognized as a right in Denmark and additional information was requested concerning the possibility of extending pension benefits to refugees.

254. The positive measures taken by Denmark to implement article 7 were emphasized and it was asked whether the Government was envisaging any intensification of its efforts in that area.

255. Responding to questions raised and comments made by Committee members, the representative of Denmark said that foreigners in Denmark were registered according to nationality and not ethnic group. The three categories mentioned in the report reflected Denmark's treaty obligations, and were applied in determining the legal status of foreigners entering Denmark.

256. Resident foreigners had the right both to vote and to stand for local elections; three foreigners had recently been elected to local councils. There was no discrimination against foreigners seeking Danish citizenship and residence. Citizenship requirements applied to all foreigners regardless of national origin. They included a minimum of seven years' residence, knowledge of Danish, and

parliamentary approval upon application. Expulsion of foreigners was extremely rare, and the guidelines for doing so were quite strict. Immigrants could be expelled for reasons of national security if they had repeatedly committed serious crimes, if they had been sentenced to six years in prison, or if they had entered the country illegally. Immigrants enjoyed the full protection of Danish law.

257. Children of refugees and immigrants in Denmark were given free education in Danish schools. The Government did not make special provision for the teaching of those children in their own native languages, but state-subsidized courses were available to them at minimal cost. Consulates representing the countries of origin of refugees did not operate special schools, chiefly because the individual national groups concerned were rather small. Institutes of education were open to immigrants and refugees on an equal basis with Danes, and access to higher education in general was based on ability and not economic means.

258. The latest statistics for 1985 showed that the number of refugees who had entered Denmark on their own initiative, rather than under the auspices of the Office of the United Nations High Commissioner for Refugees, had reached some 8,000 by August, almost double the figure for the whole of 1984. Those refugees represented 35 nationalities, the main ones being Lebanese, Iranians, stateless Palestinians, Poles and Turks. In earlier years, many refugees had come from Chile and Hungary, and there was now also a large group of Vietnamese refugees who had arrived through the Rescue at Sea Resettlement Offers (RASRO) scheme. No preferential treatment was given to any one group of refugees. All cases were decided on the basis of need, not of country of origin.

259. With regard to Greenland, it could be said that socio-economic conditions and educational levels were roughly the same as those in the rest of the Danish realm, and illiteracy there was unknown. No exact figures for the Eskimo population were available since Danish citizens were not registered according to ethnic origin. Only rough estimates could be made, on the basis of the regular population censuses. Greenlanders had been appointed as Supreme Court justices. By virtue of the 1953 Constitution, Greenland was as much a part of Denmark as Copenhagen. Since 1979, however, it had enjoyed home rule and exercised powers in respect of State affairs with the exception, *inter alia*, of constitutional and criminal law, foreign relations and national defence.

260. Only three Danish firms were currently doing business in South Africa. Three court cases were on record, which Denmark deeply regretted. The first two cases dealt with arms shipments to South Africa on Danish ships that had been leased to other countries. No arms had been shipped from Danish ports. In the first case, the Supreme Court had imposed a sentence of unconditional incarceration because it had deemed that the lower court's decision had been too mild. The penalty had then been extended to four years, and had been imposed *in absentia* in the second case. The third case was still pending.

261. Denmark had never had diplomatic relations with South Africa at the ambassadorial level. Since the closing of its consulate-general in Johannesburg in 1985, there had been no Danish representation in South Africa. South Africa had a consulate-general in Copenhagen. Danish activities with South Africa could not be characterized as "relations".

262. Since 1980, no oil had been carried to South Africa aboard Danish ships. No Danish-produced oil had been exported to South Africa. Coal imports, which accounted for roughly 90 per cent of Danish imports from South Africa, were expected to be completely halted by spring, by virtue of a government bill providing for an end to import-export trade with South Africa at the earliest possible date. Figures showed that the volume of trade with South Africa over the past few years was static. Total 1981 imports amounted to 1.25 billion Danish kroner, while the 1985 total was 1 billion Danish kroner.

263. The Danish Ministry of Industry was studying the extent of Danish investment in South Africa; research had not yet been concluded and more information would be provided in the next report. Most Danish companies had disinvested as a result of the Joint Programme of Action against South Africa.

264. Denmark provided humanitarian aid to oppressed South Africans, but did not support armed conflicts. To do so would contravene the Charter of the United Nations. Within the Nordic community, the European Economic Community and the United Nations, Denmark strove to convince others to adopt its policy.

