



**International Convention on  
the Elimination  
of all Forms of  
Racial Discrimination**

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

**REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLE 9 OF THE CONVENTION**

**Seventeenth periodic reports of States parties due in 2005**

**Addendum**

**DENMARK\* \*\* \*\*\***

[15 June 2005]

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\* This document contains the sixteenth and seventeenth periodic reports of Denmark, due on 8 January 2005, submitted in one document. For the fifteenth periodic report submitted in one document, and the summary records of the meetings at which the Committee considered those reports, see document CERD/C/408/Add.1 and CERD/C/SR.1507, 1508 and 1522.

\*\* Annexes to the report may be consulted in the secretariat's files.

\*\*\* This report has not been edited before being submitted for translation.

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## I. GENERAL OBSERVATIONS

1. This is the sixteenth and seventeenth periodic report submitted by the Government of Denmark in pursuance of article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination. The report deals with changes in national legislation and legal practices etc. relating to material developments since the submission of the fifteenth periodic report see doc. CERD/C/408/Add.1 of 21 May 2001 submitted by the Government of Denmark to the Committee on the Elimination of Racial Discrimination on 23 January 2001. Reference is also made to the concluding observations of the Committee on the Elimination of Racial Discrimination on that report, doc. CERD/C/60/Misc.33/Rev.4.

2. To the extent that no changes have occurred in legislation and legal practice since Denmark's last reporting to the Committee on the Elimination of Racial Discrimination, reference is made to the fifteenth report submitted by the Government of Denmark.

3. The report is compiled by the Danish Ministry of Foreign Affairs on the basis of contributions from the relevant ministries and departments of the Government of Denmark and the Home Rule Government of Greenland.

## II. INFORMATION RELATING TO ARTICLES 2 TO 7 AND ARTICLE 14 OF THE CONVENTION

### Article 2: General measures to eliminate racial discrimination

#### The Ministry of Integration

4. The Ministry of Refugee, Immigration and Integration Affairs (hereinafter referred to as the Ministry of Integration) was established by Royal Decree on 27 November 2001. When the ministry was created, several policy fields were transferred to it from other already existing ministries. The purpose of creating the ministry was to gather all key areas concerning immigration and integration in one entity and thereby strengthen policies on integration of immigrants and refugees.

#### *The Integration Act*

5. As mentioned in Denmark's fifteenth periodic report (CERD/C/408/add.1), the Act on Integration of Aliens in Denmark (The Integration Act) was adopted on 26 June 1998. The Act, which entered into force on 1 January 1999, is the first comprehensive Integration Act in Denmark, which has not previously had a comprehensive set of rules in this field.

6. In general terms, the Act aims to ensure that all newly arrived immigrants and refugees can exploit their capabilities and resources and become participatory and contributory citizens on an equal footing with other citizens.

7. The Integration Act stipulates that newly arrived immigrants and refugees must be offered participation in an introduction programme comprising Danish lessons, including classes on Danish society and culture, as well as labour market training, including short term education,

work training or employment with a wage subsidy. The act aims at making third country nationals self-supporting members of the Danish society. The Act also includes rules under which immigrants and refugees who cannot support themselves receive a special introduction allowance until they can do so. The introduction allowance is fixed at a low level providing the necessary incentives for foreigners to seek employment cf. paragraph 20-22 below.

*General initiatives to improve integration*

8. The Government is continuously developing new initiatives on how to improve the integration of foreigners into the Danish society.

9. On 17 January 2002, the Government published its policy paper "A new policy for foreigners". The paper stresses the general need to adapt employment policies in order to improve labour market integration of immigrants. The policy paper is enclosed as annex 3.

10. On 5 March 2002, the Danish Government published its policy paper "Towards a New Integration Policy". The policy paper is enclosed as annex 4. The policy paper emphasises that participation in the labour market is the key to successful integration and that new citizens living in Denmark must be seen as a group of people with resources and skills of great importance to the Danish society in general and Danish industry and business in particular. It furthermore emphasises that integration implies active participation in all aspects of social life so that new citizens can become actively involved in, for example, associations and local school boards. It stresses the need to improve teaching in the Danish language. It finally emphasises that integration is a common concern for the entire Danish society. The policy paper outlines a number of initiatives aimed at improving the integration of new citizens in Denmark.

11. In January 2003, the Government set up a Steering Group on Improved Integration to follow-up on initiatives already taken and to look at various other aspects of the integration efforts. The group members were the Minister for Integration (Chairman), the Minister for Employment, the Minister for Social Affairs and Gender Equality, the Minister for Culture and the Minister for Education. Other ministers have been involved as required.

12. On the basis of work of the Steering Group, the Government's integration policy agenda was published in June 2003 in "The Government's Vision and Strategies for Improved Integration". The policy agenda is enclosed as annex 5 to this report.

13. This policy paper contains more than 100 concrete initiatives. The strategies consist of efforts to ensure a coherent and open democratic society, efforts to help persons of an ethnic background other than Danish to manage better in the educational system and efforts to help more foreigners get a job.

*Integration councils*

14. The rules on the establishment of integration councils were changed with Act No. 1206 of 27 December 2003 amending the Integration Act. According to the amendment, local municipalities are no longer under an obligation to establish integration councils, but can decide to do so if need be.

15. The Act was initiated by a number of local authorities that saw a need for introducing a greater degree of flexibility into the process of determining which councils and commissions should be established locally. The Act aims to promote local democracy and formed part of a broader initiative aimed at transferring decision making on the establishment of local boards etc. within a number of different policy fields to local authorities. There have been no amendments to the rules concerning the functions of the integration councils.

16. Today, around 70 integration councils have been established. The councils play an advisory role in the municipalities and contribute to the implementation of local integration projects.

### **Measures to improve employment opportunities**

17. In paragraph 6 of its concluding observations concerning Denmark's fifteenth periodic report (CERD/C/60/Misc.33/Rev.4.), the Committee welcomed 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.

18. These efforts are being pursued further and the question of participation in the labour market is given particular attention. The Government has emphasised that participation in the labour market is the key to successful integration into Danish society. Promoting labour market participation of immigrants and refugees thus constitutes one of the basic principles and objectives of Danish integration policy.

19. In that context, the Government has put special emphasis on ensuring that integration and labour market policies aim at providing the necessary incentives and opportunities for immigrants and refugees to become participatory and contributing citizens on an equal footing with the rest of the population.

20. In June 2002, the Government passed Act No. 361 introducing a new starting allowance to all persons who have not lawfully resided in Denmark for at least 7 out of the preceding 8 years. The rules apply to Danish nationals as well as resident foreigners. They also apply to immigrants and refugees who receive introduction allowance under the Act on Integration. The Act came into force on 1 July 2002.

21. According to the Act, social benefits for newly arrived immigrants and refugees are reduced in order to entice these groups to seek employment.

22. The legislation on starting allowance ensures that persons who are not entitled to cash benefits will, as a minimum, receive assistance corresponding to the rates of state educational support (SU), which is a subsidy for persons under education.

23. According to Act No. 364 of 6 June 2002 amending the Integration Act, planning of the introduction programme is based on an individual contract, which must be prepared by the municipality in cooperation with the individual immigrant or refugee.

24. The contract must be elaborated on the basis of an assessment of the individual's abilities and background and should aim towards introducing the individual to the labour market or relevant education.

25. The duty to conclude a contract applies to all foreigners within the scope of application of the Act on Integration, to immigrants who come to Denmark for family reunification and to refugees who have been granted asylum.

### **Labour market training**

26. New policies on labour market training have been implemented since Denmark's fifteenth periodic report (CERD/C/408/Add.1).

27. Labour market training for newly arrived immigrants, refugees and long-term residents have been strengthened as part of the implementation of the labour market reform "More people into employment", inter alia through strengthened contact procedures (a personal interview with the unemployed person every 3rd month as a minimum), new and simplified labour market training instruments, focus on job seeking activities and activation. The part of the reform, which relates to the Integration Act, was passed as Act No. 425 of 10 June 2003.

28. The new and simplified instruments provide the possibility of step-by-step upgrading of skills for the labour market with a flexible combination of language teaching and education/training, work training or ordinary employment with a wage subsidy.

29. Every person covered by the scheme will have an individual contract/action plan drawn up, which describes the aim of the linguistic and professional training and the subsequent employment relevant for the individual.

30. The purpose of labour market training is to promote the participation of newly arrived immigrants and refugees in the labour market. Newly arrived foreigners, especially refugees, may often have a special need to improve their social, linguistic and/or vocational qualifications in order to enhance their participation in the labour market. The purpose is furthermore to offer individual companies a better possibility to evaluate and test the employment opportunities of the individual refugee or immigrant.

31. In order to promote the introduction of the individual refugee or immigrant to employment or to an education, the municipality may grant support to a mentor scheme for newly arrived immigrants and refugees, who participate in labour market activation. The municipality may furthermore grant support to a mentor scheme for a newly arrived immigrant or refugee in ordinary employment. The role of the mentor is to provide support for the immigrant or refugee at the work place and help this person to learn about and adapt to the Danish labour market.

### *Strengthening of the Public Employment Service's (PES) placement activities*

32. The integration measures have been strengthened with "Job net", which is an Internet based job and CV-bank. Newly arrived foreigners must - like other unemployed persons whose

only problem is unemployment – register with the Public Employment Service (PES) and provide information relevant to their possible work placement to the Job and CV-bank.

