

DENMARK

EXECUTIVE SUMMARY

The Kingdom of Denmark is a constitutional monarchy with democratic parliamentary rule. Queen Margrethe II is head of state. A prime minister, usually the leader of the majority party or coalition, is head of government and presides over the cabinet, which is accountable to a unicameral parliament (Folketing). Elections on September 15, which observers deemed free and fair, gave a plurality to a left-of-center coalition led by the Social Democratic Party. Security forces reported to civilian authorities.

There were no widespread or systemic human rights abuses during the year.

There were some continuing human rights problems. Authorities often held pretrial detainees together with convicted criminals, and there were instances in which they held youth offenders together with adults. Authorities prosecuted, and courts convicted, several individuals for violating laws restricting speech that was judged discriminatory based on race, religion, or other grounds. Nongovernmental organizations (NGOs) criticized the government for returning asylum seekers to Iraq. There continued to be occasional reports of societal religious and ethnic discrimination against minority groups, domestic violence against women, wage discrimination against women, and trafficking in persons.

In cases where officials committed abuses, the government took steps to prosecute those responsible.

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, and there were no reports that government officials employed them.

Prison and Detention Center Conditions

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

According to government statistics, during 2010 the average daily prison population was 4,091, approximately 99 percent of capacity. Approximately 4.4 percent of inmates were women and 0.3 percent juveniles. Authorities often held pretrial detainees together with convicted criminals, and there were instances in which authorities detained children together with adults.

Prisoners had access to potable water. The parliamentary ombudsman functions as a prison ombudsman as required. Alternatives to incarceration are available to the courts for nonviolent offenders. There were no reports that conditions for women prisoners were worse than those for men.

Prisoners generally had access to visitors. They were permitted religious observance. Prisoners were able to submit complaints without censorship, directly to the Prison and Probation Service or through the parliamentary ombudsman. Authorities investigated credible allegations of inhumane conditions, and their investigations were kept in a public register.

The government permitted monitoring, in accordance with their standard modalities, by independent nongovernmental observers (e.g., human rights groups, the media, the International Committee of the Red Cross), as well as by international bodies such as the Council of Europe's Committee for the Prevention of Torture.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

Civilian authorities maintained effective control over the national police, who are responsible in law and practice for enforcing the law and maintaining order under the supervision of the Ministry of Justice. The government has effective mechanisms to investigate and punish abuse and corruption. There were no reports of impunity involving the security forces during the year.

Arrest Procedures and Treatment While in Detention

The law allows police to begin investigations and make arrests either on their own initiative based upon visual evidence, or based on a court order following an indictment filed by public prosecutors with the courts. Apprehended persons appear before an independent judiciary.

When authorities take an individual into custody, the law generally mandates that he or she appear before a judge within 24 hours; however, a foreigner arrested in connection with immigration proceedings (i.e., for deportation) may be held up to 72 hours before appearing before a judge. The law requires police to make every effort to limit this time to less than 12 hours; however, statistics describing the average time between the apprehension of prisoners and their first appearance before a judge were not available. In most cases authorities may not hold detainees for more than 72 hours while the judge determines their status.

Authorities generally respected the right of detainees to a prompt judicial determination and informed them promptly of charges against them. There is no bail system; instead, judges decide either to release detainees on their own recognizance or to keep them in jail until trial. Pretrial detention is authorized only if the alleged violation could result in a sentence longer than 18 months, if there is reason to believe the detainee is a flight risk or may intend to commit a new offense, or if the release would impede the investigation of the case. While the period of pretrial custody should not exceed four weeks, a court order may further extend custody in four-week increments. There were no known cases of suspects detained incommunicado or held under house arrest.

A document circulated to police by the Danish Prison and Probation Service outlines detainees' rights to inform next of kin of their arrest, to contact a lawyer, and to obtain medical treatment. The circular specifies that arrested persons always have the right to unsupervised visits with an attorney from the time they are brought to a police station. The government provided counsel for those who could not afford legal representation. Police may deny other forms of visitation to those

in custody, subject to a court appeal. In practice, however, police generally did not restrict visitor access.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice. Authorities generally respected court orders.

Trial Procedures

Defendants are presumed innocent until proven guilty. Trials are open. Criminal cases in which the maximum penalty is greater than four years' imprisonment must be heard by juries. The law gives defendants the right to timely consultation with an attorney, at public expense if needed. Defendants have the right to question witnesses against them and to present their own witnesses. Defendants and their attorneys have access to government evidence relevant to their cases. The right of appeal is automatic and encompasses both procedural matters and sentences imposed. The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Regional Human Rights Court Decisions

The European Court for Human Rights (ECHR) issued one judgment against Denmark during the year, and authorities complied with it.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, including access to the court system to bring lawsuits seeking damages for, or cessation of, a human rights violation. Administrative remedies are also available domestically, and individuals or organizations can appeal decisions to the ECHR.