265. As to legal remedies against acts of racial discrimination, all persons had the full protection of the law and the opportunity to report such incidents to the police and to initiate legal proceedings in the courts. Such proceedings were dealt with expeditiously. With respect to the cases mentioned in the report, the lawyer for the petitioner had been responsible for not serving the writ on time. Since the case against the first person had been dismissed, and it had not been clearly established that the second person had made a defamatory statement independently of the first, the second person had been found not guilty. Another case pending concerned a television journalist who had interviewed youths making defamatory racial statements. The youths and interviewer had been prosecuted, as well as the new programme's supervisory officer.

266. There were probably so few recorded cases of racial discrimination in Denmark because strong nationalism had never been a prevailing force, and the Danes were a pragmatic people who did not openly discriminate. Racist organizations were illegal by virtue of the law and the Constitution. There were no racist organizations to the knowledge of State authorities. Denmark fully complied with article 4 of the Convention.

267. The right to work, as laid down in article 5 of the Convention, was indeed recognized in Denmark. Under the new Social Pensions Act, which had entered into force on 1 October 1984, pensions were paid to non-Danish citizens who had been permanently resident in Denmark for at least 10 years between the ages of 15 and 67. Of those 10 years, at least 5 had to be within the period immediately preceding the award of the pension.

CERD A/45/18 (1990)

49. The eighth and ninth periodic reports of Denmark (CERD/C/158/Add.8 and CERD/C/184/Add.2) were considered by the Committee at its 864th and 865th meetings, held on 7 August 1990 (CERD/C/SR.864 and SR.865).

50. The reports were introduced by the representative of the reporting State, who indicated that the ninth periodic report of his country, prepared in 1989, was a simple updating of the eighth periodic report. The information supplied was still valid except for certain statistics concerning the population. Denmark remained strongly opposed to apartheid and continued to apply economic sanctions. All economic sanctions against Namibia had been lifted as soon as that country became independent.

51. The representative stated that there were a number of minorities in his country and the Government was perfectly conscious of the necessity to defend the principle of equality before the law as well as to prevent all acts or manifestations that went against that principle and against the profound sentiment of the Danish population, for whom all men were equal.

52. Members of the Committee congratulated the Danish Government on its reports and commended its efforts to ensure respect for human rights and its fight against racial discrimination. The decision of the Danish Parliament to provide funds for a campaign of information and education aimed at familiarizing the Danish population with refugees and migrant workers was commendable and would help to dispel prejudices and to reduce racial discrimination. It was also encouraging to note that sports organizations were creating a fund to improve the participation of refugees and migrant workers in sports.

53. Members wished to know whether, in view of the increase in the number of immigrants to 2.8 per cent of the population in January 1989, any specific measures had been taken to prevent possible racial discrimination against immigrants and refugees. They also asked whether that increase had given rise to reactions of intolerance or discrimination in the schools.

54. With regard to Greenland, members of the Committee wished to know why a high percentage of people in the civil service there had been born outside Greenland, and why those in Greenland who came from the outside earned more than the natives. It was also asked whether people from Greenland, the Faeroes Islands and the German minority enjoyed full human rights, such as the right to be taught one's language and to receive instruction in that language; and whether minority languages could be used in public institutions, such as courts of law. A member inquired whether the people of Greenland had the right to a European Community passport; these were supposed to be for persons born within the territory of the Community.

55. With reference to article 3 of the Convention, members said that the position of Denmark with regard to the application of sanctions against South Africa was commendable. However, they wished to know the extent of Danish investments in South Africa in 1990 and how the Danish Government was able to verify that the five Danish companies operating in South Africa complied with the requirements of the revised European Economic Community Code of Conduct. Members

also asked whether the total prohibition of Danish companies from operating in South Africa was envisaged and why the Danish Government was considering re-establishing diplomatic relations with South Africa.

56. Many members asked questions about the action taken against the so-called “green jackets” mentioned in the report. These were young people who claimed to share the views of the Ku Klux Klan and who engaged in racial attacks upon ethnic minority persons. They said that the police did not arrest them since they thought that these were just “boyish tricks”. In 1985 they allowed themselves to be interviewed in two newspapers. They were then interviewed at length by two journalists who used quotations from the interviews for a radio broadcast. The “green jackets” and journalists were convicted for the dissemination of ideas based on racial superiority or hatred and incitement to racial discrimination contrary to paragraph 4 (a) of the Convention. The journalists twice appealed against this conviction. The Danish Supreme Court interpreted the Danish Law 266 B so as to stress the objective fact of dissemination and to exclude consideration of the intent of the broadcasters. Some members welcomed this decision as the clearest statement yet, in any country, that the right to protection against racial discrimination took precedence over the right to freedom of expression. Other members thought that in such cases the facts needed to be considered in relation to both rights. It was noted that apparently the attention of the Supreme Court had not been drawn to the Committee’s discussion of the issue in 1986 at the request of the Netherlands. ^{4/}

