U.S. DEPARTMENT of STATE

Denmark

Country Reports on Human Rights Practices - 2007
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Denmark, with a population of approximately 5.4 million, is a constitutional monarchy with democratic parliamentary rule. Queen Margrethe II is head of state. The cabinet, which is accountable to the unicameral Folketing (parliament), heads the government. The minority center−right coalition government led by the Liberal Party (Venstre) won a plurality of seats in the 2005 elections, which were deemed free and fair. Civilian authorities generally maintained effective control of the security forces.

The government generally respected the human rights of its citizens, and the law and judiciary provide effective means of dealing with individual instances of abuse. Reports of religious and ethnic discrimination against minority groups have remained relatively constant over the past several years, while domestic violence against women and trafficking in women and children continued to be reported.

RESPECT FOR HUMAN RIGHTS

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, for the most part, met international standards; however, pretrial detainees were often held with convicted criminals. The government permitted visits by independent human rights observers.

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

The national police, under the Ministry of Justice, have sole policing authority in the country. On January 1, the government initiated a reform of the police, with the objective of achieving a more modern police service with sustainable police districts capable of carrying out major investigations and providing large-scale emergency and support services. As part of the reform, the previous 54 police districts were consolidated into 12 districts (plus the Faroe Islands and Greenland) and a national commissioner's office. The minister of justice, with the approval of parliament, appoints the police chiefs of each district and the national commissioner. Corruption was not a problem. There was continued police training in recognition, reporting, and investigation of racially motivated cases during the year.

Arrest and Detention

By law the police are allowed to begin investigations and make arrests either based upon visual evidence without a warrant, or on the basis of indictments filed by public prosecutors with the courts. A court may either summon the accused to appear or order police to arrest the accused based upon an application filed by a public prosecutor. If an individual is taken into custody, the law provides for an initial appearance before a judge within 24 hours; however, noncitizens may be detained for up to 72 hours before being given a court appearance. Authorities generally respected the right to a prompt judicial determination. The country does not have a bail system; rather, a judge decides within 24 hours of detention either to release the detainee on his or her recognizance or to keep the detainee in jail until a trial is held. According to the Office of the Director of Public Prosecution, of the total number of pretrial detainees in 2006, 88 percent served less than three months in pretrial custody, whereas 12 percent served more than three months in pretrial custody. Arrestees have the right to counsel at the initial hearing, and the government provided counsel for those who could not afford legal representation. The law does not allow any visitors during the first 24 hours of detention except for legal counsel. However, depending upon the charges, the police generally did not restrict visitor access in practice.

Over several weeks in March, authorities arrested more than 700 protesters in response to a series of Copenhagen street riots sparked by the closing of a youth center on March 1. Most Danish detainees were quickly released for a later trial date, while foreigners were held in lengthy pretrial custody. Three Americans, for example, were held in pretrial custody for nearly three months after their initial appearance before a judge. The Copenhagen courts were not prepared to process the large number of detainees resulting from the riots.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government generally respected judicial independence in practice. The judicial system consists of local courts, which hear cases in the first instance; two regional high courts, which address appeals; and the Supreme Court, which is the highest and final court of appeal.

Trial Procedures

The constitution and law provide for the right to a fair trial, and an independent judiciary generally enforced this right. Trials are public. Juries are required for criminal

cases in which the maximum penalty is greater than four years' imprisonment. The law provides for defendants' right to timely consultation with an attorney, at public expense if needed. Defendants and their attorneys have access to government evidence relevant to their case. Defendants have the right to question witnesses against them and to present their own witnesses; they are presumed innocent until proven guilty; and the right of appeal encompasses both procedural matters and sentences imposed. The law provides that criminal sentences can be increased when bias is proved as a motive. Bias can be based on race, ethnicity, gender, sexual orientation, or religion.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

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. There were no problems enforcing domestic court orders.

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 of the press, and the government generally respected these rights in practice. Individuals are able to criticize the government publicly and privately without reprisal. An independent press, an effective judiciary, and a functioning democratic political system combined to ensure freedom of speech and of the press.

The law prohibits any public speech or dissemination of statements or other pronouncements by which a group of persons is threatened, derided, or degraded 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.

In 2005 the *Jyllands-Posten* newspaper cartoon controversy began after 12 editorial cartoons depicting the Islamic prophet Muhammad were published. The newspaper explained that this publication was a contribution to debate regarding criticism of Islam and self-censorship. Nonviolent protests occurred in the country in reaction to the cartoons. Security guards were hired to protect the paper's journalists, and in January a bomb threat was made against the Copenhagen branch of the newspaper. Death threats were made against the cartoonists, forcing them into temporary hiding. Police closed the case after investigations did not produce any significant leads.