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

The constitution provides for freedom of speech and press, and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

Freedom of Speech: The law prohibits any public speech or the dissemination of statements or other pronouncements that threaten, deride, or degrade a group because of their race, skin color, national or ethnic background, faith, or sexual orientation; offenders may be fined or imprisoned for up to two years. The law also prohibits “blasphemy” and provides that a person who publicly mocks or insults a legally existing religious community’s tenets of faith or worship may be fined or imprisoned for up to four months.

On May 3, in a high-profile case, the Eastern High Court convicted press-freedom activist Lars Hedegaard and fined him 5,000 kroner (\$870) for statements he made in 2009, including that Muslims “rape their own children” and that Islam is not a religion but “first and foremost a political ideology in line with communism and Nazism.” The conviction followed an acquittal earlier in the year by the Frederiksberg District Court. In 2010 police charged 24 individuals with racism for violating one or more of the prohibitions.

Freedom of Press: The law makes it an offense for a person, group, or association to promote the affairs of a terrorist organization. On August 15, the television station Roj-TV went on trial as a result of government allegations in 2010 that the station had links to the Kurdish terrorist organization PKK/Kongra-Gel.

Internet Freedom

There were no government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-

mail. However, authorities continued to employ an Internet filter designed to block child pornography. There were no known cases in which the filter affected legitimate sites.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

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

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt/.

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

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

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Nonrefoulement: In its May submission to the UN Human Rights Council in connection with the Denmark's Universal Periodic Review, the NGO Amnesty International stated that, since May 2009 at least 66 Iraqi asylum seekers had been forcibly returned to areas considered unsafe by the UNHCR, including central and southern Iraq. The government stated that its adherence to nonrefoulement was "absolute" and that no one had been returned to a country where their lives or freedom would be endangered.

Temporary Protection: The government provided temporary humanitarian protection to individuals who may not qualify as refugees and provided such protection to 67 persons in the first four months of the year and to 163 persons in 2010.

Stateless Persons

Citizenship is based primarily on the citizenship of one's parents. However, UN conventions to which the country is a signatory require the granting of citizenship to otherwise stateless persons born in the country and certain persons born in the country to noncitizens may acquire citizenship on that basis. This is not an automatic process; generally, individuals must apply for citizenship before their 21st birthday.

According to UNHCR statistics, there were 3,216 stateless persons in the country at the end of 2010. Many of the stateless were born in Denmark to Palestinian permanent-resident parents who could not transmit citizenship in any state to their children. In February the Ministry of Refugee, Immigration, and Integration Affairs acknowledged that between 2004 and 2010, 460 stateless individuals were not notified of their eligibility for Danish citizenship. The ministry sent out letters informing the individuals that those who had not applied would be eligible to do so until March 31, 2011. Additionally, the ministry admitted that it had inappropriately rejected the citizenship applications of 36 persons of Palestinian origin; all 36 were subsequently granted Danish citizenship. Minister for Integration and Ecclesiastical Affairs Birthe Rønn Hornbech lost her job in the ministry acknowledged that it had inappropriately rejected the citizenship applications of 36 persons in March 2011 after it became clear that she knew about the problems as early as 2008.

There were no reports of discrimination, arbitrary detention, restrictions on movement, or other human rights abuses against stateless persons.

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

The constitution provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

The territories of Greenland and the Faroe Islands have democratically elected home rule governments whose powers may encompass all matters except foreign and national security affairs, police services, and monetary matters. Greenlanders and Faroese have the same rights throughout the kingdom as other citizens. Each territory elects two representatives to the Danish parliament.

Elections and Political Participation

Recent Elections: Free and fair parliamentary elections took place on September 15. They gave a plurality to a left-of-center coalition led by the Social Democratic Party.

Participation of Women and Minorities: Following the September 15 elections, there were 70 women in the 179-seat parliament, and nine in the 23-seat cabinet. Following municipal and regional elections in November 2009, 32 percent of the members of municipal councils and 35 percent of the members of regional councils were women.

Four citizens of other than Danish, Greenlandic, or Faroese origin were elected to the parliament in the 2011 elections. There was one member of an ethnic minority in the 23-seat cabinet. In the November 2009 municipal elections, 65 persons of non-Danish ethnic origin were elected to municipal councils.

Section 4. Official Corruption and Government Transparency

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were no reports of government corruption during the year.

