

Frans National contribution to the Fundamental Rights Report 2023

Denmark

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Policy and legal highlights 2022

Please submit the pager in a separate document on 1 December 2022 and on 6 January 2023.

On 26 January 2023 please integrate the pager into this report.

Franet country study: policy and legal highlights 2022	
Issues in the fundamental rights institutional landscape	No development in 2022.
EU Charter of Fundamental Rights	No development in 2022.
Equality and non-discrimination	Legislation prohibiting unequal treatment on the basis of gender identity, gender expression, and gender characteristics: This new legislation entered into force in January 2022 and related to both direct and indirect discrimination, as well as harassment against LGBT+-people. With this new legislation the areas for protection against unequal treatment are expanded to include "gender identity, gender expression, and gender characteristics".
Racism, xenophobia & Roma Equality and Inclusion	National action plan against Antisemitism: The Danish government launched an Action Plan against Antisemitism and has also decided to develop and finance a national action plan against racism. The work has already begun and is expected to continue in 2023. There has been no development so far in 2022 regarding Roma Equality and Inclusion.
Asylum & migration	No development in 2022.
Data protection and digital society	Data retention Act not compliant with EU law: The Danish Ministry of Justice published a statement explaining that the newly passed act on data retention was not in full compliance with the case law from the European Court of Justice. Consequently, the Ministry noted that information obtained through general and undifferentiated data retention could no longer be used in cases of serious crime. The Ministry of Justice is currently preparing an amendment act that will be presented when a new Danish government is established.

Rights of the Child	Chairperson for the Children’s Council steps down: After half a year on the post, newly appointed Chairperson for the Children’s Council (<i>Børnerådet</i>) steps down due to lack of resources .
Access to justice, including victims of crime	Legislation on stalking: In January 2022, new legislation strengthening the efforts against stalking entered into force. With the new legislation stalking becomes punishable with prison up to three years
Convention on the Rights of Persons with Disability	10-year for the Danish psychiatry and mental health: A political agreement was reached in September 2022 for a 10-year plan for the Danish psychiatric sector , which increases funding by roughly 500 million DKK per year and launches five new initiatives regarding, inter alia, preventive measures for children and youth and improved services to people with severe psychiatric illnesses.

1 Equality and non-discrimination

1.1 Legal and policy developments or measures relevant to fostering equality and combating discrimination focussing on LGBTIQ people and combating discrimination on the grounds of socio-economic status, health status and physical appearance

In February 2022, the Ministry of Transport and Equal Opportunities presented the framework for the government's vision and efforts for equality in 2022 in Denmark. The outline and strategy for equality 2022 (Redegørelse/Perspektiv- og handlingsplan for ligestilling 2022) aims at creating more safety, welfare and opportunities for LGBT+ persons. With 14 initiatives, the government focuses on areas such as hate crime, family rights, transgender rights, health, and sports.¹ In June 2022 the Danish parliament (Folketinget) adopted a resolution regarding the legal acknowledgement of co-fathers in LGBT+ families in the same way that co-mothers are regarded. The proposal was initially a citizen proposal.² This has, inter alia, resulted in the establishment of an expert group regarding the legal acknowledgement of parentage in relation to commercial surrogacy.³

In August 2022, the Ministry of Transport and Equal Opportunities presented the national LGBT+ strategy for 2022-2025 "Room for diversity in the community" (Plads til forskellighed i fællesskabet). With 39 initiatives, the strategy broadly aims at increasing the safety and welfare as well as providing equal opportunities for LGBT+ people. The strategy focuses on acknowledging LGBT+ families, improving the welfare of LGBT+ children and youth, improving the health of LGBT+ people, and combatting intimate partner violence, hate, and sexual assaults against the LGBT+ community. With the strategy, specific initiatives are taken regarding LGBT+ persons with an ethnic minority background, as these groups are considered to be in greater risk of sexual assault or honour-related violence. Therefore, the strategy points to strengthening the counselling options as well as enhancing the personnel at asylum centres with LGBT+ people.⁴

¹ Denmark, the Ministry of Transport and Equal Opportunities (2022), '[Redegørelse/Perspektiv og handlingsplan for ligestilling 2022](#)', 25 February 2022.

² Denmark, the Danish Parliament (2022), B [72 Forslag til folketingsbeslutning om at anerkende medfaderskab i regnbuefamilier](#), adopted 8 June 2022.

³ Denmark, the Ministry of Transport and Equal Opportunities (2022), '[Ekspertgruppe om anerkendelse af forældreskab ved kommercielle surrogataftaler er nedsat](#)', 5 July 2022.

⁴ Denmark, the Ministry of Transport and Equal Opportunities (2022), '[Plads til forskellighed i fællesskabet – LGBT+ handlingsplan 2022-2025](#)', 17 August 2022.

Another relevant initiative from August 2022 concerns a new application pool for preventing intimate partner violence and sexual assault amongst LGBT+ people. The aim is to create more knowledge, awareness and dialogue on the challenges people in the LGBT+ environment face regarding intimate partner violence and sexual assault.⁵

In the political agreement on the budget for the police and the prosecution service for 2021-2022 (Aftale om politiets og anklagemyndighedens økonomi 2021-2023), there is an emphasis on identifying and registering more hate crimes in the police. This include strengthening the continued education of the police with focus on their handling and registration of hate crimes. This is highly relevant for LGBT+ people, as LGBT+ persons are generally exposed to hate crimes and hate speech aimed at their perceived sexual orientation, gender identity, and/or expression, or sex characteristics. This is especially relevant for those LGBT+ persons who are part of an ethnic minority group or have a disability.⁶

The political agreement for measures regarding the social, health, and labour market in 2022-2025 (Aftale om udmøntning af reserven til foranstaltninger på social-, sundheds- og arbejdsmarkedsområdet 2022-2025) entails an initiative to strengthen the counselling of LGBT+ persons in the area of family and health rights, as well as the area of asylum.⁷

In January 2022, new legislation prohibiting unequal treatment on the basis of gender, sexual orientation, gender identity, gender expression, and gender characteristics entered into force. The legislation relates to both direct and indirect discrimination, as well as harassment against LGBT+ people.⁸

In a statutory order regarding passports that entered into force in January 2022, the government made it possible that persons, who do not identify in accordance with the gender they were assigned at birth, are intersex, identify as non-binary, or have earlier been granted a new social security number, are denoted with of the gender designation X (instead of F for female and M for male) in their passport.⁹

⁵ Denmark, the Ministry of Transport and Equal Opportunities (2022), More information on the [application pool for preventing intimate partner violence and sexual assault amongst LGBT+ persons](#), 15 August 2022.