33. Furthermore, five knowledge centres for clarification of the competences of refugees and immigrants have been set up to contribute to getting more refugees and immigrants into ordinary employment. The centres aim to provide the municipalities and the PES with better access to qualified knowledge. The centres can offer advice on possibilities in educational institutions and on contacts, the enterprises can offer.

34. Mainstream policies and legislation on social inclusion and employment etc. reflect the desire to promote the integration of unemployed and socially marginalized, long term immigrants and refugees.

*Effective and flexible Danish courses aimed at employment – language training*

35. Since Denmark's fifteenth periodic report (CERD/C/408/Add.1), the Danish Parliament has passed the Act on Danish Courses for Adult Foreigners and Others of 28 May 2003. The Act contains detailed regulations for the provision of Danish language classes for both newly arrived immigrants and refugees as well as for long-term residents.

36. It is a basic principle of the Danish approach to language training that Danish courses should not prevent the participants from taking employment, but should complement employment or labour market training.

37. In recent years, the Government has therefore put stronger emphasis on second language training and has taken initiatives aimed at providing more effective and flexible Danish courses for adult third-country nationals.

38. The Act on Danish courses for adult foreigners and others aims to assist third-country nationals in acquiring the necessary Danish language proficiency and knowledge of Danish culture and society, including knowledge of the Danish labour market. The courses are aimed at strengthening the employment opportunities of the individual third-country national and must be planned on the basis of the individual third-country national's background and integration goals.

39. The Danish courses must be planned in a flexible way in terms of time, place and content to enhance interaction with the student's employment, labour market training or education. The classes should complement work training or employment and may take place during or outside working hours in order to enhance the employment opportunities of the third-country national.

40. In order to make the provision of Danish courses more effective and flexible, Danish courses are now provided not only by municipal language centres, but also by public educational institutions, private language centres or other private providers. Thus, Danish courses can take place at public educational institutions where the third-country national receives further education or at public or private enterprises where the third-country national receives work training or has obtained ordinary employment. Reference is made to para 143.

*Research on employment*

41. When the Integration Act entered into force, the Government initiated an action plan for evaluation of the Act. As mentioned in Denmark's fifteenth periodic report (CERD/C/408/Add.1), the action plan – among other things – lead to a survey among the local authorities in Denmark. The Government continues to monitor closely the effects of the Integration Act.

42. In April 2004, the results of the initial research were published on the effects of the integration efforts by the local municipalities after the enactment of the Integration Act. The research shows that the municipalities have adjusted their integration efforts since 1999 and now pursue a more active line of action. The efforts are more directly targeted towards employment, coordination between activation and Danish lessons has improved and sanctions may be imposed if foreigners do not follow the introduction programme.

43. Every year the Ministry of Integration publishes "Statistical Yearbook of Foreigners in Denmark" including analyses on the number of foreigners in Denmark and on their integration into Danish society. The 2004 Yearbook contains a chapter on the integration efforts of the local municipalities. Furthermore, the Ministry has published "Key Figures from the Municipalities concerning Foreigners" containing statistics on foreigners and integration in the municipalities.

44. The yearbook shows that the municipalities have improved the activation of refugees and immigrants in recent years. This is a positive development, but there are still notable differences between the municipalities and in some municipalities there is still room for improvement. However, the general frequency of activation has improved.

45. In January 2005, the Ministry of Integration published an evaluation of the implementation of the Integration Act focussing on how the local municipalities handle the integration efforts in an operational perspective. The evaluation shows that the integration efforts of the local municipalities have improved, since the implementation of the Integration Act in 1999. This means, inter alia, that the municipalities cooperate with private companies to a much greater extent than before.

46. The Ministry has initiated an examination of the occupational and educational effects of the introduction programme. Also the effects of the Danish lessons will be measured in research initiated by the Ministry. The results of the abovementioned research are expected to be published within the next six months.

**Article 2 (c): Review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations, which have the effect of creating or perpetuating racial discrimination wherever it exists**

**Incorporation into Danish law**

47. In para. 3 of its concluding observations concerning Denmark's fifteenth periodic report (CERD/C/60/Misc.33/Rev.4.), the Committee welcomed the recommendations by the Inter-Ministerial Committee to incorporate the International Convention on the Elimination of all Forms of Racial Discrimination into Danish Law.



48. The Government has taken note of the recommendation of “The Incorporation Committee”, but has decided not to incorporate the Convention into Danish law. This decision is based on several considerations.

49. *Firstly*, the Convention itself does not place any obligations on the State parties to incorporate the Convention into domestic law. When ratifying the Convention, the Danish Government followed the standard procedure and assessed, whether domestic law and practice were in conformity with the provisions of the Convention or, whether any changes to domestic law and practice were necessary prior to ratification.

50. After ratifying the Convention, the Government has continuously taken steps to ensure that Danish law and practice is in conformity with the Convention, for instance when drafting proposals for new legislation.

51. Hence, the Government is of the opinion that even though the Convention has not been incorporated into Danish law, Denmark fully respects the provisions of the Convention.

52. *Secondly*, the human rights conventions ratified by Denmark are all relevant sources of law regardless of the method of implementation, as emphasised by The Incorporation Committee. Conventions that have not been specifically incorporated, because harmony of norms has been ascertained, can be and are in fact invoked before and applied by the Danish courts and other law-applying authorities.

53. Considering that the existing state of law in Denmark ensures that the Convention and other ratified - but not incorporated - UN human rights conventions are relevant sources of law and are applied by the courts and other law-applying authorities, the Government finds that it is neither legally necessary, nor politically appropriate to incorporate the Convention into Danish law.

54. Incorporation would only be of symbolic character, since it would not change anything with regard to the existing state of law in Denmark. The Government is of the opinion that laws should not be passed if they only are of a symbolic nature.

#### **Asylum and refugee regulations**

55. In paragraph 17 of its concluding observations concerning Denmark’s fifteenth periodic report (CERD/C/60/Misc.33/Rev.4.), the Committee expressed concern about the introduction of new, more stringent asylum and refugee regulations, and encouraged the State party to maintain its standards and ensure that all cases of asylum seekers are decided on merit and without discrimination.

56. Since Denmark’s last report to the Committee (CERD/C/408/Add.1), the provisions of the Danish Aliens Act regarding asylum have been amended several times.

57. When Denmark submitted its last report, the former Aliens Act stated that a residence permit would be issued to asylum-seekers who were not covered by the Geneva Convention, but

who, for reasons similar to those listed in the Convention or for other weighty reasons resulting in a well-founded fear of persecution or similar violations, should not be required to return to their country of origin. At that time such asylum-seekers were issued a residence permit as *de facto* refugees (*de facto* status).

58. By Act No. 365 of 6 June 2002 amending the Aliens Act, the Marriage Act and other Acts, the possibility of obtaining *de facto* status was replaced with the possibility of obtaining *subsidiary protection status* under section 7(2) of the Aliens Act. In accordance with the new section 7(2), a residence permit will be issued to an alien if the alien risks the death penalty or being subjected to torture or cruel, inhuman or degrading treatment or punishment in case of return to his country of origin.

59. The *subsidiary protection status* is in line with the EU Directive on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection.

### **Article 3: Prohibition against racial segregation**

60. The “Act on Prohibition against Discrimination on the Basis of Race” prohibits discrimination in connection with commercial or non-profit businesses on the basis of a person’s race, colour, national or ethnic origin, religion or sexual orientation. The Act was adopted in connection with Denmark’s ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, cf. Consolidated Act No. 626 of 29 September 1987. The Act and its associated case law are described, inter alia, in Denmark’s fourteenth report (CERD/C/362/Add.1, para’s. 246-251).

61. Information concerning cases of violation of the Act since Denmark’s fifteenth report (CERD/C/408/Add.1) is given under the comments on article 5 (f).

62. In para. 16 of its concluding observations concerning Denmark’s fifteenth periodic report (CERD/C/60/Misc.33/Rev.4), the Committee recommended that the State party monitor the situation of harassment carefully, take decisive action in protecting the rights of victims and in dealing with perpetrators, and report on this matter in its next periodic report. Reference is made to the information provided in para. 87 and 172-189 concerning the establishment of a special complaints body and the existence of a national reporting system of criminal acts and incidents on a presumed racist background, and to annex 2 to this report.

63. The Act on Prohibition of Discrimination on the Labour Market etc. has been amended by Act. No 253 of 7 April 2004 due to implementation of the EU directive 2000/43. Since 2000, there have been three Danish Court-cases. All three cases concerned questions of indirect discrimination of Muslim women insisting on wearing head cover on job. The first case concerned a practical trainee work in a department store. The employer rejected to employ the woman as a trainee. The High Court sentenced the employer a fine for infringement of the discrimination act. The second case concerned an employee at a chocolate factory wishing to wear a scarf instead of a hat as required according to company regulations. The employer was acquitted by the High Court. However, afterwards the employee and the employer jointly

designed a head cover that met the safety requirements of the company as well as the religious needs of the employee. In the third case, the Supreme Court dealt with the same issue and found that the company regulations, which banned any kind of head cover and required a neutral appearance in a large supermarket-chain, were legitimate and did not constitute indirect discrimination on the grounds of religion. The Supreme Court thus acquitted the employer.

**Article 4(a): New legislation concerning crimes with a racist motivation**

64. On 16 March 2004, the Danish Parliament adopted an Act, which – among other amendments – inserted a new provision into section 81 of the Criminal Code (*straffeloven*). The Act entered into force on 2 April 2004. The purpose was to include in the Criminal Code a number of aggravating circumstances, which were already considered as such in determining the penalty of a perpetrator according to existing case law.