57. Questions were also asked about the allocation of housing in Ishøj. At a time when migrant workers and their families constituted 10 per cent of the population, the mayor recommended housing associations to reduce the allocation of housing to immigrants in order to guard against hostility from the local population. He claimed that that was permitted by article 1, paragraph 4, of the Convention. The Prosecutor General, the Ombudsman, the Housing Department, and the Folketing all became involved. The Housing Department had recently declared that it could be relevant, in a specific case, to bring an applicant’s nationality into consideration. It was asked if this represented general government policy. Another member detected inconsistencies, firstly, in the initiation of legal proceedings and secondly between a strict interpretation of article 4(a) obligations and a lax interpretation of article 1, paragraph 4.

58. It was suggested that the exercise of administrative discretion, which included the obligation to apply a fair procedure, did not meet in full the obligation under article 2 of the Convention. Members expressed surprise that there did not appear to be any provision in Danish law forbidding racial discrimination by public authorities and institutions in conformity with article 2, paragraph 1 (a).

59. With reference to article 5 of the Convention, information was requested regarding measures the Danish Government had taken to ensure to all, without discrimination, the right to work, equal pay for equal work, free choice of employment and protection against unemployment. Additionally, it was asked whether effective protection and compensation was provided for persons who suffered

^{4/} [Official Records of the General Assembly], Forty-second Session, Supplement No. 18 (A/42/18), para. 318.

discrimination when applying for work. It was also suggested that at some stage the Committee might compare the relative effectiveness in the field of State measures relying upon criminal prosecutions, civil law remedies and action under the Labour Code, with a view to making a general recommendation to States parties.

60. Several members were concerned about reports of a rising trend of xenophobia, often directed against refugees, and measures to counteract such a tendency. More information was requested about the body representing immigrant minorities and about the way in which the Government consulted with it. It was noted that many new immigrants, such as those from the Far and Middle East, claimed exemption from some obligations, such as the requirement that boys and girls participate equally in physical education classes at school.

61. Noting that the book, "The Satanic Verses", which was insulting to Islam and Muslims and was blasphemous, had been published in Denmark, members wished to know what yardstick Denmark used to establish the borderline between freedom of expression and offensive or discriminatory utterances and acts.

62. In replying to questions raised and observations made by members of the Committee, the representative of the State party said that, with regard to the Danish investments in South Africa, there were at present four Danish companies operating in that country. Two years earlier there had been six and the previous year five. That downward trend caused him to doubt that Danish investments in South Africa represented a considerable sum. He explained that Denmark had never severed diplomatic relations with South Africa. With the transfer of the headquarters of the African National Congress of South Africa to Johannesburg, his Government had considered that, in order to be able to conduct high-level talks with that organization, it was imperative to re-open the Danish mission, which had been closed in 1985. That step had in no way changed his Government's general policy towards South Africa. The sanctions decided upon by the Nordic countries and the European Community would remain in force until such time as a radical and irreversible change took place in that country.

63. Considering the case of the "green jackets", he said that the Supreme Court had dealt only with journalists because the convictions of the "green jackets" themselves had not been appealed. The "green jackets" had committed other crimes and had been sentenced to lengthy prison terms. The relevant Supreme Court judgements would be supplied to the Committee after they had been translated.

64. With reference to the questions relating to Greenland, the representative recalled that Greenland had acquired home rule nearly 10 years previously. The situation was changing and the number of persons employed in the administration who had been born and educated there was increasing. As to the difference in the level of income between persons born in Greenland and those born elsewhere, it had been considered necessary to provide a higher remuneration to the latter group, who had had to relinquish normal family ties and to travel to Greenland. The home rule authority had recently decided to abolish that difference in remuneration. Greenland and the Faeroes Islands had two representatives in parliament even though the size of their population did not warrant it. Greenland and the Faeroes Islands had their own recognized languages in which official documents and laws were published. It was possible to study in Greenlandic and Faeroese in mainland

Denmark, but only at the university level.

65. The representative stated that the number of foreigners living in Denmark was still relatively small; there was little racial tension. Sadly, however, there had been a clash recently between asylum seekers and local residents, which was being investigated. Denmark was trying to foster tolerance and it has provided a multi-cultural education for its people. In one town where immigrants accounted for 13 per cent of the population, the schools used 12 or more different languages.