⁶ Denmark, Department of Justice (2020), '[Aftale om politiets og anklagemyndighedens økonomi 2021-2023](#)', 15 December 2020.

⁷ Denmark, the Ministry of Social Affairs and Senior Citizens (2022), '[Aftale om udmøntning af reserven til foranstaltninger på social-, sundheds- og arbejdsmarkedsområdet 2022-2025](#)'.

⁸ Denmark (2021), [Lov nr. 2591 om ændring af lov om ligestilling af kvinder og mænd, lov om forbud mod forskelsbehandling på arbejdsmarkedet m.v., straffeloven og forskellige andre love](#), the law entered into force on 1 January 2022.

⁹ Denmark, the Ministry of Justice (2021), [Bekendtgørelse om pas m.v.](#), the statutory order entered into force on 1 January 2022.

In april 2022, new legislation entered into force that improved the conditions for women who wish to start a family together, as well as transgender parents, who with this law are viewed as parents in accordance with the legal gender they have at the time of birth of their child. Moreover, it is now possible to change one's name without also having to legally change one's gender.¹⁰

In July 2022, new legislation on parental leave entered into force. This legislation included earmarked parental leave for both parents, equal rights to public benefits, and the right to distribute these benefits to a social parent or near family member.¹¹ All of this also applies to LGBT+ parents.

There are no legal or policy developments related to discrimination on the grounds of socio-economic status, health status, or physical appearance in 2022 in Denmark.

1.2 Findings and methodology of research, studies, or surveys on experiences of discrimination against LGBTIQ people and on the grounds of socio-economic status, health status and physical appearance

In February 2022, LGBT+ Denmark published a study on lower gender-confirming surgery for trans people in Denmark. The report found that this is an extremely complicated area and pointed to a number of challenges, while showing that the meeting with the health system is often marked by feelings of insecurity and discomfort, as well as sometimes problematic assumptions concerning gender, sexual orientation, and sexual practices for transgender persons seeking gender-confirming treatment in Denmark.¹² The mode of data collection for the report was diverse and included: 1) minutes from meetings between treatment centers and interest groups, 2) E-mail correspondence between public health authorities, 3) 188 answers to an online survey done by the NGO LGBT+ Denmark, 4) 26 answers to an additional online survey also done by LGBT+ Denmark with the focus of preparing for qualitative interviews with trans people, 5) 10 interviews with trans people. Both online surveys were shared on LGBT+ Denmark's social media platforms. The findings point to a lack of funding for the three centres working with gender identity in the Danish healthcare system which in turn creates long

¹⁰ Denmark (2022), [Lov nr. 227 om ændring af børneloven, navneloven og forskellige andre love](#), the law entered into force on 1 April 2022.

¹¹ Denmark (2022), [Lov nr. 343 om ændring af barselsloven](#), the law entered into force on 1 July 2022.

¹² Denmark, LGBT+ Danmark (2022), ['Kønsbekræftende nedre kirurgi for transpersoner i Danmark'](#), 23 February 2022.

waiting lists. It also shows that the group seeking gender-confirming treatment experience insecurity, dissatisfaction and uncertainty in their meeting with the system due to the dismissive and abusive language and tone of the health professionals, as described by the patients. This might in some instances amount to harassment and discrimination, for example when the patients are deliberately misgendered or subject to homophobic comments. However, the report does not entail a legal assessment of the discriminatory aspects of these situations, but rather focuses on the experiences and feelings of the patients.

In August 2022, the Danish Centre for Social Science Research, VIVE, published a mapping of homo- and bisexual and transgender persons living conditions and participation in society (kortlægning a homo- og biseksuelle samt transpersoners levevilkår og samfundsdeltagelse). The study concerned different areas, such as family life, education, participation in the labour force, income, life quality, use of the health system, discrimination, and violence. Overall, the report showed that LGBT+ persons face more challenges and more severe living conditions than the rest of society. Especially transgender persons are disadvantaged on almost every parameter compared to cisgender persons. The study was based on data from two parallel questionnaires, where one was based on a representative sample and the other was conducted by VIVE themselves (a questionnaire specifically amongst those who changes their social security number due to a change of legal gender). The first questionnaire used in this report was the SHILD (Survey of Health, Impairment and Living Conditions in Denmark) survey in 2020. SHILD is a nationwide survey focusing on living conditions in Denmark and, in this report, provides data for respondents in the age category 18-64. The respondents in the study differed from the general population on a number of background characteristics. Therefore weights were used to correct for this. The weights used took into account gender, age, geography, education, income, socio-economic background and ethnicity. This entails that the data is nationally representative. The questionnaire was sent to 38.000 persons through E-boks (a digital mailbox for all Danish citizens with a personal registration number). Out of these, roughly 18.000 respondents answered (17.935) providing a response rate of 47,2 percent.¹³

On June 2022, ALS Research published a study of new Danish LGBT+ citizens' living conditions and needs for support on behalf of the Ministry of Foreigners and Integration. ALS Research is a consultancy company specialised in research and has roots in the social sciences. The term new Danish citizens were defined as persons with a non-Western minority background, either 1st or 2nd generation. The term non-Western refers to countries that are not members of the EU and associated countries as well as the Anglo-Saxon countries. The study categorised

¹³ Denmark, VIVE (2022), '[Kortlægning a homo- og biseksuelle samt transpersoners levevilkår og samfundsdeltagelse](#)', 9 August 2022.

the respondents as non-Western when both parents were originally from a non-Western country. Overall, the study found that new Danish citizens are an especially exposed and vulnerable group on several areas, compared to other LGBT+ persons in Denmark. The study finds that new Danish LGBT+ citizens experience discrimination when they walk on the street and whenever they encounter the public space, on social media, at work and in education institutions. The study also points to the intersectional aspect of being a double minority – both an LGBT+ minority and an ethnic and/or religious minority. The character of the discrimination is reported to generally manifest as 1) demeaning or hateful comments, 2) unwanted or extreme attention, 3) invisibilisation, 4) or unequal treatment (for example in terms of access to public activities, healthcare or jobs). The report highlights this double discrimination and finds that 45 percent of new Danish LGBT+ citizens have felt discriminated on the ground of their sexual orientation and/or gender identity as well as their ethnicity and/or religion. These findings were based on a web survey answered by 1,238 LGBT+ persons, including 147 with a non-Western minority background, as well as 20 in depth qualitative interviews.¹⁴

The Danish Institute for Human Rights have published several reports touching upon discrimination of LGBT+ people.