Public officials are not subject to financial disclosure laws, but government officials may not work on specific cases in which they, or someone they represent or have close relations with, have a personal or economic interest. Officials must inform their superiors of any possible conflicts of interest that might disqualify them. The Ministry of Justice and the State Employer's Authority in the Ministry of Finance are responsible for combating government corruption.

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

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

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

Government and Human Rights Bodies: A parliamentary ombudsman investigated complaints regarding national and local public authorities and any decisions they made regarding the treatment of citizens and their cases. The ombudsman could independently inspect, at his initiative, any facility within his authority, such as prisons, detention centers, and psychiatric hospitals. There was also a European ombudsman, who ensured compliance with EU basic rights, and a consumers ombudsman, who investigated complaints related to discriminatory marketing. These ombudsmen enjoyed the government's cooperation, operated without government or political interference, had adequate resources, and were considered effective.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

Rape and Domestic Violence: The law criminalizes rape, including spousal rape, as well as domestic violence, female genital mutilation, and sexual harassment. Penalties include imprisonment for up to 12 years, depending on the seriousness of the offense. The government effectively prosecuted persons accused of such crimes. In 2010, authorities received 429 reports of rape. In the same period, they filed 291 cases and obtained 50 convictions and 17 acquittals.

Violence against women, including spousal abuse, remained a problem. The government and NGOs operated 24-hour hotlines, counseling centers, and shelters for female victims of violence. Requests for shelter declined by 5 percent during the year, and the number of available shelters increased by 3 percent.

Harmful Traditional Practices: The government assisted NGOs working with immigrant groups to discourage traditional practices considered harmful to or discriminatory toward women.

Sexual Harassment: The law prohibits sexual harassment and provides for monetary compensation for victims, paid by the perpetrator and/or the employer who allowed or failed to prevent the incident. The government effectively enforced the law. Few cases were reported during the year.

Reproductive Rights: The government recognized the basic right of couples and individuals to decide freely and responsibly the number, spacing, and timing of their children and to have the information and means to do so free from discrimination, coercion, and violence. Health clinics and local health NGOs operated freely in disseminating information on family planning under the guidance of the Ministry of Public Health. There were no restrictions on access to contraceptives, and the government provided free childbirth services. Women have unfettered access to maternal health services, including skilled attendance during childbirth. Women used nurses and midwives for prenatal and postnatal care unless the mother or child suffered more serious health complications. Men and women had equal access to diagnosis and treatment for sexually transmitted infections.

Discrimination: Women have the same legal status as men, including under family law, property law, and in the judicial system. The law requires equal pay for equal work. The Ministry for Employment, however, found that men earned 17 to 21 percent more than women, partly due to a gender-fragmented labor market in which traditional female employment pays less than traditional male employment and where there are more men than women in executive positions. Even when adjusting for these factors, men earned approximately 4 percent more than women for the same work. The difference was higher in the public sector. Women held positions of authority throughout society; however, they were notably underrepresented in senior business positions and as university professors.

Children

Birth Registration: A child acquires citizenship primarily by virtue of having Danish-citizen parents. The law requires that all persons practicing medicine in the country promptly register the births of the children they deliver.

Child Abuse: Police received 200 reports of sexual abuse of children in 2010, compared with 131 in 2009. In 2010, there were 186 indictments, 51 convictions, and eight acquittals. The national police and the public prosecutors actively investigated cases of child abuse.

Sexual Exploitation of Children: The minimum age of consensual sexual activity is 15. The penalty for the commercial sexual exploitation of children is up to four years' imprisonment. The law prohibits child pornography, with penalties of up to two years. The country was a destination and transit country for trafficked children.

International Child Abduction: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

Anti-Semitism

The Jewish organization Mosaisk Troessamfund estimated the Jewish population at 8,000.

There were isolated anti-Semitic incidents. According to victims' reports, the perpetrators were mainly immigrants, many of them from Arab and other Muslim countries. Most incidents involved vandalism, such as graffiti, and nonviolent verbal assaults. In November 2010 the Security and Intelligence Service released its annual report on hate crimes, covering incidents in 2009. According to the report, authorities investigated 21 religiously motivated crimes in 2009, including the vandalizing of a sculpture outside a synagogue and other incidents of graffiti, harassment, vandalism, threats, assault, and propaganda (see section 6, National/Racial/Ethnic Minorities). There was no indication of how many of the incidents were examples of anti-Semitism versus those directed at other religious groups.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care or other state services,

and other areas, and the government effectively enforced these provisions in practice. The law mandates access to buildings, education, information, and communications for persons with disabilities, and the government generally enforced these provisions in practice.