66. With regard to the right to work, the representative drew the attention of the Committee to the high rate of unemployment in his country and said that it was necessary to provide foreigners with education so that they would be able to obtain employment. Steps were being taken to provide schools and vocational training for them. The issue of quotas for accommodations for immigrants in certain areas was not a serious issue, since the rule which had limited the number of foreigners in buildings, in which foreigners already resided, had only been used in six cases. After three years of residence, foreigners were eligible to stand in local elections in Denmark.

67. In responding to questions relating to the publication of the book “The Satanic Verses”, the representative said that there was a difference between a defamatory utterance directed towards a person or group of persons, and a statement denigrating a religious or other belief as such. Thus, insulting comments about Jews or Muslims, for example, were punishable under Danish law, but the same was not true in the case of hostility to the Koran. At the same time, article 140 of the Penal Code did stipulate that anyone publicly denigrating a religious belief or those professing it was liable to imprisonment. A similar provision applied to anyone making threatening statements against persons because of their race, colour, national or ethnic origin or their beliefs. There had been no request to the Prosecutor General to initiate proceedings against Salman Rushdie’s book “The Satanic Verses”, and in such a case the issue of literary value would also have to be taken into account.

68. Finally, referring to the comment that the reports made no reference to article 5 of the Convention, the representative said that a basic principle of the constitutional system in Denmark was that everyone was equal under the law. Consequently, there was no need for the reports to make specific reference, for example, to rules ensuring that foreigners had access to courts.

CERD A/51/18 (1996)

60. The Committee considered the tenth, eleventh and twelfth periodic reports of Denmark (CERD/C/280/Add.1) at its 1137th and 1138th meetings on 1 and 4 March 1996 (see CERD/C/SR.1137-1138) and at its 1149th meeting, on 11 March 1996, adopted the following concluding observations.

A. Introduction

61. The Committee welcomes the detailed report submitted by the Government of Denmark, which contains relevant information about changes and developments that have occurred since the consideration of the previous periodic report. The Committee also welcomes the detailed answers to questions raised and concerns expressed during the consideration of the report. It expresses its appreciation for the frank dialogue with a competent delegation and for the comprehensive and thorough answers given orally to the wide range of questions asked by members.

62. Noting the judgement of the European Court of Human Rights in the case of Jersile-v-Denmark (36/1993/431/510), the Committee affirms that the "due regard" clause of article 4 of the Convention requires due balancing of the right to protection from racial discrimination against the right to freedom of expression. The Committee recalls its General Recommendation XV on this point.

B. Factors and difficulties impeding the implementation of the Convention

63. The growth of racism and intolerance against foreigners, particularly asylum-seekers and migrant workers, is noted. The high level of unemployment makes it even more important to counter the influence of groups propagating ideas of racial superiority and attempting to justify practices of racial discrimination.

C. Positive aspects

64. The high standards of Denmark regarding the protection of human rights and its affirmed commitment to implementing the provisions of the Convention are noted with appreciation. Denmark is one of the few States Parties to have made the declaration under article 14 of the Convention and to have accepted the amendment to article 8, paragraph 6, of the Convention.

65. The recent steps to bring Danish law and practice into line with the Convention's requirements are welcomed. They include the amendment of section 266 (b) of the Penal Code to make a sentence of imprisonment mandatory when the offence amounts to propaganda. The establishment of the Board for Ethnic Equality is an important step forward. Inter-ministerial discussions hold out the prospect of an explicit and comprehensive policy for eliminating racial discrimination. The introduction of a bill on the prohibition of unequal treatment in the labour market is of outstanding importance. The growth in the number of non-governmental organizations and their activities is also notable.

66. Appreciation is expressed for efforts to improve the representation of ethnic minorities in the

police force.

D. Principal subjects of concern

67. Although noteworthy steps have been taken in the period under review towards the elimination of racial discrimination in Denmark, the comments of the Board for Ethnic Equality and other reports suggest that some governmental institutions are insufficiently sensitive to the issue.

68. While the Committee understands the reasons which have led to the establishment of special reception classes for non-Danish speaking schoolchildren, it affirms that the "bussing" of schoolchildren should never be discriminatory in effect.

69. Similarly, the Committee is anxious that the attempts of municipalities to prevent undue concentrations of ethnic minority families in "socially-burdened" urban neighbourhoods should not be discriminatory in effect.

70. It is noted with concern that only three convictions have been registered in the past six years against members of neo-Nazi groups, although new instructions have been issued to prosecutors. The recent granting of licences to such groups to operate a radio station and a telephone number to which people allegedly can call to hear a recorded message about why migrants and refugees should be deported is also noted with special concern.

71. It is noted with concern that officers of the Danish police have treated persons with a non-Danish background in an unacceptable manner, also that these persons with non-Danish backgrounds face difficulties in the enjoyment of their economic and social rights, particularly in respect of access to the labour market and equality in the exercise of their rights to housing and to health.