In January 2022, the Danish Institute for Human Rights published an analysis of the rights of gender minorities in prisons. This was the first study on gender minorities in Danish prisons. It estimated that up to one percent of the prison population are gender minorities, including transgender, intersex and nonbinary persons. The study concluded that this group is an especially vulnerable group and are at higher risk of assault, discrimination, and generally poor well-being. It further concluded that the protection of this group of prisoners was insufficient in Denmark. It recommended measures to enhance the protection, namely the placement of prisoners in accordance with their legal gender, guidelines for body searches, protection against assaults, threats and harassment and access to health services, including gender affirming treatment.¹⁵ The study consists of a literature review on international research regarding gender minorities in prison and a legal doctrinal analysis of the rights of incarcerated gender minorities under international human rights law, focusing particularly on the European Convention on Human Rights. The legal protection of gender minorities in Danish prisons is assessed in relation to international human rights law.

¹⁴ Denmark, Als Research (2022), '[Nydanske LBT+personers levevilkår og støttebehov](#)' conducted for the Agency for International Recruitment and Integration under the Ministry of Foreigners and Integration, 7 June 2022.

¹⁵ Denmark, the Danish Institute for Human Rights (2022), '[Kønsminoritetes rettigheder i fængslerne](#)', 10 January 2022.

In June 2022, the Danish Institute for Human Rights published an analysis of the public debate on Facebook. The study showed that more than one third of LGBT+ persons answer three times as frequently that they have been exposed to sexually demeaning or harassing comments in online debates. These findings were based on a web questionnaire sent by YouGov, which is a global public opinion and data company, in the period between 19-27 May 2021. The survey had 1,501 respondents.¹⁶

In August 2022, the Danish Institute for Human Rights published a case catalogue on hate against minorities where seven different minority persons told their stories with hate and discrimination in their daily lives. In the case catalogue, a transgender woman and a same-sex couple gave detailed accounts of hate crimes and harassment aimed at them due to their gender identity. Other minorities besides LGBT+ minorities interviewed in the case catalogue include persons belonging to an ethnic and religious minority and persons with disabilities. The cases were supplemented with a small survey experiment where the Institute for Human Rights distributed an online survey via social media. 710 respondents completed the survey and answered that they belong to a minority group. The distribution of minorities amongst the respondents is as follows: 94 Muslim respondents, 35 Jewish respondents, 47 ethnic minorities, 419 LGBT respondents (180 gay, bisexual or queer cisgendered men, 119 lesbian, bisexual or cisgendered women and 120 transgender, intersex or nonbinary respondents), 115 respondents with disabilities. The sample is a convenience sample. This means that the sample is not representative for the population. This approach was chosen because it is difficult and expensive to do representative samples in practice for minority groups¹⁷. The study showed that 45 percent of LGBT+ persons avoid going out specific places at specific times, 32 percent of LGBT+ persons are generally distrustful of strangers in the public sphere and 68 percent of LGBT+ persons do not have faith that others will intervene and help them if a stranger aims demeaning or derogatory language at them.¹⁸

There has not been published any research, studies or surveys on the experiences of discrimination on the grounds of socio-economic status, health status or physical appearance in 2022 in Denmark. However, at Roskilde University, a new project 'Feminist Activism in Transition' (FAT), running from 2020-2023, explores how Danish body activists today have more space than ever to voice experiences of discrimination against obese people in Denmark on social media and

¹⁶ Denmark, the Danish Institute for Human Rights (2022), '[Den offentlige debat på Facebook. En undersøgelse af danskernes debatadfærd](#)', 3 June 2022.

¹⁷ Denmark, the Danish Institute for Human Rights (2022), '[Metodenotat Had mod Minoriteter](#)', 17 August 2022.

¹⁸ Denmark, the Danish Institute for Human Rights (2022), '[Had mod minoriteter – Fortællinger om had i hverdagen](#)', 17 August 2022.

mainstream media. The project investigates how this otherwise marginalized group have gained access to conventional media.¹⁹

¹⁹ For more information, consult the official webpage for the ['FAT research project'](#).

2 Racism, xenophobia and related intolerance

2.1 Data, research findings, studies, or surveys on experiences of ethnic discrimination, racism and hate crime

Reports, studies and research projects

The Danish Institute for Human Rights published a major research project in March 2022 on ethnic profiling in Danish police. The project consisted of three separate reports:²⁰

- 1) a register-based analyses of charges and arrests that lead to no convictions
- 2) a report based on qualitative interviews
- 3) a legal analysis on ethnic profiling from a human rights perspective

The register-based analysis was based on data from Statistics Denmark and contained more than 2.5 million preliminary charges and 270.000 arrests from the period 2009 to 2019. The results hereof were that the likelihood of being charged for an offence without the charges resulting in a conviction is 45 percent higher for immigrants and 64 percent higher for descendants of immigrants compared to ethnic Danes. That could go to prove that the difference in conviction indicates that discriminatory ethnic profiling is taking place.

Based on the results of the register-based analysis and the two other reports, the Danish Institute for Human Rights recommended among other things, that there should be a specific prohibition against discrimination, including ethnic profiling, in the police act and to increase the level of training in ethnic profiling at the police academy²¹.

A new study from September 2022 by The Danish Institute for Human Rights published shows that twice as many wage earners (20 pct.) with an ethnic minority background experience discrimination on the labour market compared to ethnic Danish wage earners (10 pct.).²²

The analysis conducted by the Institute builds on an extract of data from a questionnaire survey by National Monitoring of the Work Environment Among

²⁰ Denmark, Danish Institute of Human Rights (2022), [three separate reports on ethnic profiling](#), 19 March 2022.