65. Section 81 of the Criminal Code has the following wording (in extract):

“In determining the penalty it shall generally be considered as an aggravating circumstance,

(i)-(v) ...

(vi) that the offence is based on others’ ethnic origin, faith, sexual orientation or the like,

(vii)-(xi) ...”

66. The general scope of the provision in section 81 of the Criminal Code is not limited to crimes or instances where the motive of the perpetrator has been to threaten, insult or degrade a person or a group of people. For instance, depending on the circumstances the provision in section 81 is also applicable in cases concerning economic crimes committed to support a racist organization, of which the perpetrator is a member.

*Criminal cases concerning racist statements*

67. Section 266 b of the Criminal Code prohibits the dissemination of statements or other information by which a group of people is threatened, insulted or degraded on account of their race, colour, national or ethnic origin, religion, or sexual orientation.

68. According to subsection 2 of Section 266 b, it shall be considered an aggravating circumstance if the conduct can be characterized as propaganda. Propaganda is understood to be systematic, intensive or continuous efforts with a view to influencing opinion formation. If the statements are made as part of the activities of an organisation, indications are that they will be considered as propaganda.

69. According to Section 80, subsection 2, it shall be regarded as an aggravating circumstance if several persons commit the offence together.

70. In order to ensure proper and uniform enforcement, the Director of Public Prosecutions in September 1995 stipulated that he must be notified of all violations of Section 266 b of the

Criminal Code, which are dismissed by the police on the grounds that no offence is assumed to have been committed. It is further stipulated that all cases in which a charge has been made must be submitted to the Director of Public Prosecution together with a recommendation as to the question of prosecution.

71. From 1 January 2001 to 31 December 2003, the Danish courts have considered 23 cases concerning violation of section 266 b of the Danish Criminal Code, which prohibits the dissemination of racist statements and racist propaganda. In some of the cases more than one person was indicted. In one case, the court acquitted the person indicted and in another case the court acquitted one of the two persons indicted. In the remaining 21 cases, the courts convicted all the persons indicted.

72. As to the manner in which the statements/propaganda were disseminated, four cases concerned private persons shouting at someone in a public place like the street, a shop or a bus; seven cases concerned statements published on the Internet; two cases concerned statements published as advertisements; and two cases concerned statements expressed at political party conferences. In three cases, the statements were given to the press during interviews or sent to the press as a press release. In three further cases, the statements were sent by e-mail or by ordinary mail to a number of politicians.

73. As to the persons expressing these statements, 10 cases concerned statements/propaganda from politicians (one of whom was acquitted) and one case concerned a spokesperson for a religious movement, whereas the majority of the rest concerned statements expressed by private persons.

74. As to the level of sanctions, in five cases the persons convicted were sentenced to suspended imprisonment (14 - 40 days) though in one of these cases two out of six persons convicted were given day-fines and the rest a suspended prison sentence. In the remaining 17 cases resulting in convictions, the sentence was day-fines, the number and size of which differed according to the nature of the crime, the motive, the personal circumstances of the persons convicted and their financial situation (usually 10 - 20 day fines).

75. Finally, the public prosecution service decided to withdraw charges for violation of section 266 b of the Criminal Code in six cases in 2001, seven cases in 2002 and six cases in 2003 pursuant to section 721 of the Danish Administration of Justice Act (*Retsplejeloven*), *inter alia* because of lack of evidence.

76. Below is a summary of a few of the convictions:

- (a) By judgment of the District Court of Frederikshavn of 31 May 2001, a former editor was sentenced to 10 day-fines of DKK 200 for having shouted “Nigger” several times to the President of the Republic of South Africa visiting Denmark;
- (b) By judgment of the District Court of Haderslev of 20 November 2001, two local politicians (A and B) were sentenced to (A) 20 day-fines of DKK 300 and (B) 15 day-fines of DKK 300 for statements to a journalist, who quoted the statements in a newspaper. A had stated that “In five or six years the blacks [meaning Muslims] will have bred like rats, ...” and “the blacks must be punished according to the

Muslim Penal Code. If they steal, we cut off their hands”. B had supported the statements put forward by A and stated: “I could have said exactly the same. It is true: They breed like rats;”

- (c) By judgment of the District Court of Hvidovre of 11 October 2002, four young politicians were sentenced to 7 days’ suspended imprisonment for having placed an advertisement on the Internet and in several technical periodicals stating: ”Mass rape, serious assault, insecurity, forced marriages, suppression of women, gang crime. This is what a multiethnic society has to offer.” (accompanied by pictures). The District Court did not consider the advertisement to be a statement of a propaganda-like character. Two editors who had printed the advertisement in their periodicals were sentenced to 5 day-fines of DKK 500 each. The Eastern High Court characterized the advertisement as propaganda and increased the sentence of the four young politicians to 14 days’ suspended imprisonment – the two editors did not appeal their sentences;
- (d) By judgment of the Eastern High Court of 14 March 2003 a spokesperson for a religious movement was sentenced to sixty days’ suspended imprisonment for having stated on a home page on the Internet and in a leaflet that was handed out: “Kill them wherever you find them and drive them away from the place that they drove you away from. The Jews are a slanderous group of people, and they betray and violate obligations and pacts, and they invent lies...” and “coward Jews...” and other similar statements;
- (e) By judgment of the District Court of Næstved of 2 September 2003 a person was sentenced to 10 day-fines of DKK 250 for having painted a swastika on the front of a shop owned by a person of non-Danish ethnic background;
- (f) By judgment of the Supreme Court of 3 December 2003 a politician was sentenced to twenty days’ suspended imprisonment for having stated on a home page on the Internet: “The solution is a three stage plan: 1) Capture all Muslims in Denmark (for this purpose approximately 10,000 additional policemen are needed). 2) Gathering of the Muslims in concentration camps (one concentration camp in each county). 3) Deportation to a destination of choice (the living standard in the camps must be gradually reduced for each month that the deadline for leaving the country is overrun)” and other similar statements. The City Court of Copenhagen had found that the statements did not have a propaganda-like character and only fined the politician 6 day-fines of DKK 500. The Eastern High Court, however, characterized the statements as propaganda and increased the fines to 20 day-fines of DKK 500. The Supreme Court also characterized the statements as propaganda and ordered the above mentioned twenty days’ suspended imprisonment instead of day-fines;
- (g) By judgment of the Eastern High Court of 5 February 2004 a politician was sentenced to 10 day-fines of DKK 400 for having stated the following regarding Muslims in e-mails to 44 Members of Parliament: “Criminals, potential freeloaders of society and confidence abusers, psychopath-like fighters against the unbelieving” and similar statements;

- (h) In the case mentioned in para 33 in CERD/C/408/Add. 1 (concerning two Swedish nations who, at a demonstration arranged by the Danish neo-Nazis, wore t-shirts bearing the inscription “kill them all – big and small” on the front and “smash the Jews” on the back) the District Court in Malmö (Sweden) by judgment of 27 February 2001 found the two persons guilty of having violated section 8 in chapter 16 of the Swedish Criminal Code (violent agitation against an ethnic group).

77. In 2004, prosecution was initiated in two cases, one of which has yet to be decided by the courts. The other ended with the withdrawal of the charge pursuant to section 722(1)(iv) cf. section 89 of the Danish Criminal Code, because the perpetrator was found guilty on other charges the day after the violation of section 266 (b) took place and because it was unlikely that the perpetrator in question would have been sentenced to an additional punishment of any significance if he had been sentenced for the violation of section 266 b, too.

78. The statistics concerning violations of section 266 b may be summarized as follows:

Year	Number of cases prosecuted	Number of persons indicted in the cases prosecuted	Number of cases where charges were withdrawn
2001	7	6	6
2002	10	17	7
2003	6	7	6
2004*	2	3	3

\* From 1 January to 29 October 2004.

**Article 4 (b): Prohibition against organisations and all other propaganda activities, which promote and incite racial discrimination**

**Radio Oasen**

79. In para. 11 of its concluding observations concerning Denmark’s fifteenth periodic report (CERD/C/60/Misc.33/Rev.4), the Committee took note of the information on the temporary suspension of the licence of Radio Oasen and recommended that the Danish Government take decisive steps to prohibit such organisations in accordance with the Convention.

80. Since its temporary ban from broadcasting in 2002, Radio Oasen was later that same year given a new licence to broadcast until 1 May 2006. In accordance with the Danish Broadcasting Act (Consolidated Act 506 of 10 June 2004), the licence was issued by the local radio board “Greve Local Radio Board”. The licence contains the condition that the programmes of Radio Oasen may not express attacks on or terms of abuse against specific groups in society. The programmes may not in any form contain incitement to hatred on grounds of race, sex, religion or nationality. A violation of this condition will cause immediate withdrawal of the licence.

81. Taking into account the right to freedom of expression, the Government is not considering changing the law in order to prevent Radio Oasen from broadcasting. Unless Radio Oasen abuses its licence in violation of the Broadcasting Act or of the conditions of the licence, the local radio board cannot withdraw the licence.

**Article 4 (c): Promote or incite racial discrimination**

82. In para. 10 of its concluding observations concerning Denmark's fifteenth periodic report (CERD/C/60/Misc.33/Rev.4), the Committee expressed awareness of an increase in hate speech in Denmark. While acknowledging the need for balance between freedom of expression and measures to eradicate racist abuse and stereotyping, the Committee recommended that Denmark carefully monitor such speech for possible violations of articles 2 and 4 of the Convention.

83. Furthermore, Denmark was invited to take particular note of para. 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 were 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.