72. Concern is expressed over the delay in compensating members of the indigenous population in Greenland who were relocated to permit the establishment of an air force base in the early 1950s.

E. Suggestions and recommendations

73. The Committee recommends that in its next periodic report the Government of Denmark supply comprehensive information about the implementation in practice and the impact of proposed dispersal policies by the Byudvalget (Municipalities Committee) so that the Committee can assure itself that they conform with the requirements of the Convention.

74. The Committee recommends the reinforcement of measures for the full implementation of article 4 of the Convention and calls attention to its General Recommendation XV. If the allegations in paragraph 70 above are correct, then the licences should be withdrawn and prosecutions initiated to comply with article 4 of the Convention.

75. The Committee recommends further action to protect the right of everyone to enjoy, without discrimination, the civil and political rights listed in article 5 of the Convention, notably the rights to equal treatment within the criminal justice system and to security of person.

76. The Committee recommends that equal attention be paid to the economic, social and cultural rights listed in article 5, notably the rights to work, housing, health, education, training and access to services for the general public, including hotels, restaurants, cafés and places of entertainment such as discotheques.

77. In connection with article 7 of the Convention, the Committee would welcome information on the effectiveness of teaching and public campaigns intended to prevent any spread of racial interpretations of social and political problems.

78. The Committee suggests that further action be taken to ensure that the provisions of the Convention are more widely disseminated, particularly among minority groups, government officials, employers and trade unions. The public should be better informed about the remedy available under article 14 of the Convention.

79. The Committee wishes to receive information on the implementation of the Convention in Greenland, particularly in relation to the rights of indigenous people and their compensation for relocation.

80. The Committee recommends that the State Party's next periodic report, due on 8 January 1997, be updated in character and that it address all the points raised in these concluding observations.

CERD A/52/18 (1997)

439. At its 1220th and 1221st meetings, held on 6 and 7 August 1997, the Committee considered the thirteenth periodic report of Denmark (CERD/C/319/Add.1) and at its 1230th meeting, held on 13 August 1997, adopted the following concluding observations.

A. Introduction

440. The Committee notes with appreciation the State party's readiness to continue the dialogue with it by sending a highly specialized delegation to present the thirteenth periodic report, which is an indication of the importance attached by the Government of Denmark to its obligations under the Convention. The Committee appreciates the frankness and comprehensiveness of the updated report, which in general complies with the reporting guidelines and contains detailed supplementary information in response to most of the suggestions and recommendations adopted by the Committee during its consideration of the previous periodic report. The Committee also welcomes the additional written and oral information provided by the State party's delegation, which enabled it to establish a very constructive and fruitful dialogue with the Committee.

B. Factors and difficulties impeding the implementation of the Convention

441. It is noted that there are no significant factors or difficulties that prevent the effective implementation of the Convention in Denmark.

C. Positive aspects

442. It is noted with appreciation that the State party has ensured a wide dissemination of its reports under the Convention, in the national language, to members of the Parliament, non-governmental organizations and the public at large, and on the Internet, together with the concluding observations of the Committee.

443. The Committee welcomes the several positive legislative measures taken to combat ethnic discrimination, in particular in the labour market. The Act on Prohibition against Differential Treatment in the Labour Market, which came into effect on 1 July 1996, is noted with interest, as well as the "Ice-breaker arrangement", which aims at providing financial assistance, under certain conditions, to enterprises of up to 250 employees which hire highly educated immigrants or refugees. Furthermore, programmes initiated in the field of placement services and vocational training courses for immigrants and refugees, to improve their entry into the labour market, are noted with interest.

444. Efforts made by the State party to facilitate the integration of refugees and immigrants, including the draft bill on integration of refugees and immigrants prepared by the Integration Committee, are noted with satisfaction.

445. Efforts made by the State party to ensure that the composition of the police service reflects that of the population by including persons of non-Danish ethnic origin are noted with satisfaction.

Improvements in the human rights training of the police, designed to combat negative attitudes towards minorities and to promote good relationships with ethnic minorities, are welcomed.

446. The allocation of special funds for assistance in the operation of ethnic associations and in cultural and information activities for and about immigrants and refugees, as well as in the development of integration projects, is welcomed as a step forward in the implementation of integration policy.

447. It is noted with appreciation that Denmark has ratified the amendments to article 8, paragraph 6, of the Convention.

448. The active participation of the State party in international efforts to combat racism is welcomed.

D. Principal subjects of concern

449. The Committee regrets that the present periodic report does not provide sufficient information previously requested on the implementation of article 3 of the Convention, with particular reference to the allocation of housing and requirements to attend special schools.