²¹ Denmark, Danish Institute of Human Rights (2022), [three separate reports on ethnic profiling](#), 19 March 2022.

²² Denmark, Danish Institute of Human Rights (2022). Ethnic minorities more often report to have experienced discrimination and sexual harassment at the work place ('[Etniske minoriteter angiver oftere, at de oplever diskrimination og seksuel chikane på arbejdspladsen](#)'), 2 September 2022.

Wage Earners (*National Overvågning af Arbejdsmiljøet blandt Lønmodtagere, 2021*). The survey covers 28.648 respondents in the age group 15-69 years that held a wage earner position in September, October and November in 2020 with at least 34 hours of work per month. The extract of the survey data used in the analysis is related to questions on discrimination, mal treatment, unwanted sexual attention and sexual harassment based on gender and ethnicity. The responds were collected in the first six months of 2021 and is weighed against population data.

The differences occur across gender, age and industry and therefore indicates that ethnic minorities may be particularly exposed to discrimination on the basis of ethnicity.

In February 2022 The Danish Institute for Human Rights published an analysis on the amount and character of harassment and threats in local politics towards local politicians during the municipal election in 2021.²³ The analysis relies on a quantitative research approach as it quantifies the distribution of respondents on each question. The collection of data took place from 18 November 2021 and 3 December 2021 and contains 2.217 respondents which constitutes 25 pct. of the total population of candidates. The analysis is 45 pct. of the candidates for the municipal elections 2021 answered in the survey that they have experienced harassment or threats. This applies, among other things, to vandalism against election posters, hateful comments on social media or harassing shouts. It is to a great extent women, young people and ethnic minorities who are affected by harassment and threats when they run for local politics. 26 pct. of the female candidates aged 18-39 for the city council have experienced sexual harassment during the election campaign. At the same time, 21 pct. of all candidates who belong to an ethnic minority have experienced harassment and threats based on their ethnicity and/or skin colour.

Both when recruiting and retaining candidates for political positions, it is important that the candidates do not experience too great personal consequences. But harassment and threats can cause several potential candidates to change their behaviour or political career. 46 pct. of the candidates who have experienced harassment and threats answer in this survey that it has had negative consequences for their behaviour. This corresponds to one in five of all nominated candidates having experienced harassment or threats, and this has had direct negative consequences for their behaviour in the election campaign. In the extreme, harassment and threats can affect candidates' desire to stand again. At the same time, it is also a worrying impact on democratic discourse if a large number of candidates abstain from debates for fear of harassment and threats.

²³ Denmark, Danish Institute of Human Rights (2022). Threats and Harassment in Local Politics, (['Chikane og trusler i lokalpolitik'](#)), 15 February 2022.

In August 2022 The Danish Institute for Human Rights published a study on hate against minorities, where seven minority persons have shared their personal stories on how they experience hate in the everyday life²⁴. Furthermore, the study builds on data from a survey among 700 minorities collected in July and August 2021. The survey was conducted as a convenience sample as data about the total minority group is not available which makes a representative sample unattainable. The study covers experienced discrimination in public spaces, in the nightlife, in police encounters, on online platforms as well as their experiences with lack of interventions from the surroundings.

As an example, the 30 years old Samira is a mother of two children and wears headscarf. She tells about countless experiences with people yelling at her on the street calling and commenting on her clothing. Once, a man spitted after her when she walked on a street. One episode has affected her a lot – she was in a bus with her children when a strange woman yelled unprovokedly at her and her children “wog” (*perker*) and “birth-machine” (*fødemaskine*). Samira describes how she was very shocked and had to consider how she should respond to the yelling woman, since her children were obviously very uncomfortable with the situation. She adds that the fact that none of the passengers in the bus reacted or helped her made her feel even worse and not protected. She experienced the silence of the other passengers as an accept of the situation.

Data

The National Integration Barometer, launched in 2012, shows that the number of immigrants and descendants of non-Western origin who answer that they have experienced discrimination during the last year due to their ethnic origin has been stable at a level of 45 pct. in 2012 to a level of 45 pct. in 2022. The experienced discrimination is also constant to the previous measurement of 45 pct. in 2020 (the data is updated every second year).²⁵

The proportion of immigrants and descendants of non-Western origin who experience that persons with an immigrant background are recognized for their efforts in society has increased slightly (not statistically significant) from a level of 48 pct. in 2012 to a level of 50 pct. in 2022, a slight decrease from 54 pct. in 2020.

The Board of Equal Treatment receives complaints related to equal treatment, including those protected by the law of ethnic equality in relation to the Equality Directive.

In 2020, The Board of Equal Treatment and the board's secretariat made decisions in 235 cases. 68 of the cases were related to complaints of discrimination on the grounds of race, nationality or ethnic origin.

²⁴ Denmark, Danish Institute of Human Rights (2022). Hate Against Minorities – Stories of Hate in Day to Day Life ([‘Had mod minoriteter’](#)), 17 August 2022.

²⁵ Denmark, The Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*), [The National Integration Barometer](#) (*Integrationsbarometeret*).

In 2021 The Board of Equal Treatment and the board's secretariat has made decisions in 236 cases. 32 of the cases were related to complaints of discrimination on the grounds of race, nationality or ethnic origin. As of 15 November 2022 the board has settled 348 cases of which 45 was related to racial or ethnic origin²⁶. The final number of cases for 2022 will be updated by the end of the year.

Special cases: War in Ukraine and impact Covid-19

In relation to discrimination caused by the war in Ukraine, the Danish National Police informs that it is not possible to determine the exact number of cases of xenophobic disinformation and hate speech as they can occur across several types of offences and because information on nationality is not systematically recorded.²⁷

The NGO Save the Children raises a concern regarding hate speech in Danish schools as an effect of the to the current situation in relation to Ukraine²⁸. Even though there are no official numbers, the organisation reports that it has seen a strong increase in cases of hate speech towards children of Russian origin in Danish schools. Similarly, the media report about cases of hate speech targeting Russian speakers on social media, among others from people of Ukrainian origin²⁹.