The parliamentary ombudsman monitored the equal treatment of persons with disabilities. Each year the ombudsman receives a significant number of complaints related to discrimination against persons with disabilities.

National/Racial/Ethnic Minorities

The Security and Intelligence Service reported 306 recorded hate crimes for 2009. According to the report, 74 of these were racially motivated, 64 were politically motivated, 21 were religiously motivated, and 17 were motivated by sexual orientation. Police assessed the remaining offenses also to be “motivated by extremism” (hate crimes) but with some doubt as to the specific motivation. The report included cases of such hostile actions as graffiti, vandalism, theft, and racist Internet and written messages, with 30 instances of violence and one of attempted murder. The government effectively investigated such crimes and prosecuted the perpetrators.

In April the Ministry of Refugees, Immigration, and Integration Affairs reversed its decision in the cases of 14 of 37 Roma it ordered expelled to Romania in 2010. The reversals apparently resulted from an appeal by the European Roma Rights Center and came a few weeks after the Supreme Court ruled that two of the deportations were based on insufficient grounds for removal of EU residents.

Indigenous People

The law protects the rights of the indigenous Inuit inhabitants of Greenland, whose legal system seeks to accommodate their customs, provides for the use of laypersons as judges, and sentences most prisoners to holding centers (rather than prisons), where they are encouraged to work, hunt, or fish during the day. Their civil, political, and economic rights are protected effectively throughout the kingdom, including the right to nondiscriminatory treatment in employment, education, housing, and other services.

Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

There were no reports of official or societal discrimination. According to a report on homophobia published in 2009 by the Danish Institute for Human Rights, surveys showed that societal approval of homosexuality increased significantly in the preceding three decades. According to data reported by the Security and Intelligence Service, 19 of the 334 hate crimes recorded in the country in 2010 were “sexually oriented.”

Other Societal Violence or Discrimination

There were no reports of societal discrimination against persons with HIV/AIDS or against other groups not covered above.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law states that all workers may form or join independent unions of their choosing without previous authorization or excessive requirements. The law protects the right to collective bargaining. It allows unions to conduct their activities without interference and prohibits antiunion discrimination. Workers fired for union activities can take the employer to court and receive reinstatement or a cash settlement on a case-by-case basis.

These laws were enforced effectively and enforcement was not seriously hampered by lengthy delays and appeals. Freedom of association and the right to collective bargaining were respected in practice. Worker organizations were independent of the government and political parties. Annual collective bargaining agreements covered members of the workforce associated with unions and indirectly affected the wages and working conditions of nonunion employees. Authorities and employers respected the right to conduct union activities without interference.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor, including by children, and the government effectively enforced this prohibition. The government released a new National Action Plan on Trafficking in Persons in June, covering the period from 2011 through 2014. It focuses on women trafficked for sexual exploitation but also provides for continued investigation of possible trafficking for forced labor in other sectors.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the exploitation of children in the workplace, and the government effectively enforced this prohibition in practice. There were no reported instances of unlawful child labor.

The minimum legal age for full-time employment is 15 years. The law sets a minimum age for part-time employment of 13 years and limits school-age children to less strenuous tasks. The law limits work hours and sets occupational health and safety restrictions for children, and the government effectively enforced these laws in practice.

d. Acceptable Conditions of Work

The law does not mandate a national minimum wage; unions and employer associations negotiate minimum wages. The average minimum wage for all private and public sector collective bargaining agreements was 109 kroner (approximately \$19) per hour, exclusive of pension benefits. Migrant workers are entitled to the same minimum wages and working conditions, and must adhere to the same employment regulations, as Danes.

Workers generally worked a 37.5-hour week, established by contract rather than by law. Workers received premium pay for overtime, and there was no compulsory overtime. Working hours were determined by collective bargaining agreements that adhered to the EU directive that an average workweek not exceed 48 hours. These agreements also guarantee workers at least five weeks' paid vacation per year.

The law prescribes conditions of work, including safety and health standards; authorities ensured compliance with labor legislation in practice. The same laws protect legal migrants and foreign workers.

The Danish Working Environment Authority (DWEA) effectively enforced labor health and safety in all sectors. The DWEA inspected 27,933 workplaces and issued 14,343 improvement notices in the first seven months of the year, compared to 42,984 such inspections and 42,984 notices in all of 2010. The DWEA has the authority to report violations to police or the courts if the employer fails to make

required improvements by the deadline. Workers may remove themselves from hazardous situations without jeopardizing their employment, and authorities effectively enforced this right in practice. Greenland and the Faroe Islands have similar work conditions, except that there the standard workweek was established by collective bargaining at 40 hours. The DWEA recorded 40,123 workplace accidents from January 1 to November 14, of which 37 were fatalities.