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. As of July approximately 83 percent of the population had access to the Internet from home.

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

The constitution provides for freedom of religion, and the government generally respected this right in practice.

The Evangelical Lutheran Church is the official state church and enjoys some privileges not available to other faiths, such as receiving state subsidies or funds directly through the tax system. Members of other faiths, notably Catholics, have asserted that the system is unfair, and that the government does not provide religious equality, despite providing religious freedom. Allowing other religious organizations to be given the same status and privileges as the Evangelical Lutheran Church would require changes to the constitution. While the government does not require that religious groups be licensed, the government's recognition is required for religious ceremonies, such as weddings, to have civil validity or for such religious groups--at year's end numbering more than 100--to receive tax exemptions.

Religious history, with special emphasis on the Evangelical Lutheran faith, was taught in public schools, but students could withdraw from religious classes with parental consent.

Societal Abuses and Discrimination

There were isolated incidents of societal abuses and discrimination, including antiimmigrant (mainly Muslim and African) graffiti, desecration of ethnic minority gravesites, and low−level assaults, as well as some denial of service and hiring on racial grounds. Societal discrimination against religious minorities was difficult to distinguish from discrimination against ethnic minorities. The government criticized the incidents, investigated several, and brought some cases to trial.

In February 2006 more than 20 Muslim graves were desecrated in a cemetery in Esbjerg. Police interrogated three juveniles, who were later released to social authorities to be reprimanded. There were no further developments in the case.

In July 2006 vandals desecrated the country's first Muslim graveyard prior to its official opening, painting swastikas on the grass and driving cars across the site. In September 2006 the cemetery opened without incident. In November 2006 the cemetery was vandalized when markers indicating where graves were to be situated were removed and replaced with pigs' heads on poles. The subsequent investigation did not lead to any arrests and police closed the case.

There were no developments in the 2005 desecration of nearly 100 Muslim graves in Venstre Kirkegaard (Cemetery) in Copenhagen. Unknown vandals pushed over 50 headstones and smashed another 50. The vandals only targeted Muslim headstones, leaving the Christian headstones untouched. Police investigated the scene but did not find enough evidence to pursue charges.

In 2005 authorities closed local radio station Radio Holger for three months after it challenged listeners to kill Muslims. In February 2006 Radio Holger announcer Kaj Wilhelmsen was given a suspended two-week prison sentence for violating an antiracism law; Wilhelmsen appealed the verdict and continued broadcasting via the Internet, for which no license is required. In November 2006 Radio Holger's license was revoked by the Radio and Television Board for its alleged racist programming in August 2006, in the wake of the conflict involving Israel and Lebanon. The courts rejected Wilhelmsen's appeal of the November 2006 decision to revoke the station's license. The station continued to broadcast, via the Internet, at year's end.

The Jewish population was estimated at 7,000 persons. There were isolated incidents of anti-Semitism, apparently perpetrated primarily by immigrants, according to victims' reports. Most incidents involved vandalism, such as graffiti, or nonviolent verbal assaults.

The Copenhagen synagogue on Krystalgade was vandalized on the night of January 21. Unknown perpetrators threw two rocks at two of the synagogue's windows; both were smashed.

For a more detailed discussion, see the *2007 International Religious Freedom Report*.

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 and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, asylum seekers, stateless persons, and other persons of concern.

The constitution and law prohibit forced exile, and the government did not employ it.

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against "refoulement," the return of persons to a country where there is reason to believe they fear persecution. The government granted refugee status or asylum. Through November 1,050 of 2,020 asylum seekers received asylum and were granted residency permits. This total included temporary protection provided to certain individuals who fell outside the definition of the 1951 UN convention and the 1967 protocol; the government provided such protection to 417 persons during the year through November, including 305 out of 309 Iraqi interpreters and their families.

There was no update in the cases of 39 criminal immigrants detained at Sandholm refugee center in 2005 after they refused to return to their home countries upon receiving deportation orders.

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 held on the basis of universal suffrage.

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

Elections and Political Participation

Prime Minister Anders Fogh Rasmussen, leader of the Liberal Party, was reelected in November in free and fair elections.

In 2005 free and fair municipal elections were held following parliament's adoption of a structural reform plan, which reduced the number of municipalities from 271 to 98 in January 2007. As a result of the elections, the number of municipal council members from ethnic minority backgrounds significantly increased.

Political parties could operate without restriction or outside interference.

There were 67 women in the 179-seat parliament and seven women in the 19–seat cabinet. Women also accounted for 44 percent of the public council board and committee members.

There were four members of minorities in the 179–seat parliament. There were no members of minorities in the 19–seat cabinet.