84. The Danish Government gives high priority to the fight against discrimination in any form, including hate speech. The number of criminal proceedings against politicians for violating section 266 b of the Danish Criminal Code mentioned above with regard to article 6, illustrates i.a. that the prosecution authorities and the courts do not hesitate to set limits for the freedom of expression for politicians when the said politicians have uttered racist comments, in some cases even comments bordering on hate speech.

85. The Durban Declaration and Programme of Action have been forwarded to the Danish Parliament as have the concluding observations of the Committee concerning the fifteenth periodic report from Denmark (CERD/C/60/Misc.33/Rev.4/Add.1).

86. In para. 16 of its concluding observations concerning Denmark's fifteenth periodic report (CERD/C/60/Misc.33/Rev.4), the Committee recommended that Denmark monitor the situation of considerable increase in reported cases of widespread harassment of people of Arab and Muslim background since 11th September 2001 carefully, take decisive action to protect the rights of victims and deal with perpetrators.

87. As described in para. 184-189, a reporting system is in place to ensure that criminal acts with a presumed racist or religious background, which are punishable by law, are reported to the National Commissioner of Police. The number of criminal acts reported in relation to Article 6 indicates that there has been a decrease in such acts from 2002 to 2003. Hence, the situation concerning harassment of people of Arab and Muslim backgrounds since 11 September 2001 now seems to have improved. The Government will, however, continue to monitor the situation carefully.

**Article 5: Guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law****Article 5 (d) (i): The right to free movement and residence**

88. In paragraph 9 of its concluding observations concerning Denmark's fifteenth periodic report (CERD/C/60/Misc.33/Rev.4), the Committee noted that the Act on Integration of Aliens

in Denmark (1998) transfers the responsibility for aliens' integration from the central to the local authorities. While the Committee welcomed the efforts by the central government to carefully monitor the local authorities, it recommended that the State party pay particular attention to ensuring that the geographical distribution of aliens within the State party is organised on the principle of equity and does not lead to violation of their rights recognized under the Convention.

89. In paragraph 12 of its concluding observations concerning Denmark's fifteenth periodic report (CERD/C/60/Misc.33/Rev.4), the Committee expressed concern that policies and practices such as the housing dispersal policy, the quota system of admitting a defined percentage of minority children to certain crèches and nurseries and the reported prohibition of the use of mother tongue in some of these establishments, might lead to indirect discrimination against minorities and refugees, though aimed at facilitating better integration. The Committee requested more information on this situation in the next periodic report.

90. As regards policies of housing of newly arrived recognised refugees, the provisions in the Act on Integration on housing of refugees throughout the country seek to promote the successful integration of newly arrived refugees. The provisions ensure that refugees are provided with permanent housing as soon as possible after their arrival in the municipality, whereas previously refugees were often settled in temporary housing for up to one or two years.

91. The system also provides the municipalities with certainty for the planning of the introduction programme for the individual refugee to the benefit of both the municipality and the refugee. Finally, the system seeks to avoid segregation and promote the integration of refugees and Danes in daily life in both smaller and larger municipalities.

92. The Integration Act stipulates that it is left to the municipalities on a voluntary basis to reach an agreement on the number of refugees to be housed in the individual municipality. However, if no agreement can be reached, the Immigration Service makes the decision. The Government receives information on voluntary agreements that have been reached among municipalities and these agreements generally indicate an even distribution of the refugees housed in the local municipalities.

93. When the number of refugees to be housed in each municipality has been decided, the Immigration Service decides on an individual basis in which municipality the individual refugee should live. In that context, the Immigration Service must take into account the personal circumstances and the needs of the refugee. The Immigration Service examines each case on its individual merits. For this purpose, the Executive Order on Housing Allocation, section 14, subsection 1, offers a non-exhaustive list of individual circumstances – e.g. language, culture, networking possibilities, family ties, specific wishes – to be considered, and subsection 2 lists a number of factors to be considered in relation to the receiving municipality.

94. In 2003, the Immigration Service allocated in total 1866 refugees. Of these, 1325 refugees had requested to be housed in specific municipalities. Of these, 501 refugees were housed in the requested municipality and 458 refugees were housed in a different municipality, but in the same county as the requested municipality.



95. Furthermore, the legislation on housing of refugees provides a possibility for housing refugees in a particular municipality on the basis of the personal circumstances of the refugee, even though the quota of the municipality does not allow housing of additional refugees among the local municipalities.

96. A refugee may settle in a different municipality if he wishes to do so. In order to continue his or her introduction programme in the new municipality, this municipality must accept responsibility for the introduction programme. If the new municipality denies assuming responsibility for the introduction programme and the refugee decides to move anyway, this may have consequences for the refugee's access to introduction allowance and permanent residence permit.

97. However, under certain circumstances the new municipality is obliged to assume responsibility for the continuation of the introduction programme, i.e. if the refugee has been offered employment in the new municipality.

98. Furthermore, if the new municipality refuses to assume responsibility for offering an introduction programme, the refugee in question may still be given access to the labour market, educational facilities and other social and health services. The decision by the new municipality only applies to participation in the introduction programme.

### **Bilingual children**

99. The Government pays particular attention to the subject of allocation of bilingual children in day-care facilities and the children's possibility of speaking their mother tongue in such facilities.

100. In accordance with the rules for allocating bilingual children in day-care facilities, local authorities must lay down guidelines for the admission of such children. In this context, local authorities may decide that special consideration must be given to ensuring a reasonable composition of age groups in terms of age, gender and ethnicity.

101. Local authorities should, in compliance with existing legislation and in consideration of the children and the learning process, strive to ensure that individual institutions do not have more than a reasonable share of bilingual children, but the authorities cannot establish fixed quotas for the number of bilingual children in each institution.

102. The question of children's opportunity to speak their mother tongue in day-care facilities is not governed by legislation. However, a new "Guidance for compulsory language stimulation for bilingual pre-school infants" is being prepared for publication in 2005.

### *Guidance to children and young people belonging to ethnic minorities*

103. In January 2002, the Government issued guidance on special support to children and young people from ethnic minorities. The municipalities must pay special attention to the cultural, ethnic and religious background of the families in connection with guidance to families from ethnic minorities.

104. The same conditions must be taken into consideration when the municipalities appoint a special adviser for a child or a young person or a permanent contact person for a child, a young person or an entire family.

105. If the municipalities reach the conclusion that a child or a young person should be placed outside its home, the above-mentioned considerations must be part of the plan of action and the election of the placement outside the child's home.

*Research on the distribution of refugees*

106. At the time of Denmark's fifteenth periodic report (CERD/C/408/Add.1), the Government had carried out or initiated three surveys or studies evaluating the Integration Act, including the question of geographical distribution of refugees.

107. In 2003, the Ministry of Integration initiated an additional study on the geographical distribution of refugees. The purpose of the study was to examine the effects of the Integration Act on the movement patterns of refugees.

108. The study shows that prior to the Integration Act, newly arrived refugees were housed mainly in the cities and larger towns. After the introduction of the Integration Act, the allocation of housing for refugees is more widely dispersed, and many smaller municipalities have received comparatively high numbers of refugees. The study also concludes that the introduction of the Integration Act has had an effect on the movement patterns of refugees – at least in the short term.

109. The analysis shows that most refugees who have arrived in Denmark after the enactment of the Integration Act – and who are therefore covered by the rules described above – stay in the municipality where they were initially settled at least for the three-year introduction period. Only 10 pct. of these refugees move from the municipality, in which they were initially housed, during the third to fourth year in Denmark. There is a clear trend that refugees covered by the Integration Act move to larger municipalities. Refugees not covered by the Integration Act, because they arrived before 1999, generally chose to move shortly after their arrival.

110. It is still very difficult to identify the long-term implications of the distribution of refugees, but the Danish Government intends to follow developments closely. An analysis on the reasons and consequences of segregated housing is expected to be carried out in 2005-2007 with financial support from the Government.

**Article 5 (d) (iv): The right to marriage**

111. In paragraph 14 of its concluding observations concerning Denmark's fifteenth report (CERD/C/60/Misc.33/Rev.4), the Committee restated its concern that equal attention be paid to economic, social and cultural rights, particularly with respect to minorities. The Committee was concerned about the impact of the amendments to the Aliens Act (May 2000), particularly as they abolished the statutory right to reunification of spouses under the age of 25 years. The Committee encouraged 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 recommended that the State party report on this issue in its next periodic report.

112. Since Denmark's last report to the Committee (CERD/C/408/Add.1), the provisions of the Danish Aliens Act regarding spousal reunification have been amended several times. It is now a condition that both spouses must have attained the age of 24 years and that the spouses' aggregate ties with Denmark must be stronger than with any other country. Moreover, in order to attain spousal reunification the spouse residing in Denmark must provide a bank guarantee of DKK 50,000 to cover any public expenses for assistance to the foreign spouse, and may not have received any public assistance for sustenance within the last year before the family reunification.

113. The condition that both spouses must have attained the age of 24 to be eligible for family reunification is set out in section 9(1) (i) of the Aliens Act. This condition was inserted into the Aliens Act by Act No 365 of 6 June 2002 amending the Aliens Act, the Marriage Act and other Acts, and replaced the previous 25-year-rule.

114. According to the explanatory notes relating to the current 24-year-rule, the rule is designed to reduce the risk of forced and arranged marriages. The older a person is, the better he/she can resist pressure from his/her family or others to contract a marriage against his/her own will. The rule also promotes better integration because it contributes to improved educational and work opportunities for young people.