The Covid-19 pandemic has given rise to a number of questions regarding the potential breaches of human rights, including in relation to discrimination against ethnic minorities. In 2020, the Danish Institute for Human Right did a report on the impacts of Covid-19 on hate speech in public spaces³⁰. The report was based on survey respondents from roughly 2000 minoritites, including ethnic minorities, as well as follow-up interviews with ten minority persons that have had negative experiences in public spaces during the pandemic. The report documents that minorities have been particularly exposed to hatred during the covid-19 epidemic. The experiences range from shouts of "go home", derogatory words about Asians, accusations of being "disease spreaders", being spat after and threatening behaviour to what the minority people experience as a general distance – not just measured in meters.

²⁶ Denmark, The Board of Equal Treatment (2022). [Rulings from the Board of Equal Treatment](#).

²⁷ Denmark, The Ministry of Justice (*Justitsministeriet*). Information received upon request, 26 July 2022.

²⁸ Denmark, TV2 (2022). Warning Against Bullying of Russian Children in Denmark (['Advarer om mobning af russiske børn i Danmark - TV 2'](#)), 15 March 2022.

²⁹ Denmark, TV2 Østjylland (2022). Even Though She is Against the War: Russian Nelli Receives Threats on Social Media (['Selvom hun er imod krigen: Russiske Nelli får trusler på sociale medier'](#)), 2 March 2022.

³⁰ Denmark, Danish Institute of Human Rights (2020). Hate in Public Spaces during the Covid-19 Pandemic (['Had i det offentlig rum under Covid-19-epidemien'](#)), 30 June 2020.

2.2 Legal and policy developments or measures relating to the application of the Framework Decision on Racism and Xenophobia and the Racial Equality Directive

The political agreement on the budget for the police and the prosecution service for 2021-2022 (Aftale om politiets og anklagemyndighedens økonomi 2021-2023) contains new initiatives to strengthen the efforts of the police and the prosecution service towards victims of hate crimes. The initiatives include a strengthening of police training in order to cope with hate crimes. The implementation of the initiatives started in 2022 with a special focus on improving how the police handles victims of hate crimes.³¹

The Danish Police College has informed, that the training on deal with hate crime has been expanded from one day to two days, while the content of the training has been expanded with more thorough topics and reviews of these. For example, the programme has been expanded with a panel debate consisting of stakeholders, including the Muslim Council, the Jewish Community in Denmark, Denmark's Disability Organizations and the LGBT+ community. With this panel debate, the programme participants have the opportunity to ask questions and thereby expand their knowledge in relation to the topics of hate crime. Moreover, the Danish Security and Intelligence Service (PET) is teaching the participants on perpetrator environment, especially with regards to the radicalized environments, where hate crimes most often originate from.³²

The Danish police has informed, that they have introduced a new digital police unit, which is patrolling on social media with visible police presence in open groups. Thereby, the police will be able to combat different forms of internet related crimes more effectively – for example online sexual harassment or racist motivated hate crimes and hate speech.³³

Furthermore, the Danish police have developed new information material aimed at key stakeholders such as the Muslim Council, the Jewish Community in Denmark, Disabled People's Organizations Denmark and the National Association of LGBTI-persons in Denmark.

³¹ Denmark, The Ministry of Justice (*Justitsministeriet*). Information received upon request, 23 September 2022.

³² Denmark, The Ministry of Justice (*Justitsministeriet*). Information received upon request, 23 September 2022.

³³ Denmark, The Ministry of Justice (*Justitsministeriet*). Information received upon request, 23 September 2022.

The purpose of this information material is among other things to inform potential hate crime victims about what a hate crime or a hate speech is in a judicial sense. This information will hopefully increase the reporting of these offences.³⁴

In 2022, the Danish government launched an Action Plan against Antisemitism³⁵. The Action Plan against Antisemitism commits the Danish police to strengthen and further develop the training efforts for specialized police staff and civilian preventers in the prevention of radicalization and antisemitism. Thus, it has been decided to extend the existing EXIT education programme from four to five days to include i.e. teachings on antisemitic extremism. The extended education programme is planned to be completed for the first time in week 10 of 2023.³⁶

In September 2022, The Danish Police College published a digital and interactive teaching package on ethnic profiling in police work. The initiative is a contribution to the effort of securing a police practice without illegitimate ethnic profiling. The teaching material is available for all employees in the Danish police, and the material contains two digital learning modules.³⁷

The government and the parliamentary parties behind the Finance Act of 2022 have agreed to develop and finance a national action plan against racism. The aim of the action plan is to fight and prevent racism broadly across the Danish society through a variety of concrete initiatives.³⁸ The government has as of now included a number of stakeholders in the work, which include both political parties, non-governmental organizations as well as other representatives from the civil society and affected communities – including the Danish Institute for Human Rights. However, due to the recent national elections in Denmark held on 1 November 2022 the drafting of the action plan against racism has been set on hold. Depending on the outcome of the ongoing negotiations related to the formation of government, the drafting and following adoption of the action plan is not expected to be initiated prior to 2023.

In April 2022, the Danish Institute for Human Rights published an analysis on discrimination on the basis of ethnicity taking place in night life.³⁹

³⁴ Denmark, The Ministry of Justice (*Justitsministeriet*). Information received upon request, 23 September 2022.

³⁵ Denmark, The Ministry of Justice (*Justitsministeriet*). [Action plan against anti-Semitism](#), 26 January 2022.

³⁶ Denmark, The Ministry of Justice (*Justitsministeriet*). Information received upon request, 23 September 2022.

³⁷ Denmark, The Ministry of Justice (*Justitsministeriet*). Information received upon request, 23 September 2022.

³⁸ Denmark, The Ministry of Justice (*Justitsministeriet*). Information received upon request, 23 September 2022.

³⁹ Denmark, Institute for Human Rights (2022). [Combatting Discrimination in Night Life](#), 13 April 2022.

By this materialization of discrimination, we refer to the situation in which ethnic minorities are denied access to places where other were granted access such as bars, clubs, taxis etc.

The analysis showcased the lack of complaints compared to the experienced discrimination according to several studies. Furthermore, the analysis dove into similar experiences in other countries related to combatting discrimination in night life effectively. On that basis, the Institute recommended e.g. harsher penalties in the form of the opportunity to take a way the right to serve alcohol for night clubs, bars etc who discriminates on the basis of among other things ethnicity. Shortly after, the Government announced two amendmend acts relating to the topic of discrimination in night law. One of the acts revolves around raising the level of fines that a night club can be penalized with in cases of discrimination while the other act makes it possible for the local authorities that licenses alcohol authorisations to include decisions from the Board of Equal Treatment when considering to give an authorisation or not. Both acts are currently going through the mandatory public consultation procedure.