450. Although the amendment of section 266 b of the Penal Code assists the more effective implementation of obligations deriving from article 4 of the Convention, two concerns remain. First, that prosecuting practice is focusing too much on propaganda activities while other means of disseminating racist ideas are treated as minor offences; this gives a restrictive interpretation to the provisions of this article. Secondly, the Committee expresses particular concern at the lenient attitude towards the dissemination of racist ideas over the radio. It is also noted that organizations using racist propaganda to incite racial discrimination are not declared illegal and are not prohibited.

451. Concern is expressed over reports of discriminatory practices affecting residents of non-Danish ethnic or national origin, especially in respect of employment, housing and bank loans.

452. Concern is expressed that a rigid implementation of the law of 1981 on names has a discriminatory effect on residents of non-Danish ethnic or national origin.

453. The Committee noted with concern that the State party did not provide information on the implementation of article 6 of the Convention, on effective protection and remedies and on the right to seek just and adequate reparation or satisfaction.

454. Concern is also expressed over the insufficiency of the information on the relocation of seal hunters' villages in Thule in 1953 and, in particular, about the persistent long delay in resolving the compensation claim of the population of Thule, displaced from their traditional hunting grounds and places of settlement.

E. Suggestions and recommendations

455. The Committee recommends that the State party provide detailed information in its next periodic report on the implementation of article 3 of the Convention, in the light of the Committee's General Recommendation XIX.

456. The Committee reaffirms that the provisions of article 4 of the Convention are of a mandatory character and recommends that the State party introduce measures that fully implement that provision. It is recommended that the procedure and practice of licensing radio transmissions be reconsidered.

457. The Committee encourages the State party to transmit in its next periodic report up-to-date information concerning judgments on cases falling under article 4 of the Convention and under section 266 b of the Danish Penal Code.

458. The Committee recommends that the State party review its measures for guaranteeing, in accordance with article 5 of the Convention, the economic and social rights of residents of non-Danish ethnic or national origin, with particular reference to the right to work and to housing. The attention of the State party is drawn to the Committee's General Recommendation XI.

459. The Committee recommends that the State party include information in its next periodic report on the implementation of article 6 of the Convention. This information should also pertain to Greenland and the Faroe Islands.

460. The Committee reiterates its previous recommendation regarding information on compensation for the population of Thule, Greenland, who have been displaced from their traditional hunting grounds and places of settlement. The Committee recommends that the State party inform it of the latest developments concerning the agreement concerning assistance between the Danish authorities and the Greenland Home Rule Government.

461. The Committee recommends that the State party's next periodic report contain specific information regarding the status and implementation of the Convention in Greenland and the Faroe Islands, and that it address all the concerns expressed by the Committee.

57. The Committee considered the fourteenth periodic report of Denmark (CERD/C/362/Add.1) at its 1377th and 1378th meetings on 8 and 9 March 2000 (CERD/C/SR.1377 and 1378) and at its 1397th meeting (CERD/C/SR.1397), on 23 March 2000, adopted the following concluding observations.

1. Introduction

58. The Committee welcomes the detailed report presented by the Government of Denmark, which contains relevant information about changes and developments that have occurred since the consideration of the previous periodic report, including in Greenland. The Committee also welcomes the detailed answers to questions raised and concerns expressed during the consideration of the report. It expresses its appreciation for the frank dialogue with the delegation, which represented a very wide range of ministries, and for the comprehensive and thorough answers given orally to the wide range of questions asked by members.

2. Positive aspects

59. The fact that Denmark submits its periodic reports under the Convention within the established timetable is welcomed.

60. The Committee notes that the State party has enacted the Act on Integration of Aliens (1998), which entered into force on 1 January 1999. The new Act on the Board for Ethnic Equality, enacted in 1997, is welcomed.

61. The Committee notes with interest the establishment in 1999 of a new Committee of Ministers to prepare an inter-ministerial and comprehensive report on existing integration problems and a plan of action to improve the integration of aliens. In this regard, it noted that the report and action plan were launched in February 2000 and contain over 75 concrete initiatives and measures.

62. The Committee notes with satisfaction that, following the case of the Iraqi woman referred to during the oral presentation of the State party's report, the Danish Immigration Service decided to make slight adjustments to its practice by which it assigns refugees to municipalities in Denmark.

3. Concerns and recommendations

63. The Committee notes that the new Act on Integration of Aliens transfers the responsibility for integration from the central to the local authorities. The Committee recommends to the State party to monitor closely the implementation of the new Act with a view to ensuring that the geographical distribution of aliens within the State party is made according to the principle of equity and does not lead to violation of their rights recognized under the Convention.