115. This condition applies to everybody, that is, all persons living in Denmark irrespective of ethnic origin, be they Danish nationals or resident foreigners.

116. According to the current Aliens Act, another condition for family reunification is that the spouses' aggregate ties with Denmark must be stronger than their ties with any other country, cf. section 9(7) of the Aliens Act. This condition was also inserted into the Aliens Act by Act No. 365 of 6 June 2002 and replaced a more lenient condition of ties.

117. According to the explanatory notes relating to the current condition of ties, integration is particularly difficult in families where generation upon generation fetch their spouses to Denmark from their own or their parents' country of origin. Among foreigners and Danish nationals of foreign extraction who live in Denmark, there is a widespread tendency to marry a person from one's own country of origin, among other reasons due to parental pressure. This tendency contributes to the retention of these persons in a situation where they, more frequently than average, experience problems of isolation and maladjustment in relation to the Danish society. The tendency thus renders the successful integration of foreigners newly arrived in Denmark more difficult.

118. The purpose of the condition of ties set out in section 9(7) of the Aliens Act is to ensure the best possible starting point for the successful integration of family members wanting to be reunited with their family in Denmark, while protecting young people against pressure from their family or others to enter into arranged marriages or forced marriages with spouses from a country and with a cultural background distinctly different from the young people's own daily lives and cultural reality.

119. The condition of ties applies to everybody, that is, to all persons living in Denmark irrespective of ethnic origin, be they Danish nationals or resident foreigners.

120. Since it was introduced in 2002, the current condition of ties has been modified by Act No. 1204 of 27 December 2003 amending the Aliens Act. Accordingly, no married couple has to satisfy the condition of ties if the spouse living in Denmark has been a Danish national for 28 years or more.

121. It follows from the explanatory notes relating to the exemption from the condition of ties that persons who have not been nationals for 28 years, but who were born and raised in Denmark or came to Denmark as small children and were raised here, will usually be exempt from the condition of ties if they have resided in Denmark for 28 years. These people are in practice subject to the same treatment as persons who have been Danish nationals for 28 years.

122. As already mentioned, a person living in Denmark must normally provide a financial security of DKK 50,000 to cover any future public expenses for assistance to the foreign spouse, cf. section 9(4) of the Aliens Act, in order to obtain family reunification. Furthermore, the spouse living in Denmark must not have received any public assistance for sustenance for the period commencing one year prior to the date of the application for reunification and ending when residence is granted, cf. section 9(5) of the Aliens Act. These conditions were inserted into the Aliens Act by Act No. 365 of 6 June 2002 and complement the condition that the spouse living in Denmark must undertake to maintain his foreign spouse.

123. According to the explanatory notes relating to the conditions introduced, the general rule is that everybody must maintain him- or herself. This also applies to foreigners coming to Denmark to be reunited with a spouse. The condition of financial security as a prerequisite of family reunification ensures that foreigners reunited with a person in Denmark will not become a financial burden to society, but contribute to achieving broader popular goodwill towards and understanding of aliens. Indications are that a person living in Denmark has a better chance of making a positive contribution to the integration of a foreign spouse into the Danish society and labour market if he has been working himself over a period of time.

124. These conditions apply to everybody, that is, all persons living in Denmark irrespective of ethnic origin, be he or she Danish nationals or resident foreigners. Finally, according to the explanatory notes, the said conditions of family reunification will be administered in such a way that family reunification will be granted in situations where refusal thereof would be contrary to Denmark's international obligations, in particular Article 8 of the European Convention on Human Rights on the right to family life and Article 12 on the right to enter into marriage and found a family.

125. As an example, it will be considered to grant family reunification to a refugee living in Denmark, although not fulfilling all the conditions usually imposed, if he must be considered excluded from taking up residence in his country of origin. As another example, granting of family reunification will also be considered in special cases, where it would be particularly burdensome to expect the couple to take up residence in another country.

126. On 15 December 2004, the Government put forward a bill (Bill 149 of 15 December 2004 amending the Aliens Act, the Marriage Act and the Repatriation Act) in which it was proposed to insert an explicit reference to the regard for family unity in relevant

provisions related to family reunification. The proposal aims to clarify the right to family reunification. It states that the possibility of granting residence permit despite non-fulfilment of one or more of the statutory conditions should be considered in each individual case so as to ensure sufficient regard for family unity.

127. The proposal should be seen as a result of the Government's dialogue with Mr. Alvaro Gil-Robles, Council of Europe Commissioner for Human Rights, who submitted a report containing a number of recommendations to Denmark in the field of immigration in July 2004.

128. However, due to the fact that parliamentary elections were called on 8 February 2005, the Bill was withdrawn, but on 23 February 2005 it was reintroduced as Bill 78 of 23 February 2005 amending the Aliens Act, the Marriage Act and the Repatriation Act.

**Article 5 (e) (i): The right to work, to free choice of employment,  
and to just and favourable conditions of work**

**Measures to increase the quality of work**

129. In para 15 of its concluding observations concerning Denmark's fifteenth periodical report (CERD/C/MISC.33/Rev.4), the State Party was 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.

130. The Government is working to improve measures aimed at increasing the quality of work in the fields of equal opportunities and education. The Government finds it important that its strategy creates a synergy between considerations of social inclusion and social security on the one hand, and considerations of economic efficiency on the other. This is becoming increasingly important in the light of the demographic development, which will increase the need for labour in the future.

131. The Government is also working to create an *inclusive labour market* by promoting a dialogue on this matter, subsidised employment for persons with reduced working capacity, social chapters in collective agreements and corporate social responsibility.

132. The Government has followed up on its objectives and the initiatives launched in the field of integration. The overall objective continues to be integration that allows all foreigners to participate in working and social life on an equal footing with the rest of the population. Unemployment among immigrants and descendants from non-Western countries continues to be significantly higher than among Danish citizens. The reason for the higher unemployment rate among persons of foreign origin is complex. A large proportion remains outside the labour market due to lack of educational skills, lack of working experience as well as to some extent lack of incentive to seek employment.

133. The framework for integration has most recently been supplemented by simplified activation offers, including guidance and upgrading of skills, practical work experience and

wage subsidies. In addition, mentor arrangements and Danish language lessons are available. The new rules came into effect in 2004. The main strategy underlying the new rules is that foreigners coming to Denmark should be given an active start and find employment as soon as possible – primarily through a combination of lessons in Danish and attachment to a workplace. Five centres have been established to seek clarification on the qualifications and competences of foreigners in order to contribute to raise their employment rate.

#### *Unemployed persons*

134. Reference is made to the information provided in para 35-40. The Public Employment Service (PES) may offer Danish language training to unemployed persons with an ethnic background other than Danish. This serves as an early activation measure after 1 month of unemployment, if such language training is necessary in order to improve the possibility of the unemployed person to enter the labour market. The language training is targeted at the job market. It consists of “pure” language training with a view to passing a language test. Job-related language training, e.g. on a vocational training centre in connection with vocational training courses, may also be offered.

135. In November 2003, the Government presented its “Action plan to promote equal treatment and diversity and to combat racism”, enclosed as annex 1 to this report. In 2004, the focus has primarily been to ensure effective follow-up measures to the initiative of the preceding years and to ensure that the improved legislative framework is fully exploited by the municipalities, the Public Employment Service and the enterprises. Furthermore, a “Government strategy against ghettos” was published in May 2004. One of the objectives of the strategy is to turn residential areas housing ethnic minorities into positive platforms for labour market integration of immigrants and refugees.

136. The Action Plan includes a number of initiatives targeted at the labour market, including an initiative concerning workplaces based on diversity as well as an information campaign concerning the causes of labour market exclusion and intolerance on the labour market.

137. The “ice-breaker scheme” - a scheme of wage subsidies - was discontinued at the end of 2002. The experiences have been good. Today, unemployed persons with an ethnic background other than Danish receive enterprise-targeted offers in pursuance of the Act on active employment measures, “More people into employment”. This involves jobs with wage subsidies, practical training in enterprises and the mentor scheme.

#### *Social responsibility of Danish enterprises*

138. The most recent studies of the social responsibility of Danish enterprises seem to indicate that the Government’s initiatives to promote and support social responsibility have been successful. According to the studies, there has been an increase since 2001 in enterprise led initiatives in most fields. On integration, the studies show that more than 20 per cent of enterprises employ immigrants/refugees. The number of immigrants/refugees in employment has increased by more than 40 per cent.

139. About 71 per cent of all immigrants and descendants in Denmark originate from a non-Western country (i.e. countries outside Scandinavia, the EU and North America).

140. The unemployment rate for immigrants and descendants from non-Western countries was 11.7 per cent as of January 2003, while the Danish unemployment rate is 4 per cent. The participation and employment rate are respectively about 79 per cent and 77 per cent for Danes, and 53 per cent and 47 per cent for immigrants and descendants from non-Western countries.

#### **Average unemployment according to origin, 2000-2003**

	Average No. unempl. acc. to origin			Average unempl. pct. acc. to origin		
	Foreign	Danish	Sum	Foreign	Danish	Sum
2000	19 247	131 148	150 395	13.3	5.0	5.4
2001	18 329	126 637	144 966	12.2	4.8	5.2
2002	17 782	126 839	144 621	11.2	4.8	5.2
2003	21 754	148 724	170 478	13.1	5.6	6.1

141. The table above shows that persons of foreign origin have a higher unemployment rate than those of Danish origin.

#### **Measures in the public sector**

142. In 2000, workplaces in the state sector set the target of increasing the share of persons employed on special terms and the share of immigrants/refugees. In 2003, the target for employment of persons on special terms was met (3.5 per cent of the employees). The share of immigrants/refugees has also increased, but the target – 3.5 per cent of the employees – has not yet been reached.