Government Corruption and Transparency

The law provides criminal penalties for official corruption, and the government generally implemented the law effectively. There were isolated reports of government corruption during the year. Public officials are not subject to financial disclosure laws, but a government official is not allowed to work on cases in which he or she has a special personal or economic interest, or represents or has close relations to someone with a special interest in the case. Officials are obligated to inform superiors of any possible disqualification issues related to a case. The Ministry of Justice and the State Employer's Authority (within the Ministry of Finance) are responsible for combating government corruption.

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

Section 4 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 were generally cooperative and responsive to their views.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The constitution and law prohibit discrimination based on race, gender, disability, language, or social status; however, violence against women and trafficking in persons were problems.

Women

Rape, including spousal rape, is a criminal offense, and the government effectively prosecuted those accused of such crimes. There were 471 reported rapes and 364 official charges of rape in 2006. Preliminary figures indicated that there were 492 reported rapes and 393 charges filed in 2007.

Violence against women, including spousal abuse, remained a problem. During the year the Institute for Public Health and the National Organization of Women's Shelters estimated that 64,000 women in the country are exposed to domestic violence or the threat of domestic violence annually and that, in 2006, 29,000 children aged 15 or younger were living in homes where the mother was exposed to violence. The National Organization of Shelters for Battered Women and Their Children reported that in 2006 shelters provided a safe haven for 4,242 women and children, in an increase over the previous year; 43 percent of the women supported were noncitizens, which was also a proportional increase over the previous year.

Prostitution is legal, but subject to restrictions; pimping, coercion into prostitution, solicitation of prostitution from a minor, and trafficking are illegal. According to a 2005 report published by the Ministry for Social Welfare and Gender Equality, an estimated 3,750 persons were engaged in legal prostitution in 2004, while an unknown number participated in illegal prostitution, including streetwalking.

The law prohibits sexual harassment and provides for awards of monetary compensation for victims of sexual harassment. The government effectively enforced the law, and there were few reported cases during the year.

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, but in 2006 female workers earned approximately 21 percent less on average than male workers in the private sector, while the wage gap was approximately 16 percent in the local government and 8 percent in the central government. Even when adjusted for maternity leave, differences in education, and other relevant factors, women earned approximately 2 to 6 percent less than their male counterparts for the same work. Women held positions of authority throughout society, although they were underrepresented in senior business positions and as university professors. Amendments to the Act on Equal Pay to Men and Women came into effect on January 1 that, among other things, oblige employers to report wages by gender.

Children

The government was strongly committed to children's rights and welfare. Education was compulsory through the ninth grade and free through the university level; school attendance was nearly universal. Slightly more women than men completed postsecondary education.

In 2006 there were 276 reports of sexual abuse of children that resulted in 260 official investigations.

In 2005 the UN Committee on the Rights of the Child expressed concern regarding societal discrimination against, and racist attitudes toward, children of ethnic minorities and migrant families as well as refugee and asylum-seeking families.

Trafficking in Persons

The law prohibits trafficking in persons; however, there were reports that persons were trafficked to the country.

The country was both a destination and a transit point for women and children who were trafficked from the former Soviet Union, the Baltic countries, Eastern Europe, Southeast Asia, and West Africa for the purposes of sexual exploitation and occasionally to work as thieves. There were approximately 4,000 to 5,000 prostitutes in the country, including an estimated 2,000 foreign women, a number of whom were believed to be trafficking victims.

Traffickers lured victims with the prospect of higher wages and a better life, then forced them into prostitution, often withholding their passports. Authorities suspected traffickers had ties to organized crime, specifically in Russia and the Baltic countries, and subjected them to police investigations and prosecutions.

The law criminalizes trafficking and provides for a maximum prison term of eight years for those convicted of trafficking in persons.

Police conducted 11 trafficking investigations and prosecuted 23 trafficking cases. There were 10 convictions on trafficking charges, with some resulting from prosecutions in previous years. The authorities also conducted 23 procurement investigations and prosecuted 29 procurement cases. There were 21 convictions on procurement charges.

In December 2006 a 39-year-old Nigerian woman was arrested for involvement in a major trafficking operation. On July 3, she was convicted and sentenced to two years in prison, to be followed by extradition. According to Copenhagen police, women were recruited in their native countries and then transported to Denmark and forced into prostitution.

The national commissioner for police maintained an internal task force on trafficking in persons, assisted local police constabularies with investigations, and trained officers to recognize and investigate trafficking cases. The government cooperated with international investigations of trafficking and exchanged information with neighboring countries.

According to national police, trafficking victims generally returned voluntarily to their home countries with NGO support and were not officially deported or prosecuted for immigration violations. By returning to their home country they avoid a possible one-year ban on reentry into Denmark.

In March the government adopted a new trafficking action plan for 2007 through 2010 based on the recommendations of an independent audit of the previous action plan. The government created the National Antitrafficking Center during the year to implement the new action plan and coordinate efforts to combat trafficking.