In January 2022 the government set up a commission titled "The Commission for the forgotten struggle for women". The commission aims to investigate and present recommendations on how to ensure the rights of minority women in relation to honor-related social control.⁴⁰ The commission presented its first round of recommendations in august 2022 including a recomenndaton on religious headscharfs in all primary schools.⁴¹ The commission and the preliminary recommendations has led to massive political and public debate. Several political parties including the current government has stated that they are not opposed to the recommendation that they will now take time to consider.⁴² Due to the current election in Denmark the recommendation(s) are not expected to be further processed for now. The commission is expected to hand over its final recommendations in 2023.

ECRI Report on Denmark

In the recent ECRI report on Denmark adopted in March 2022, the Comission highlight progress and the development of good practices related to a number of fields, including LGBTI equality, the prevention of hate speech, the prevention of hate crimes in schools, the availability of free Danish language lessons as well as the effort of some Danish municipalities to ease the availability of a booster vaccine against Covid-19 in immigrant communities.

⁴⁰ Denmark, [The Commission for the Forgotten Struggle for Women](#) (*Kommissionen for den glemte kvindekamp*).

⁴¹ Denmark, The Commission for the Forgotten Struggle for Women (*Kommissionen for den glemte kvindekamp*). The Commission's Recommendations on Children ('[Delanbefalinger om børneliv](#)').

⁴² Denmark, TV2 (2022). Socialdemocrats has previously been against a probation on headscharfs but are now open to look into it ('[Socialdemokrattiet har tidligere været imod et tørklædeforbud, men vil nu se på det](#)'), 25 August 2022.

Of matters on concern, ECRI points to shortcomings in the mandate of the Board of Equal Treatment, lack of human rights education for teachers, the increase in depiction of Muslims in Denmark, the classification of migrants into “westerners” and “non-westernes” in the “parallel society” policy, and the termination of child benefit payments in case of non-compliance with the the mandatory day-care requirement in the Act on Social Housing.

In terms of recommendations for improvement, ECRI points to the amendment of the relevant legislation, the development of a legal framework for cutting funding to racist organisations, the introduction of a national action plan against racism, the introduction of positive incentives to achieve the aim in the “parallel society” legislation, a review of the STAR profiling tool in the field of employment, and extra focus on avoiding racial profiling in law enforcement.⁴³

⁴³ Council of Europe (2022). [ECRI report on Denmark](#), 9 June 2022.

3 Roma equality and inclusion

3.1 Policy developments in regards to the implementation of national action plans

Development regarding the implementation of the action plans	
Has the Member State adopted one or several action plan(s) for the implementation of the strategy (separately from the strategic framework? If yes, please provide a hyperlink	<p>Yes/No/Other (please specify)</p> <p>No.</p> <p>Danish authorities do not register ethnicity and are consequently unable to collect and quantify data disaggregated on ethnic groups.</p> <p>The group has – on equal footing with everyone legally residing in the country – access to the universal welfare state’s services (childcare, education, health care, employment effort etc.) largely funded by the general taxation.</p> <p>See also Denmark’s national strategy applying the EU Strategic Framework for Equality, Inclusion and Participation for 2020-30⁴⁴, and the latest <i>civil society monitoring report on the quality of the national strategic framework for Roma equality, inclusion, and participation in Denmark</i>.⁴⁵</p>

⁴⁴ Denmark, The Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*). Information received upon request, 13 October 2022.

⁴⁵ Denmark, Camilla Ida Ravnboel, Roma Civil Monitor, [Civil society monitoring report on the quality of the national strategic framework for Roma equality, inclusion, and participation in Denmark](#), April 2022.

How were Roma and Traveller civil society organizations consulted for the development of the action plan (please check with the competent national authorities and the most significant Roma organizations)?	N/A
Was the Equality Body and the NHRI and the Ombuds institution in your country consulted in the development of the action plan (please check with the competent national authority, the Equality body, NHRI and Ombuds institution)?	N/A
Does the national strategic framework and the action plan foresee a regular monitoring and review? If yes, who will conduct this.	Yes/No/Other (please specify) N/A
Implications of the war in Ukraine on the situation of Roma	
Have Roma from Ukraine entered your country?	Yes/No Danish authorities do not register ethnicity and are consequently unable to collect and quantify data disaggregated on ethnic groups ⁴⁶ .
If Roma from Ukraine entered your country how was this communicated in the media?	Yes/No See above.
Is there any evidence (articles, reports, analyses) of the impact of the economic implications of the war	Yes/No See above.

⁴⁶ Denmark, The Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*). Information received upon request, 13 October 2022.

(inflation, food or energy prices etc.) on Roma? If yes, provide reference	
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3.2 Legal and policy developments or measures directly or indirectly addressing Roma/Travellers equality and inclusion

No legal or policy developments have been identified. Please see evaluation sheet for further information.

4 Asylum, borders, visas, migration and integration

4.1 National legal framework on criminalisation of 'humanitarian assistance' and domestic transposition of sanctions

EUMS	Implementation of Article 3 of Directive 2002/90/EC	
	<p>How has your EUMS implemented Article 3 of Directive 2002/90/EU</p> <p>Due to the Danish opt-out on Justice and Home Affairs, Denmark is not obliged to implement Article 3 of Directive 2002/90/EU. However, the Danish legislature has chosen to adopt a similar provision in the Danish Aliens Act. The provision was originally implemented in 2002.⁴⁷ It</p>	<p>Hyperlinked legal provision in EN and national language</p> <p>The implementation of Article 3 of Directive 2002/90/EC in Danish law has been inserted in the following in both Danish and English. The relevant provision has been implemented in section 59, subsection 8-9, of the Danish Aliens Act.⁴⁸</p> <p>Danish version:</p> <p>§ 59. (...)</p> <p>Stk. 8. Med bøde eller fængsel indtil 2 år straffes den, der</p> <ol style="list-style-type: none">1) forsætligt bistår en udlænding med ulovligt at indrejse i eller rejse gennem landet,2) forsætligt bistår en udlænding med ulovligt at opholde sig her i landet,

⁴⁷ Denmark (2002), [Lov nr. 367 om ændring af udlændingeloven](#), the law entered into force on 1 March 2003.