#### **Article 5 (e) (iii): The right to housing**

##### **Strategy against ghetto-isation**

143. The Government has given the subject of housing of immigrants and refugees special attention in more than one area, cf. the above mentioned under article 5(d) (i) concerning the right to freedom of movement and residence. Thus, in May 2004 the Government set out a strategy against ghetto-isation.

144. In the strategy, “ghetto-isation” is defined as a process in which more and more people with little or no contact to the labour market or the educational system gradually inhabit a housing area.

145. In Denmark, such a process is most often observed in public housing areas characterised by a high rate of social problems and an over-representation of inhabitants with immigrant or refugee background. Ghetto-isation, in this sense, becomes a barrier to the successful integration of refugees and immigrants into Danish society.

146. The strategy contains a long list of specific initiatives that are intended to improve the integration of immigrants living in areas with a high rate of social problems into the Danish society.

147. These initiatives include the development of business job creation projects, economic stimulation, e.g. a new type of loan (“get started”-loan) to be used as initial capital in connection with the implementation of a business idea, the establishment of jobcentres in the areas and support for voluntary work in the areas etc. has been introduced.

148. Furthermore, the strategy contains initiatives related to youth and children such as homework-help, participation of young immigrants in local - especially sports - associations, the use of role models, crime prevention initiatives.

### **Bill against ghetto-isation**

149. A major part of the Government’s strategy against ghetto-isation is a new bill, which was introduced on 8 December 2004. The bill is directed at public housing areas with a large share of inhabitants left outside the labour market. It will, once adopted, make it possible to direct social security beneficiaries (receiving social assistance, starting allowance and introduction allowance) who are at the top of the waiting list to a family dwelling in a public housing organisation in one of such areas, to an alternative public housing area. The original dwelling will instead be let to tenants who are active in the labour market thereby improving the area’s overall link with the surrounding society.

150. It is, however, an important consideration in the bill that the social beneficiary in question must not in this way lose the opportunity of attaining a public housing dwelling altogether. The municipality is thus obliged to allocate another appropriate substitute dwelling to the social beneficiary. Allocation must, if at all possible, take place within 6 months.

### **Article 5 (e) (iv): The right to social services**

151. In para. 12 of its concluding observations concerning Denmark’s fifteenth periodic report (CERD/C/60/Misc.33/Rev.4), the Committee was concerned about the quota system of admitting a defined percentage of minority children to certain crèches and nurseries and the reported prohibition of the use of mother tongue in some of these establishments.

### **Quota system**

152. It is not legal to operate with defined quotas, whereby minority children are admitted to certain nurseries. The Government expects the municipal administrations to act accordingly.

153. Any child who is in need of language stimulation is guaranteed to receive an offer for help to this end. For bilingual preschool children who require language stimulation, the offer is compulsory. The aim of the duty to participate is to ensure that the children possess the best language qualifications possible before school start. The language of teaching is Danish in the public school “Folkeskolen”. It is therefore expected that children, when they start school possess Danish at the expected level according to their age. If a child does not possess Danish at this level, the child will be offered classes in Danish as a second language.

154. Language stimulation can be conducted within an institution i.e. a nursery. The municipalities have the responsibility to plan according to the needs for language stimulation.



## **Article 5 (e) (v): The right to education and training**

### **Danish education system in general**

155. In general, the Danish educational system aims at preventing racial discrimination through its overall goals and guidelines. For primary and secondary education in the Danish public school system (“Folkeskole”), which covers ages 7 to 16 years, the objectives are the following:

- (1) The Folkeskole shall – in cooperation with the parents – further the pupils' acquisition of knowledge, skills, working methods and ways of expressing themselves and thus contribute to the all-round personal development of the individual pupil;
- (2) The Folkeskole shall endeavour to create such opportunities for experience, industry and absorption that the pupils develop awareness, imagination and an urge to learn, so that they acquire confidence in their own possibilities and a background for forming independent judgements and for taking personal action;
- (3) The Folkeskole shall familiarise the pupils with Danish culture and contribute to their understanding of other cultures and of man's interaction with nature. The school shall prepare the pupils for active participation, joint responsibility, rights and duties in a society based on freedom and democracy. The teaching of the school and its daily life must therefore build on intellectual freedom, equality and democracy.

156. During the Danish EU Presidency in 2002, Denmark hosted an EU conference on “Lifelong Learning and Active Citizenship”. At the conference, the Danish Minister for Education pointed out the objectives of The National Curriculum. The National Curriculum secures for all pupils, students and adults, irrespective of social background, culture, race, gender, differences in ability and disabilities, an entitlement to a number of areas of learning and to develop knowledge, understanding, skills and attitudes necessary for their self-fulfilment and development as active and responsible citizens.

### *Recognition of education from other countries*

157. The Danish Centre for Assessment of Foreign Qualifications (CVUU) was established in January 2000 with the aim to make it easier for holders of foreign credentials to enter the Danish labour market or undertake further education. The Danish Centre for Assessment of Foreign Qualifications

- Carries out assessments of non-Danish qualifications;
- Receives and transmits applications from EU/EEA citizens for recognition of professional qualifications concerning the regulated professions;
- Makes decisions on the recognition of non-Danish teaching qualifications;
- Develops and communicates standards for assessment;

- Provides municipal and other authorities responsible for the integration of foreigners with advice on identifying foreigner's qualifications;
- Contributes to initiatives aimed at identifying the qualifications and competencies of particular target groups;
- Provides information and guidance concerning assessment and recognition procedures;
- Provides information about the education systems of other countries;
- Informs foreigners and foreign authorities about the Danish education system;
- Is the Danish European Network of Information Centre on academic recognition and mobility (NIC) and National Academic Recognition Information Centre (NARIC) and participates in cooperation regarding the assessment of higher education within the frameworks of EU and the Council of Europe; and
- Is the National Reference Point with regard to information about vocational education and training and participates in the EU network of national reference points.

#### *Counselling and language training*

158. At all adult education centres (VUCs), there are counselling services on educational as well as vocational matters. Guidance counsellors guide the student so that he or she can make the best possible entrance into VUC. The guidance counsellor advises the student on the subjects that are to be taken, on possibilities for subsequent education or on getting a job after general adult education. The guidance counsellor may also provide information about financial and social matters.

159. Since Denmark's fifteenth periodic report (CERD/C/408/Add.1), a specific programme to support entry into the Danish labour market has been established – directed towards refugees and immigrants. This programme is mainly targeted at upgrading unemployed people with insufficient Danish language skills combined with an improvement of their practical work skills. The target group is refugees and immigrants either already in the Danish labour market or unemployed.

#### **Article 5 (f): The right of access to any place or service**

160. Pursuant to the Act on Prohibition against Discrimination on the basis of Race, it is a criminal offence for commercial or non-profit businesses to refuse to serve a person on the same terms as others because of his or her race, colour, national or ethnic origin, religion or sexual orientation. It is also an offence to refuse admittance to a person on the same terms as others to a place, performance, exhibition, meeting or the like that is open to the public (cf. Consolidated Act No. 626 of 29 September 1987).

161. During the period under review, the Copenhagen Police has obtained convictions in four cases of violation of the Act:

(a) By judgment of the City Court of Copenhagen of 3 September 2002 a doorman at a discotheque was sentenced to a fine of DKK 1,000;

(b) By judgment of the City Court of Copenhagen of 15 July 2003 a doorman at a discotheque was sentenced to a fine of DKK 1,000 and to pay compensation of DKK 1,000 to the aggrieved party;

(c) By judgment of the City Court of Copenhagen of 2 April 2004 a doorman at a discotheque was sentenced to a fine of DKK 1,000 and the board of the discotheque was sentenced to a fine of DKK 5,000;

(d) By judgment of the Eastern High Court of 1 September 2004 a doorman at a discotheque was sentenced to a fine of DKK 1,000.

162. In two cases the accused was acquitted. The total number of cases nationally in which convictions have been obtained during the period under review is not available.

#### **Article 6: Establishment of a special complaints body**

163. In paragraph 13 of its concluding observations concerning Denmark's fifteenth periodic report (CERD/C/60/Misc.33/Rev.4, the Committee commended the State party for having invested in its human rights institutions and in a number of non-governmental organisations, which have promoted human rights and served the needs of minority groups, but was concerned by plans to reduce their financial means and the potential impact of these plans on such NGOs. In the light of recommendations of the Durban World Conference against Racism to strengthen human rights national institutions and NGOs, the Committee urged the State party to ensure that the organisational restructuring of the functions of the Board of Ethnic Equality and the Centre for Human Rights would strengthen the overall work on human rights and in particular the protection of the rights of ethnic minorities. It was concerned about the withdrawal of funds from other NGOs. The Committee recommended that the State party include information on this matter in its next periodic report.

164. Since its fifteenth periodic report (CERD/C/408/Add.1), a number of steps have been taken aimed at assuring everyone effective protection and remedies against acts of racial discrimination.

165. The Government has established the Danish Centre for International Studies and Human Rights cf. Act No. 411 of 6 June 2002. The Centre, which started its work on 1 January 2003, was established with the aim of strengthening research, analysis and information activities in Denmark concerning international affairs as well as human rights in Denmark and abroad. The purpose of establishing one common institution was to strengthen and promote a more coherent and concentrated research environment in Denmark. The Centre consists of an Institute for International Studies and an Institute for Human Rights. The Institute for Human Rights replaces the former Danish Centre for Human Rights and is based on the so-called Paris principles.