The government funded three nongovernmental organizations (NGOs) that provided social, medical, and legal services to trafficking victims. Government funding was also used for NGO outreach programs as well as hot lines to support victims, prevent trafficking, and gather data on the extent of the problem. The Ministry of Social Affairs conducted an antitrafficking awareness campaign in all major newspapers, subsidized a hot line and Web site, and funded an NGO program to identify trafficking victims and provide them with information on obtaining help.

Persons with Disabilities

The law prohibits discrimination against persons with disabilities in employment, education, access to health care, and the provision of other state services, and the government effectively enforced it in practice. The law mandates access to buildings for persons with disabilities, and the government generally enforced these provisions in practice. The responsibility for protection of the rights of persons with disabilities is shared by all government ministries. The Danish Disability Council, a government-funded organization, monitored the status of persons with disabilities and advised the government and the parliament on issues relating to disability policy. The Equal Opportunities Center for Disabled Persons is a government-funded entity that alerts the government to and documents inequalities in society that affect persons with disabilities.

National/Racial/Ethnic Minorities

In 2006 there were 85 cases reported of racial discrimination or racially motivated violence; however, some incidents went unreported. Reported cases involved graffiti, vandalism, theft, and racist Internet and written messages. According to police, the victims were "Jews and people of an ethnic origin other than Danish" (usually meaning

both African and Middle Eastern ethnic groups). Minority group members were also sometimes the perpetrators of the incidents. The government effectively investigated and dealt with cases of racially motivated violence.

The inflow of ethnically and racially diverse refugees and immigrants (mostly Iraqis, Palestinians, Pakistanis, Sri Lankans, Somalis, and refugees from the former Yugoslavia) caused some tension between citizens and immigrants, which was reflected in press reports on the failure of the immigrants to integrate and on the perceived correlation between immigration and crime levels.

Indigenous People

The law protects the rights of the indigenous inhabitants of Greenland. Greenland's legal system seeks to accommodate Inuit customs, and it provides for the use of lay persons as judges and sentences most prisoners to holding centers (rather than to prisons), where they were encouraged to work, hunt, or fish during the day. Education in Greenland is provided to the native population in both the Greenlandic and Danish languages.

In 1999 a Danish court ordered the government to compensate Greenlanders (and their descendants) whom the government forcibly resettled in 1953 from a village adjoining a foreign military base. The plaintiffs appealed the decision, seeking inter alia greater compensation, but it was upheld by the Supreme Court in 2003. In 2004 the Greenlanders filed an appeal with the European Court of Human Rights; the appeal was still pending at year's end.

Section 6 Worker Rights

a. The Right of Association

The law states that all workers, including military personnel and police, may form or join unions of their choosing. Approximately 77 percent of wage earners belonged to unions that were independent of the government and political parties.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. Collective bargaining is protected in law and was freely practiced. Approximately 85 percent of the workforce was covered by collective bargaining agreements. These collective bargaining agreements also indirectly influenced wages and working conditions for the rest of the workforce. The law provides for the right to strike, and workers exercised this right by conducting legal strikes. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that children were trafficked for commercial sexual exploitation.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the exploitation of children in the workplace, and the government effectively enforced it in practice.

The minimum legal age for full-time employment is 15 years. The law sets a minimum age for part-time employment of 13 years; however, school-age children are limited to less strenuous tasks. The law contains provisions that limit work hours and set occupational health and safety restrictions for children. The law is enforced by the Danish Working Environment Service (DWES), an autonomous arm of the Ministry of Labor.

There were reports that children were trafficked for commercial sexual exploitation.

e. Acceptable Conditions of Work

The law does not mandate a national minimum wage; minimum wages are negotiated between unions and employer associations. According to the terms of the country's largest collective bargaining agreement, negotiated in the spring and covering almost the entire industrial sector, the minimum wage is approximately $18 (98.15 kroner) per hour, exclusive of pension benefits. The wage provided a decent standard of living for a worker and family. Workers generally worked a 37-hour workweek, which was established by contract rather than by law. Workers were not subjected to compulsory overtime and received premium pay for overtime. Working hours are determined by collective bargaining agreements, which adhere to the European Union directive that an average workweek not exceed 48 hours.

The law also prescribes conditions of work, including safety and health; the DWES ensured compliance with labor legislation. In the first half of the year, the DWES conducted 24,756 company screenings and inspections, which resulted in 11,829 notices of varying severity for required improvements. Workers may remove themselves from hazardous situations without jeopardizing their employment, and authorities effectively enforced this right in practice. Similar work conditions were found in Greenland and the Faroe Islands, except that there the workweek was established by contract at 40 hours.

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