

DENMARK 2012 HUMAN RIGHTS REPORT

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 in September 2011, 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.

During the year, authorities at times held pretrial detainees together with convicted criminals and youth offenders with adults. Human rights groups complained of prolonged detention of rejected asylum seekers. There continued to be occasional reports of societal religious and ethnic discrimination against minority groups and instances of rape and domestic violence against women. There were incidents of trafficking in persons.

The government generally took steps to prosecute officials who committed abuses, whether in the security services or elsewhere in government. There were no reports of impunity during the year.

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. The Council of Europe's Committee for the Prevention of Torture (CPT) visited Greenland during the year, but their report was not available by year's end.

Physical Conditions: According to government statistics, during 2011 the average daily prison population was 4,037, approximately 97.7 percent of capacity. Approximately 4 percent of inmates were women and 0.3 percent juveniles. There were no reports that prison conditions for women were worse than those for men. Authorities occasionally held pretrial detainees together with convicted criminals and detained children together with adults. In addition, human rights groups criticized what they deemed the excessive use of pretrial solitary confinement by authorities.

In 2011, five prisoners committed suicide and eight natural deaths occurred in prisons and detention centers. Prisoners had access to potable water and there were no criticisms of the physical conditions of the prisons.

Administration: Recordkeeping was adequate, authorities used alternatives to sentencing for nonviolent offenders, and the parliamentary ombudsman functioned as a prison ombudsman as required.

Prisoners generally had access to visitors and could attend 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 recorded their investigations in a public register.

Monitoring: 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 such international bodies as the CPT.

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 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. On January 1, authorities established an Independent Police Complaint Authority to address accusations of misconduct in the police force. It received 1,086 complaints through July.

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.

The law generally mandates that an individual whom authorities take into custody appear before a judge within 24 hours; however, an illegal alien 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; statistics on the actual 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. A judge may authorize detention prior to trial only when the detainee is charged with a violation that could result in a sentence of more than 18 months, or when the judge determines the detainee would seek to impede the investigation of the case, would be a flight risk, or may intend to commit a new offense. The standard period of pretrial custody is up to four weeks, but 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.

Detainees have the right to inform their next of kin of their arrest, contact a lawyer, and obtain medical treatment. Arrested persons have the right to unsupervised visits with an attorney from the time they are brought to a police station. Police may deny other forms of visitation, subject to a court appeal. In practice, however,

police generally did not restrict visitor access. The government provided counsel for those who could not afford legal representation.

Detention of Rejected Asylum Seekers or Stateless Persons: Authorities detained unsuccessful applicants for asylum pending deportation. Human rights observers made no claims that treatment failed to meet satisfactory standards, but they expressed concerns about the continued detention of failed asylum seekers who could not be returned to their home countries.

e. Denial of Fair Public Trial

Defendants enjoy the right to a presumption of innocence; prompt and detailed notification of the charges against them (with free interpretation as necessary); a fair and public trial without undue delay; a trial by jury; communication with an attorney of choice (or to have one provided at public expense); adequate time and facilities to prepare their defense; access to government-held evidence; the opportunity to confront witnesses against them and present witnesses and evidence; protection against being compelled to testify or confess guilt; and appeal adverse judgments.

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

Trial Procedures

The constitution provides 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.

Civil Judicial Procedures and Remedies

Individuals and organizations may seek civil remedies for human rights violations, including appealing decisions to the European Court of Human Rights (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

The constitution provides for freedom of speech and press with some limitations such as cases involving child pornography, libel, blasphemy, hate speech, and racism (as further noted below), and the government generally respected these rights in practice. An independent press, an effective judiciary, and a functioning democratic political system combined to promote 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 race, skin color, national or ethnic background, religion, or sexual orientation. Offenders may be fined or imprisoned for up to two years, but there were no trials or convictions on these grounds during the year. 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. The government has not prosecuted any cases under the blasphemy provision since 1938.

Freedom of Press: The independent media were active and expressed a wide variety of views with few restrictions. However, the law makes it an offense for a person, group, or association to promote the affairs of a terrorist organization. On January 10, the Copenhagen City Court found Roj TV and its associated broadcasting company guilty of supporting a terrorist organization and imposed a fine. The court did not revoke Roj TV’s broadcast license, as the prosecutor had requested, but following the guilty verdict, the major cable distributor, EUTELSAT, which covers most of Europe, announced it was suspending the station, purportedly to avoid incurring criminal liability as an accomplice to terrorist activities. The case passed to the Danish Radio and Television Council, which has the power to give and withdraw broadcasting television and radio broadcasting licenses. Although the council found no evidence of hate speech justifying a withdrawal of the broadcast license, EUTELSAT’s suspension remained in effect.