64. In light of article 4 of the Convention, the Committee is concerned about activities of organizations which promote racial hatred and discrimination. It is especially concerned about the influence of Radio Oasen, owned by a neo-Nazi association, whose licence was renewed in 1997 by the Ministry of Culture and which receives financial support from the Government. The

Committee recommends to the State party to declare illegal and prohibit any organization which promotes and incites racial discrimination and calls attention to its General Recommendation No. XV in this regard.

65. With regard to the right to housing, the Committee is concerned that decisions regarding quotas for newly arrived refugees and/or asylum-seekers can be arbitrary in their effects. The Committee recommends to the State party to adopt rules of procedure regarding the right to housing of refugees and/or asylum-seekers which are in line with the principles and provisions of the Convention.

66. The Committee notes that some individuals have been convicted for violating section 266 (b) of the Criminal Code and suggests that sanctions pronounced under the Criminal Code be commensurate with the nature of the related crime.

67. The Committee is concerned that equal attention be paid to the economic, social and cultural rights listed in article 5. It is particularly concerned by the level of unemployment among foreigners and the difficult access to employment of members of ethnic minorities. In particular, the Committee draws the attention of the State party to the fact that, although the State party is not obliged to provide work permits to foreign residents, it has to guarantee that foreigners who have obtained a work permit are not discriminated against in their access to employment.

68. The Committee recommends to the State party to take all effective measures to reduce unemployment among foreigners and facilitate the professional integration of all persons belonging to ethnic minorities in the public administration.

69. Though efforts in this sense have been initiated, the Committee notes that the Convention has not yet been translated into the Greenlandic language. It therefore recommends to the State party rapidly to facilitate this process and provide means for the dissemination of the Greenlandic version of the Convention.

70. The Committee reiterates its suggestion that even further action be taken to ensure that the provisions of the Convention are more widely disseminated, particularly among minority groups, government officials, employers and trade unions. The public should be better informed about the remedy available under article 14 of the Convention.

71. The Committee recommends that the State party's next periodic report, due on 8 January 2001, be an updating report and that it address all the points raised in the present observations.

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106. The Committee considered the fifteenth periodic of Denmark (CERD/C/40/Add.1) at its 1507th and 1508th meetings (CERD/C/SR.1507 and 1508), on 12 and 13 March 2002, and at its 1522nd meeting (CERD/C/SR.1522) on 21 March 2002, adopted the following concluding observations.

A. Introduction

107. The Committee welcomes the report presented by the delegation of Denmark and notes that it contains relevant information about developments that have occurred since the consideration of the previous periodic report, including in Greenland. The Committee also notes with appreciation that the report includes responses to the concerns raised in the previous concluding observations (CERD/C/304/Add.93) issued in April 2000, concerning the fourteenth periodic report of Denmark. The State party's timely submission of its periodic reports under the Convention is noted with satisfaction. The Committee expresses appreciation for the frank dialogue with the delegation and for the comprehensive and thorough answers given orally to the wide range of questions asked by members.

B. Positive aspects

108. The Committee welcomes the recent recommendations by the Inter-Ministerial Committee to incorporate the International Convention on the Elimination of All Forms of Racial Discrimination into Danish law.

109. The Committee welcomes the positive steps taken to implement the Act on Integration of Aliens (1998) including the survey, carried out two years later by the Committee of Ministers on Integration, to evaluate the implementation of the Act.

110. The Committee appreciates the efforts made by Denmark to facilitate the implementation of article 2 of the Convention through the application of legal instruments, including section 266b of the Danish Criminal Code, and other measures to prohibit the dissemination of racist statements and propaganda and to prosecute offenders.

111. The Committee welcomes the improvement of employment opportunities for minorities and refugees in the public sector, the creation of integration councils to ensure ongoing integration efforts, and the relative success in procuring housing for refugees, in line with article 5 of the Convention.

112. The Committee also welcomes the State party's favourable attitude towards the application of article 14 of the Convention and particularly appreciates the information on follow-up action included in the report.

113. With respect to Greenland, the Committee welcomes the establishment of the Commission on Self-Government, *inter alia*, to submit proposals for amending the Home Rule Act. The transaction

of the International Convention on the Elimination of All Forms of Racial Discrimination into the Greenlandic language is also welcomed.

C. Concerns and recommendations

114. The Committee notes that the Act on Integration of Aliens (1998) transfers the responsibility for aliens' integration from the central to the local authorities. While the Committee welcomes the efforts by the central Government to monitor the local authorities carefully, it recommends that the State party pay particular attention to ensuring that the geographical distribution of aliens with the State party is organized on the principle of equity and does not lead to violation of their rights recognized under the Convention.