166. As regards the protection of ethnic minorities, specific powers have been assigned to the Institute for Human Rights and specific funding allocated to the Institute for this purpose. Thus,

the Institute for Human Rights has been established as the Danish body for the promotion of equal treatment as required by Article 13 in the EU-directive on Racial Equality concerning prohibition against racial discrimination outside the labour market (2000/43/EU).

167. In accordance with the requirements of Article 13 in the Directive, the Institute has been given the power to assist victims of discrimination, to conduct surveys concerning discrimination and to publish reports and make recommendations on discrimination. In this regard the Institute replaces the former Board of Ethnic Equality.

168. The Danish Parliament has subsequently decided to further expand the competence of the Institute for Human Rights within the field of ethnic equality. It has done so by also granting the Institute the power to deal with individual complaints on racial discrimination both within and outside the labour market. The EU Racial Equality Directive does not require this, and the Danish parliament has, thus, moved beyond the Directive.

169. The Institute has been allocated 6,0 mill. DKK on a yearly basis to perform the above mentioned tasks. Further detailed information on the complaints mechanism is provided in annex 2 to this report.

170. In addition, new legislation has been adopted and existing legislation amended in order to strengthen the protection against discrimination on the grounds of race and ethnic origin. In May 2003, the Act on Equal Ethnic Treatment was adopted. The Act aims to ensure a high level of protection against racial discrimination.

171. The Act prohibits discrimination on the grounds of racial and ethnic origin as regards access to social protection, including social security and health care, social advantages, education, access to and supply of goods and services, including housing, and membership of and access to services from organisations, whose members carry out a particular profession. The Act also prohibits harassment on the grounds of race and ethnic origin. Furthermore, the Act prohibits victimisation, thus protecting individuals from any adverse treatment or adverse consequence as a reaction to a complaint or to proceedings aimed at enforcing compliance with the principle of equal treatment.

172. The Act includes provisions on shared burden of proof, ensuring that the principle of equal treatment is applied effectively. The shared burden of proof implies that when there is a prima facie case of discrimination, the burden of proof in court cases shifts back to the respondent when evidence of such discrimination is established.

173. The Act stipulates that victims of discrimination are entitled to compensation for non-pecuniary damages in cases where the prohibition against racial discrimination has been violated. The Act also stipulates that any such violations should normally trigger compensation for non-pecuniary damages.

174. The Government allocates funding to a large number of organisations, including NGO's, and individual projects within the field of integration and anti-discrimination policy. Since its fifteenth periodic report (CERD/C/408/Add.1), additional funding has been set aside for the

promotion of equal treatment and tolerance. In total, a sum of 5,1 mill. DKK has been reserved in 2004 - 2005 for this purpose in connection with the implementation of the Government's Action Plan on Equal Treatment.

*Reports of criminal acts and incidents on a presumed racist background*

175. Since 1992, the National Commissioner of Police has received reports of criminal acts and incidents directed against foreigners on a presumed racist background from the 54 Danish police districts.

176. The purpose of this reporting system was to give the National Commissioner of Police a basis for ascertaining and assessing possible signs of a more organised and systematic criminal activity stemming from racism and xenophobia.

177. In December 2001, the reporting system was revised in order to make it more simple and effective. Apart from safeguarding investigative purposes, the new reporting system provides a more reliable basis for international reporting on presumed racially motivated crimes in Denmark and a basis for informing the public on this subject.

178. From 1 February 2002, only criminal acts with a presumed racist or religious backgrounds are reported, i.e. acts or omissions punishable by law. Incidents of a solely political and not racist or religious nature and incidents not punishable by law are no longer reported. Furthermore, not only acts directed against individuals of foreign origin, but also acts directed against ethnic Danes are reported.

179. An element of uncertainty in the system is, however, that the reporting is based on the police districts' knowledge or assumption of the motives behind the actual acts or omissions. Consequently, the reports cannot be presumed to give a complete picture of this particular field of activity in Denmark.

180. In 2002, 63 criminal acts or omissions with a presumed racist or religious background were reported. In 2003, 52 cases were reported.

**Article 7: Combating prejudices, which lead to racial discrimination**

181. A survey conducted by the research company CATINÈT, shows that in 2000, 22 per cent of immigrants and refugees in Denmark felt discriminated when applying for work, in public transportation etc. Now the percentage of immigrants and refugees who feel discriminated is down to 12 per cent. The overall number of people who feel discriminated has fallen markedly.

182. Five years ago, 42 per cent felt that they were discriminated. Today, the percentage is down to 27. Furthermore, 63 per cent of immigrants and refugees in Denmark are of the opinion that persons with a Danish background have become more positive towards them as persons while only 13 per cent experience the Danish population as being negatively inclined.

183. In para. 19 of its concluding observations concerning Denmark's fifteenth periodic report (CERD/C/60/Misc.33/Rev.4), 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 and that it include in its next periodic report information on action plans or other measures they have taken to implement the Durban Declaration and Programme of Action at national level.

184. The above-mentioned legislative measures, see para. 172-189, have been supplemented by a number of non-legislative means aimed at promoting understanding and tolerance. As mentioned in para. 144, in November 2003, the Government published an “Action Plan to Promote Equal Treatment and Diversity and Combat Racism” which contains a number of new initiatives intended to help promote equality of treatment for everyone, regardless of race, ethnic origin and similar grounds of discrimination. The Action Plan was published inter alia as a follow up to the UN World Conference against Racism in Durban in 2001. The Action Plan is enclosed as annex 1 to this report.

185. The initiatives in the action plan are intended to provide more information about racism and discrimination and diversity and tolerance through dialogue and debate. For instance, the action plan foresees a public information campaign concerning anti-discrimination and diversity, financial support to local events that focus on the advantages of a tolerant society with room for diversity and financial support to promote the political participation of ethnic minorities in Denmark.

186. The Government, in working with the media, also wishes to highlight good examples of integrations and diversity. In addition, the Government has launched a survey to investigate why ethnic minority youth drop out of their studies and to what extent the dropout rate is due to discrimination. For 2004 and 2005, the Government has allocated DKK 2.5 million per year to implement the initiatives in the action plan.

187. A number of additional initiatives on promoting integration and tolerance have been adopted. In 2002, the Ministry of Integration launched the campaign “All young people are needed”, which aims at getting more young people of an ethnic background other than Danish to get an occupationally oriented education.

188. Another aim is to tell the stories of the many young people who do get an education and find employment. Yet another aim is to promote understanding and respect for other cultural and religious ways of living and their values.

189. Meetings have been conducted in a number of schools and educational institutions and a large information campaign carried out. A corps of young role models from different occupations has been established.

190. In 2003, a large campaign was undertaken in order to increase the number of young ethnic minorities attending health education. As part of this campaign, advertisements were placed in newspapers, in trains and on train stations. The posters aimed at attracting attention to health educations. The posters also sent the clear message that the Danish society needs everybody – and that young people of an ethnic origin other than Danish represent an important resource to the Danish society.

191. In 2004, the Ministry of Integration launched the “100 Trainee Placements in 100 Days” campaign, which seeks to ensure that young people with an ethnic background other than Danish

are given trainee placements. The campaign also consists of a number of other initiatives such as additional vocational training of the employees involved in trainee placements and establishment of local trainee placement networks.

192. The most recent initiative is a recruitment campaign within the police, armed forces, emergency services and security services. The campaign will recruit and keep young people aged 18 to 25 with an ethnic background other than Danish as well as provide information about the various training and job opportunities that exist within the armed forces, the police and the security and emergency services.

193. As regards the role of politicians and political parties, it is the opinion of the Government that non-governmental organizations and associations should spearhead the efforts to have Danish political parties adhere to the "Charter of European Political Parties for a Non-Racist Society". The Ministry of Integration has therefore forwarded the Charter to the Danish Centre for International Studies and Human Rights for further action.

#### *Education and training of the police*

194. The University of Roskilde (*Roskilde Universitetscenter, Center for Ungdomsforskning*) has conducted and published a research project in a major police district in Denmark (Elsinore Police) in 2003. The focus of the research project was "Conflict at street level – when ethnic minority youth meet the police" (*Konflikt på gadeplan – når etnisk minoritetsungdom og politi mødes*). The survey was conducted in co-operation with the police and with financial support from the Danish Ministry of Justice. The research project report has been distributed to all police districts in Denmark.

195. Based on the recommendations of this report, the Danish Police College organised local training days with police districts where problems with ethnic minority youth are substantial and frequently recur. The Police College was assisted by one of the authors of the report from the research project. Police districts have since requested the Police College to continue organizing additional training days at police district level.

196. Cultural anthropology, psychology and human rights are now integrated subjects in the curricula for the basic education of police students at the Danish Police College.

#### *Recruitment of ethnic minorities for the police*

197. The National Commissioner of Police has continued to organize large-scale recruitment campaigns in all major cities throughout the country and invited local ethnic organisations to participate at the meetings. The police also participate in a non-governmental organisation for ethnic minorities, the Organisation of New Danes (*Foreningen af Nydanskere*).

198. The police have also joined private companies in a project called "Multiplicity in Working Life" (*Mangfoldighed i arbejdslivet*) and received an award for this effort. In addition, the police participate in joint recruitment advertisements for all uniformed professions.

199. A majority in the Danish Parliament has agreed to provide special appropriations for the police in the period 2004-2006. This includes funds for a broad and diverse recruitment to the police, including ethnic minorities.