Internet Freedom

There were no government restrictions on access to the Internet or credible reports that the government monitored e-mail or Internet chat rooms without appropriate legal authority. Authorities continued to employ an Internet filter designed to block child pornography. In no known cases did the filter affect legitimate sites. In 2011 there were 39 Internet subscriptions per 100 citizens, and according to estimates compiled by the International Telecommunication Union, approximately 90 percent of the population used the Internet in 2011.

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.

Safe Country of Origin/Transit: The country practices both safe country of origin and transit of asylum seekers per the Dublin Regulation. The Immigration Service

questioned asylum seekers individually to determine their identity, situation, and route. Certain countries within the EU were not considered safe countries for processing; in those cases, the Immigration Service processed the asylum seekers in Denmark.

Refoulement: Authorities continued to refrain from returning asylum seekers to Greece. The ECHR ruled in five cases between January and June that such forced returns in earlier years had violated the individuals' rights because of a lack of protection under the Greek asylum system. The government voluntarily compensated the individuals concerned. Authorities also stopped returning asylum seekers to Italy following criticisms of that country's asylum policies by human rights observers. In July, in response to a number of high-profile cases in which the government was criticized for deporting rejected asylum seekers to Iraq, authorities announced that they had stopped the practice.

Temporary Protection: The government provides temporary humanitarian protection to individuals who may not qualify as refugees and provided such protection to 584 persons in 2011.

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; in most cases, individuals must apply for citizenship before their 21st birthday.

According to UNHCR statistics, there were 3,183 stateless persons in the country at the end of 2011. Many of these stateless persons were born in Denmark to Palestinian permanent-resident parents who could not transmit citizenship of any state to their children. Beginning in late 2011 the situation for stateless Palestinians was addressed, and all were offered residence permits.

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 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 in September 2011. There were no reports of abuses or irregularities.

Participation of Women and Minorities: As of December there were 70 women in the 179-seat parliament, and nine in the 23-seat cabinet, including the prime minister. Following municipal and regional elections in 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 2009 municipal elections, 65 persons of non-Danish ethnic origin were elected to municipal councils.

Section 4. Corruption and Lack of Transparency in Government

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, primarily by investigating purported cases of corruption. They collaborated actively with civil society, operated effectively and independently, and had sufficient resources.

The law provides for public access to government information, and the government effectively implemented the law and 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 variety 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, including prisons, detention centers, and psychiatric hospitals. The country also had an ombudsman for European matters, 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.

Women

Rape and Domestic Violence: The law criminalizes rape as well as domestic violence, female genital mutilation, and sexual harassment. Spousal rape is criminalized in most cases, but some human rights groups asserted that women were not treated equally in this area of the law, since sexual assault is not penalized if the victim is married to the perpetrator, or the victim is in a helpless state due to physical or mental illness, drugs, or alcohol.

Penalties for rape include imprisonment for up to 12 years, depending on the seriousness of the offense. The government effectively prosecuted persons

accused of rape. In the first half of the year, 182 rapes were reported, compared with 392 reports in all of 2011. In 2011 there were 249 convictions and 46 cases of imposed punishment (nonsuspended sentences).

Violence against women, including spousal abuse, remained a problem. The government and nongovernmental organizations (NGOs) operated 24-hour hotlines, counseling centers, and shelters for female victims of violence. The royal family supported a variety of NGOs that worked to improve conditions and services at shelters and help families afflicted with domestic violence.

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, and they were generally handled through the employee unions, which function as semigovernmental institutions.

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 obtain 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 had 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 experienced more serious health complications.

Discrimination: Women have the same legal status and rights as men, and the law requires equal pay for equal work. There was little reported discrimination in employment; pay; ownership and management of businesses; or access to credit, education, or housing. The law requires the 1,100 largest companies to establish target numbers for the participation of women on their boards, develop specific plans for recruiting women, and to describe their actions to promote women's participation in annual reports, explaining, if applicable, why targets were not met.

Children

Birth Registration: Most children acquire citizenship from their parents.

Stateless persons and certain persons born in the country to noncitizens may acquire citizenship by naturalization, provided, in most cases, that they apply for citizenship before their 21st birthday. The law requires that all persons practicing medicine in the country promptly register the births of the children they deliver, and they generally did so in practice.

Child Abuse: In 2011 police prosecuted 171 cases of sexual abuse of children ages 12 and under, 17 cases of abuse of children 13-15 years old, and 35 cases of incest. In 2011, there were 80 convictions in child-abuse cases. The national police and the public prosecutors actively investigated cases of child abuse.