⁴⁸ Denmark (2022), [Lovbekendtgørelse nr. 1205 af udlændingeloven](#), 25 August 2022.

	<p>has since then been amended a number of times and the following is its current version.</p>	<p>3) forsætligt bistår en udlænding med at indrejse her i landet med henblik på herfra at indrejse ulovligt i et andet land,</p> <p>4) forsætligt bistår en udlænding med at indrejse ulovligt i eller rejse ulovligt gennem et andet land,</p> <p>5) for vindings skyld bistår en udlænding med at opholde sig ulovligt i et andet land eller</p> <p>6) ved at stille husrum eller transportmidler til rådighed for en udlænding forsætligt bistår den pågældende med at arbejde her i landet uden fornøden tilladelse.</p> <p>Stk. 9. Ved straffens udmåling efter stk. 8, nr. 2 og 6, skal det betragtes som en særlig skærpende omstændighed, at bistanden er ydet for vindings skyld eller i gentagelsestilfælde, eller at der ved samme dom dømmes for flere forhold af forsætlig bistand til ulovligt ophold eller arbejde her i landet.</p> <p>English version (translated by the Danish Institute for Human Rights)</p> <p>§ 59. (...)</p> <p>Subsection 8. A person is sentenced with fine or prison of up to two years, if that person</p> <p>1) intentionally assists an alien to illegally enter or transit across the country,</p>
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		<p>2) intentionally assists an alien to illegally reside in this country,</p> <p>3) intentionally assists an alien to enter this country for the purpose of from this point to illegally enter another country,</p> <p>4) intentionally assists an alien to enter illegally into, or transit illegally across, another country,</p> <p>5) for the sake of gain assists an alien to reside illegally in another country or</p> <p>6) by providing accommodation or means of transport for an alien intentionally assists the concerned to work in this country without the necessary permission.</p> <p>Subsection 9. By sentencing after subsection 8, no. 2 and 6, it should be considered a particular aggravating circumstance, if the assistance is provided for the sake of gain or in case of subsequent offences, or if the same judgment convicts for multiple offences of intentional assistance to illegally reside or work in this country.</p>
	<p>Cases [incident numbers] of criminalisation of humanitarian assistance</p>	
	<p>Number of cases recorded by the police in 2022</p>	<p>Number and details of cases (if available)</p> <p>It is not possible for the Danish National Police to provide data on cases of "humanitarian assistance", as such cases cannot be separated from other</p>

		<p>infractions of the Danish Criminal Code Section 125 a and the Danish Aliens Act Section 59(8)(1-5).⁴⁹</p>
	<p>Number of investigations initiated in 2022</p>	<p>Number and details of cases (if available)</p> <p>It is not possible for the Danish National Police to provide data on cases of “humanitarian assistance”, as such cases cannot be separated from other infractions of the Danish Criminal Code Section 125 a and the Danish Aliens Act Section 59(8)(1-5).⁵⁰</p>
	<p>Number of court decisions taken in 2022</p>	<ul style="list-style-type: none"> • Number and type of court decisions, information if decision is final. <p>The Danish National Police and the Director of Public Prosecutions have extracted data from the police case management system POLSAS from 2022. It is not possible for to provide data on cases of “humanitarian assistance”, as such cases cannot be separated from other infractions of the Danish Criminal Code Section 125 a and the Danish Aliens Act Section 59(8)(1-5).</p> <p>The datasheet in table 1 show the number of reported cases and charges under section 59 of the Alien Act and section 125 a of the Criminal Code. The datasheets in table 2 show the number and type of court decisions of migrant smuggling under section 59 of the Aliens Act. It should be noted that the datasheet in table 1 does not hold information of whether the</p>

⁴⁹ Denmark, information provided by the Danish Ministry of Justice by e-mail on 18 November 2022.

⁵⁰ Denmark, information provided by the Danish Ministry of Justice by e-mail on 18 November 2022.

		<p>decision is final. It should also be noted, that there were no court decisions regarding cases under section 125 a of the Criminal Code.</p> <p>Table 1: number of reported cases and charges in 2022 regarding m smuggling.</p> <p>Reported cases:</p> <table data-bbox="936 571 1881 845"> <tr> <td data-bbox="936 571 1377 646">The Danish Aliens Act Section 59(8)(1-5)</td> <td data-bbox="1832 635 1881 667">41</td> </tr> <tr> <td data-bbox="936 754 1377 829">Danish Criminal Code Section 125 a</td> <td data-bbox="1832 818 1859 850">2</td> </tr> </table> <p>Charges:</p> <table data-bbox="936 1082 1881 1173"> <tr> <td data-bbox="936 1082 1377 1157">The Danish Aliens Act Section 59(8)(1-5)</td> <td data-bbox="1832 1141 1881 1173">58</td> </tr> </table>	The Danish Aliens Act Section 59(8)(1-5)	41	Danish Criminal Code Section 125 a	2	The Danish Aliens Act Section 59(8)(1-5)	58
The Danish Aliens Act Section 59(8)(1-5)	41							
Danish Criminal Code Section 125 a	2							
The Danish Aliens Act Section 59(8)(1-5)	58							

		<p>Danish Criminal Code Section 125 a 2</p> <hr/> <p>Table 2: number of court decisions in 2022 regarding migrant smuggling (section 59 of the Alien Act).</p> <hr/> <table data-bbox="927 715 1982 1002"> <tr> <td>Imprisonment</td> <td style="text-align: right;">8</td> </tr> <tr> <td>Suspended imprisonment</td> <td style="text-align: right;">7</td> </tr> <tr> <td>Fixed penalty</td> <td style="text-align: right;">1</td> </tr> <tr> <td>Acquittals</td> <td style="text-align: right;">1</td> </tr> </table> <hr/> <p>Notes: The data is withdrawn from the police case management system POLSAS.</p> <p>POLSAS is a journalizing system and not a statistics program. Please note that for all the above statistics there is a backlog in updating data. Therefore the data is not necessarily final and can be due to changes over</p>	Imprisonment	8	Suspended imprisonment	7	Fixed penalty	1	Acquittals	1
Imprisonment	8									
Suspended imprisonment	7									
Fixed penalty	1									
Acquittals	1									