200. In 2004, the State Employer's Authority (*Personalestyrelsen*), which is an agency under the Ministry of Finance, launched a training programme for so-called ambassadors for ethnic equality. According to the National Commissioner of Police, 4 police employees have so far completed the training. The head of recruitment of new police officers has been appointed as representative for the National Commissioner of Police in the ambassador programme.

201. The number of police officers with other ethnic background than Danish in proportion to the total police force is still below the official target of 3,5%. No single element explains why some applicants with other ethnic background fail at tests for recruitment to the police. The failure elements are in general the same as for other applicants and not specifically related to an ethnic minority background.

202. The Danish National Police has an ambition to recruit individuals in cities with concentrated ethnic minority communities to serve as role models to attract other members of these communities to seek recruitment with the police.

#### *Recruitment of ethnic minorities among prison officers*

203. Since Denmark's fifteenth report (CERD/C/408/Add.1), the Staff Training Center of the Danish Prison and Probation Service (*Kriminalforsorgens Uddannelsescenter*) has implemented two more preparatory school courses for persons of other ethnic backgrounds, who want to train as prison officers.

204. Thirty-eight persons in all have participated in the three preparatory school courses, 28 have finished the whole course, and 16 have passed the employment test and thus obtained employment and access to the basic training for prison officers. All courses have taken place in the Copenhagen area.

205. On 10 January 2005, yet another preparatory school course took place, this time on the island of Funen.

#### *Recruitment of ethnic minorities for the judiciary*

206. In 2002, the Danish courts agreed on a policy of equal treatment, which has the purpose of securing an equal treatment of all employees in the courts and avoiding any kind of discrimination on the basis of sex, age, ethnic origin, race, religion, handicaps, sexual orientation or other grounds.

207. The Court Administration (*Domstolsstyrelsen*) has asked the courts to be aware of the possibility of employing persons of other ethnic origins and has requested the courts to consider concrete initiatives to improve the possibilities for persons of other ethnic origins to be employed in the Danish courts.

### **Article 14: Public release**

208. Reference is made to para 172-189 and annex 2 to this report.



209. In paragraph 20 of its concluding observations concerning Denmark's fifteenth periodic report (CERD/C/60/Misc.33/Rev.4), 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 are similarly publicized.

210. The present sixteenth and seventeenth periodic report of Denmark has been made available to the public on the internet side of the Ministry of Foreign Affairs on web site: [www.um.dk](http://www.um.dk). The concluding observations will similarly be made available on the same web site.

### III. REPORTING ON GREENLAND

#### Part I

211. Reference is made to Denmark's fifteenth periodic report (CERD/C/408/Add.1, para. 125-148), concerning Greenland.

212. In para 18 of its concluding observations concerning Denmark's fifteenth periodic report (CERD/C/60/Misc.33/Rev.4), the Committee recommended that the State party include information on the claims of the Inughuit with respect to the Thule Air base.

#### **Information on the Thule Case – Danish Supreme Court judgement of 28 November 2003**

213. A group of citizens and 422 individual plaintiffs brought the judgement of the Danish Eastern High Court of 20 August 1999 against the Prime Minister's Office to the Danish Supreme Court. The plaintiffs were granted free legal aid in full. On 28 November 2003, the Supreme Court handed down its judgement affirming the judgement of the Eastern High Court.

214. In the judgement, the Supreme Court had occasion to pronounce itself on the question of indigenous peoples in casu the Thule Tribe situated in the Northwestern part of Greenland (the Ummannaq settlement). The case originated in the relocation of the Thule population in 1953 in connection with the establishment of the Thule Air Base under 1951 US-Denmark Defence Agreement.

215. The Thule Tribe initiated proceedings against the Danish Prime Ministers Office in 1996 before the Eastern High Court claiming compensation and right to return. The High Court ruled in favour of compensation (500.000 DKK to the Thule Tribe as such + 15.000 DKK for certain individual claims). Other claims such as the right to live in and use the abolished settlement and a right to access, occupy and hunt in the entire Thule district were dismissed.

216. Furthermore, in January 1997 the Danish Prime Minister Poul Nyrup Rasmussen and Head of the Greenland Home Rule Government Lars Emil Johansen reached an agreement that constituted a satisfying solution for the Danish government as well as for the Home Rule government concerning all questions relating to the Thule-case.

217. On the date of the High Court judgement in the case in August 1999, Prime Minister Poul Nyrup Rasmussen made a statement, that the case had gone on long

enough and that the government therefore did not intend to bring the case before the Supreme Court. The Prime Minister added, that it was fitting that the historical course of events that has affected the lives of many people in Thule from that time had been clarified.

218. On 2 September 1999, the Danish Prime Minister and Head of the Greenland Home Rule Government Jonathan Motzfeldt issued a joint statement in which the government, on behalf of the Danish state, offered its apologies to Inughuit, the Thule population and all of Greenland for the manner in which the relocation was decided and implemented in 1953.

219. The Danish government is aware, that the ruling of the Danish Supreme Court has been submitted to the European Court of Human Rights. Whether the European Court of Human Rights has decided to admit the case is not yet known.

#### *The Greenland Administration of Justice system for Greenland*

220. The Administration of Justice system for Greenland is mentioned in CERD/C/319/Add.1, paragraph 139-141, and further clarified in CERD/C/280/Add.1, para. 306-309.

221. In 1994, the Danish Government and the Greenland Home Rule (det grønlandske hjemmestyre) set up the Commission on Greenland's Judicial System (Den Grønlandske Retsvæsenkommission) chaired by Per Walsøe, Supreme Court Judge, and totalling 16 members appointed by the Danish Government and the Greenland Home Rule. The main task of the Commission has been to perform a thorough review and reassessment of the entire judicial system of Greenland and on that basis to make proposals for its revision.

222. The report on Greenland's Judicial System was handed over to the Danish Government and to the Greenland Home Rule in August 2004. The Danish Ministry of Justice has submitted the report to the relevant institutions and organisations for comments. The Greenland Home Rule is expected to submit its comments on the report by July 2005. The Danish Government will subsequently take a decision on the various proposals made by the Commission.

223. According to section 71 a in the Penal Code for Greenland, any person who publicly or with the intention of disseminating to a wide circle of people, makes a statement or imparts other information by which a group of persons is threatened, insulted or degraded on account of their race, colour, national og ethnic origin or belief shall be sentenced. The Commission on Greenland's Judicial System proposes that this section be amended in order to include "sexual orientation", corresponding to the parallel section in the Danish Penal Code.

## **Part II**

### **Article 1**

224. As of January 2004, the total population of Greenland amounted to 56,854 persons, of whom 50,096 or 89 per cent were born in Greenland and 6,758 were born outside of Greenland. According to Statistics Greenland, 5,804 of the persons born outside of Greenland were born in Denmark.

225. Parliamentary elections were held on 3 December 2002 following a break down of the *Siumut* (i.e. Social Democratic Party) and *Atassut* (i.e. Liberal) coalition Government formed in December 2001. Since the election, *Siumut* and *Inuit Ataqatigiit* (i.e. Socialist) have formed a coalition Government with an eight member Cabinet.

226. In 1999- 2000, the Greenland Home Rule Government (Landsstyre/Cabinet) appointed a Commission on Self-Governance. Reference is made to CERD/C/408/Add.1, paragraph 131-135, which describes the task of the Commission.

227. The final report of the Commission on Self-Governance was handed over to the Greenland Home Rule Government in April 2003. The Committee will receive an official summary in English in due course.

228. Following the final report of the Commission on Self-Governance, the Danish Government and the Greenland Home Rule Government have appointed a joint Danish and Greenlandic commission.

229. The task of the commission is - on the basis of the current constitutional position of Greenland and in accordance with the right of self-determination of the people of Greenland under international law - to consider and propose how the Greenland Home Rule authorities can take over further responsibilities (legislative and executive powers), respecting the Danish constitution. The commission is to submit proposals on a new self-governance arrangement.

230. According to its terms of reference, the work of the commission is to be based on the principle of accordance between rights and obligations. The commission is to consider and submit proposals on a new scheme regarding economic relations between Denmark and Greenland.

231. The Danish Government and the Greenland Home Rule Government agree, that it is up to the people of Greenland to decide if Greenland wishes to achieve independence, and that this will in no way be affected by a new self-governance arrangement. If occasion should arise, independence has to be accomplished by way of entering an agreement hereon, in accordance with the procedures outlined in section 19 of the Danish constitution.

#### **Article 5 (e) (iii)**

232. Reference is made to Denmark's fifteenth periodic report (CERD/408/Add.1 para. 137) outlining that: "The construction of publicly financed housing is governed by Greenland Parliament Regulation (GPR) No. 1 of 9 April 1992, concerning subsidies for the construction of housing and by GPR No. 1 of 31 October 1991 concerning cooperative housing".

233. Furthermore, in accordance with the Private Housing Construction Act, GPR No. 4 of 30 October 1998, individuals can obtain up to 40 per cent of the total cost as an interest-free 15-year governmental and municipal standing loan. This figure has been increased by 5 years to 20 years. The payback period of the standing loan of 10 years has also been extended by 5 years from 10 to 15. The individual must provide 10 per cent of the total cost out of savings, together with a letter stating that the remaining 50 per cent can be obtained from a bank or a mortgage institution. The rental of dwellings is subject to GPR No. 5 of 31 May 2001 concerning the rental of dwellings - a revision of the GPR No. 3 of 13 June 1994.