115. The Committee is aware of reports of an increase in hate speech in Denmark. While it acknowledges the need for balance between freedom of expression and measures to eradicate racist abuse and stereotyping, the Committee recommends that the State party carefully monitor such speech for possible violations of articles 2 and 4 of the Convention. In this regard, the Committee invites the State party to take particular note of paragraphs 85 and 115 of the Durban Declaration and Programme of Action, respectively, which highlight the key role of politicians and political parties in combating racism, racial discrimination, xenophobia and related intolerance. Political parties are encouraged to take steps to promote solidarity, tolerance, respect and equality by developing voluntary codes of conduct so that their members refrain from public statements and actions that encourage or incite racial discrimination.

116. The Committee takes note of the information on the temporary suspension of the licence of Radio OASEN owned by a neo-Nazi association and recommends that the Danish Government take decisive steps to prohibit such organizations in accordance with article 4 (b) of the Convention.

117. The Committee is concerned that policies and practices such as the housing dispersal policy, the quota system for the admission of minority children to certain crèches and nurseries, and the reported prohibition of the use of the mother tongue in some of these establishments may, though aimed at facilitating integration, lead to indirect discrimination against minorities and refugees. The Committee requests more information on this situation in its next periodic report.

118. The Committee commends the State party for having invested in its human rights institutions and in a number of non-governmental organizations, which have promoted human rights and served the needs of minority groups, but is concerned by plans to reduce the level of funds and the potential impact this would have on the NGOs concerned. In light of the recommendations of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to strengthen human rights national institutions and NGOs, the Committee urges the State party to ensure that the organizational restructuring of the Board of Ethnic Equality and the Centre for Human Rights will strengthen the overall work on human rights and in particular the protection of the rights of ethnic minorities. It is concerned about the withdrawal of funds from certain NGOs. The Committee recommends that the State party include information on this matter in its next periodic report.

119. While acknowledging the information provided in the report regarding article 5 of the

Convention, the Committee reiterates that equal attention should be paid to economic, social and cultural rights, particularly with respect to minorities. The Committee is concerned about the impact of the recent (May 2000) amendments to the Aliens Act, particularly as they abolish the statutory right to reunification of spouses under the age of 25 years. The Committee encourages the State party to take effective measures to ensure that the right to family life is guaranteed to all persons in Denmark without distinction. It recommends that the State party report on this issue in its next periodic report.

120. The Committee commends the State party for having instituted programmes, such as the language training programme for unemployed persons with insufficient knowledge of the Danish language; the strengthening of the Public Employment Services placement activities in relation to refugees and immigrants; and the “ice-breaker” programme. However, despite overall improvements, it is concerned about the disproportionately high level of unemployment among foreigners, particularly groups of immigrants of non-European and non-North American descent. The State party is reminded that although it is not obliged to provide work permits to foreign residents, it should guarantee that foreigners who are entitled to a work permit are not discriminated against in their access to employment.

121. The Committee is concerned about reports of a considerable increase in reported cases of widespread harassment of people of Arab and Muslim backgrounds since 11 September 2001. The Committee recommends that the State party monitor this situation carefully, take decisive action to protect the rights of victims and deal with perpetrators, and report on this matter in its next periodic report.

122. The Committee is concerned about the introduction of new, more stringent asylum and refugee regulations, and encourages the State party to maintain its standards and ensure that all cases of asylum-seekers are decided on merit and without discrimination.

123. The Committee reiterates its previous concern regarding the delay in resolving the claims of the Inughuit with respect to the Thule Air Base. The Committee notes with serious concern claims of denials by Denmark of the identity and continued existence of the Inughuit as a separate ethnic or tribal entity, and recalls its general recommendation XXIII on indigenous peoples general recommendation VIII on the application of article 1 (self-identification) and general recommendation XXIV concerning article 1 (international standard). The Committee recommends that the State party include information in its next periodic report concerning these issues.

124. The Committee recommends that the State party take into account the relevant parts of the Durban Declaration and Programme of Action when implementing the Convention in the domestic legal order, in particular in respect of articles 2 to 7 of the Convention, and that it include in its next periodic report information on action plans or other measures taken to implement the Durban Declaration and Programme of Action at national level.

125. The Committee recommends that the reports of the State party be made available to the public from the time they are submitted and that the concluding observations of the Committee on these reports be similarly publicized.

126. The Committee recommends that the State party submit its sixteenth periodic report jointly with its seventeenth periodic report, due on 8 January 2005, that it be an updating report, and that it address all points raised in the present observations.