Child Marriage: The legal age for marriage is 18. Less than 1 percent of boys or girls married younger than age 18.

Sexual Exploitation of Children: The minimum age of consensual sexual activity is 15. The purchase of sexual services from a person under the age of 18 is illegal. 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 in jail. The laws were enforced.

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

Anti-Semitism

During the year 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, often from Arab and other Muslim countries. Most incidents involved vandalism, such as graffiti, and nonviolent verbal assaults. In November 2011 the Security and Intelligence Service released its annual report on hate crimes, covering incidents in 2010. According to the report, authorities investigated 10 religiously motivated crimes, including graffiti, harassment, vandalism, threats, assault, and propaganda (see section 6, National/Racial/Ethnic Minorities). Two of the incidents were clearly identifiable as directed against Jews.

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, sensory, intellectual, and mental disabilities, in a number of areas including employment, education, air and other modes of travel, access to health care, and other state services, and the government effectively enforced these provisions in practice. The law mandates access by persons with disabilities to buildings, education, information, and communications, and the government generally enforced these provisions in practice. Children with disabilities attended school. The right of persons with disabilities to vote or participate in civic affairs was not restricted.

The parliamentary ombudsman monitored the treatment of persons with disabilities and issued six opinions regarding complaints of disability discrimination.

National/Racial/Ethnic Minorities

In 2010, according to the Security and Intelligence Service, authorities recorded 334 hate crimes. The service categorized 62 of these as racially motivated, 37 as political, 30 as based on sexual orientation, and 10 as based on religion. Police concluded that the remaining 195 offenses, which included 31 cases of violence and two of attempted murder, as well as graffiti, vandalism, harassment, propaganda, and threats, were based on mixed or unknown motives and not necessarily related to extremism or hate crimes. The government effectively investigated hate crimes and prosecuted the perpetrators.

The Board of Equal Treatment received approximately 40 complaints of ethnic discrimination in 2011, including in access to employment, apartment rental, and the services of private businesses as well as exposure to bullying in public schools. Complaints included discrimination against minorities and reverse discrimination against ethnic Danes.

In March the Supreme Court ruled that the expulsion of two Roma of Romanian origin in 2010 for staying illegally in public buildings and parks was illegal. As a consequence of the court's decision, the government annulled the expulsion orders of 14 other Romanian Roma.

Indigenous People

The law protects the rights of the indigenous Inuit inhabitants of Greenland, whose legal system seeks to accommodate their customs. Through their elected government, they participate in decisions affecting their lands, culture, and traditions and the exploitation of energy, minerals, and other natural resources. The laws provide 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. Authorities throughout the kingdom effectively protected Inuit civil, political, and economic rights, 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

The law penalizes discrimination against persons based on sexual orientation.

The law provides that any person who makes a statement or imparts other information by which a group of persons are threatened, scorned, or degraded on account of their sexual orientation shall be liable to a fine or to imprisonment for not more than two years. It specifically states that a finding that a particular offense was based on the sexual orientation of the victim must be considered an aggravating circumstance in determining sentences.

According to data reported by the Security and Intelligence Service, 23 of the 384 hate crimes recorded in the country in 2011 were “sexually oriented,” although a number were unrelated to sexual orientation or gender identity. Authorities actively investigated and punished those complicit in abuses.

Other Societal Violence or Discrimination

There were no reports of societal discrimination against persons with HIV/AIDS or 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 and to legal strikes. 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 2011, covering the period from 2011 through 2014. The plan focuses on persons trafficked for sexual exploitation but also provides for continued investigation of possible trafficking for forced labor in other sectors. In 2011 the government identified two victims of trafficking for forced labor (both as domestic servants).

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. The law sets a minimum age of 13 for part-time employment 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 110 kroner (approximately \$20) per hour, exclusive of pension benefits. The law requires equal pay for equal work; 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 adhering to the EU directive that an average workweek not exceed 48 hours. These agreements also provide 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 immigrants and foreign workers.

The Danish Working Environment Authority (DWEA) effectively enforced labor health and safety in all sectors. The DWEA inspected 42,633 workplaces and issued 22,975 improvement notices in 2011. The DWEA has the authority to report violations to police or the courts if the employer fails to make required improvements by the deadline. Greenland and the Faroe Islands have similar work conditions, except that in both the standard workweek was set by collective bargaining at 40 hours. The DWEA recorded 42,552 workplace accidents in 2011, of which 41 were fatalities.