		<p>time and due to corrections or delayed updates of the data in POLSAS, new convictions etc.</p> <p>The data has been updated on 22 October, 2022.⁵¹</p> <ul style="list-style-type: none"> • Type of penalties imposed according to Article 1 2002/946/JHA: Council framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence <p>See the answer to question 1. There is no further information regarding other type of penalties mentioned in Article 1 2002/946/JHA: Council framework Decision of 28 November 2002 on the strengthening of the penal framework to prevent the facilitation of unauthorized entry, transit and residence.⁵²</p> <ul style="list-style-type: none"> • Describe in max three-four sentences the key court decisions in 2022 and add hyperlink to decision (if available) <p>The Director of Public Prosecutions is not in possession of the court decisions and therefore it is not possible to describe the court decisions.⁵³</p> <p>Not all judgments in Denmark are made public and we have not been able to find any published judgments in 2022 regarding the Danish Aliens Act section 59(8)(1-5) and the Danish Criminal Code Section 125 a.</p>
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⁵¹ Denmark, information provided by the Danish Ministry of Justice by e-mail on 18 November 2022.

⁵² Denmark, information provided by the Danish Ministry of Justice by e-mail on 18 November 2022.

⁵³ Denmark, information provided by the Danish Ministry of Justice by e-mail on 18 November 2022.

4.2 Use of the large-scale IT Systems in the area of asylum, migration and border control

a) Guidance, complaints, issued decisions, recommendations, and opinions on the use of large-scale IT systems in the area of asylum, migration and border control

The Danish Data Protection Agency⁵⁴

So far, in 2022, the Danish DPA has received one inquiry regarding how to exercise the right to erasure in **EURODAC**. The Danish DPA has received no complaints in relation to EURODAC. The Danish DPA provides guidance both in Danish and in English on the DPAs website on how to exercise the rights to access, correction and deletion of data in EURODAC.

The Danish DPA has received no complaints in relation to **VIS** in 2022 and has issued no decisions, guidance or other documents relating to VIS in 2022. The Danish DPA provides guidance both in Danish and in English on the DPAs website on how to exercise the rights to access, correction and deletion of data in VIS.

The Danish DPA has received three complaints and issued two decisions (DPAs reference numbers 2022-32-3053 (pending), 2022-7361-0207 and 2022-7361-0204) in relation to **SIS**. No guidance or other documents have been published in 2022. The Danish DPA provides guidance both in Danish and in English on the DPAs website on how to exercise the rights to access, correction and deletion of data in SIS.

The case with the DPA's reference no. 2022-32-3053 was decided on 18 October 2022 and concerned a complaint about the Danish National Police's decision to refuse part of the complainant's request for access to information about him in SIS II. The DPA found that the access request of the complainant had been handled by the Danish National Police in accordance with sections 14-16 of the Danish Law Enforcement Act, which implements Directive (EU) 2016/680 (the Law Enforcement Directive).

⁵⁴ Denmark, information provided by the Danish Data Protection Agency by e-mail on 15 September 2022 and additional information provided by e-mail on 16 November 2022.

According to these national rules, a competent authority may limit a data subject's right to access in order to safeguard public interests, for instance to avoid interference with ongoing investigations or to protect public or national security. For the same reasons, the competent authority may refuse to inform the data subject if information is being processed about him or her, which the Danish National Police had done for part of the access request in the specific case, referring to the risk of compromising the functioning of SIS II.

In light of the circumstances of the case, the DPA found no grounds for disregarding the assessment of the police.

The case with reference no. 2022-7361-0207 concerned a complaint about a similar decision of the Danish Police to limit the data subject's right of access with reference to the risk of compromising the functioning of the SIS II. The DPA once again found no grounds for setting aside the assessment of the police in the specific case.

The case with reference no. 2022-7361-0204 concerned the right to erasure. The complainant was unsatisfied with the Danish National Police's refusal to delete his registration in SIS II as unwanted in the Schengen Area. The DPA found that the registration of the alert in SIS II complied with Danish national law and the SIS II Regulation, as the complainant had been sentenced by a Danish court and expelled from Denmark with an entry ban for life. The Danish National Police was therefore not obliged to delete the registration. The complainant had argued that his family lived in Sweden and he had applied for a residence permit there, but this could not lead to a different outcome.

As for the **EES**, **ETIAS** and **ECRIS-TCN**, the systems are not yet operational and the Danish DPA has no initiatives planned in 2022 in relation to the three systems. Furthermore, due to the Danish opt-out on Justice and Home Affairs, Denmark will not be able to exchange information on third country citizens in the ECRIS-TCN.

Danish Institute for Human Rights

The Danish Institute for Human Rights has not published any guidance, recommendations or opinions in 2022 regarding the use of large-scale IT systems in the area of asylum, migrations and border control in relation to **Eurodac**, **VIS**, **SIS** or other future systems.

Furthermore, the Danish Institute for Human Rights has not received any complaints or issued any decisions in relation to the abovementioned in 2022.

b) The use of new technology at Member State level in 2022 for asylum, border control or migration purposes

The Danish Ministry of Immigration and Integration

The Danish Ministry of Immigration and Integration (Udlændinge- og Integrationsministeriet) is not aware of the use of any new technologies in 2022 on the specified areas falling under their mandate. However, they inform that SIS recast will be put into operation in November 2022 but that system falls under the mandate of the Danish Ministry of Justice (Justitsministeriet).⁵⁵

The Danish Ministry of Justice

Denmark has not made use of new technology for border control in 2022.⁵⁶

⁵⁵ Response on e-mail from the Danish Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*), 22 September 2022

⁵⁶ Denmark, information provided by the Danish Ministry of Justice by e-mail on 18 November 2022.

5 Information society, privacy and data protection

5.1 Initiatives in the use of artificial intelligence in both private and public sectors

Actor	Type	Description	Are Human Rights issues mentioned? (yes/no)	Reference
Government	National strategy	The initiative is a national strategy for the digitization of the public sector in Denmark. One of the relevant schemes in the strategy is the use of AI and cloud technology as a way of improving the authorities' decision-making process.	No	Denmark, Agency for Digital Government (2022), the Joint Public Digitization Strategy 2022-2025, (Den fællesoffentlige digitaliseringsstrategi 2022-2025), page 32.
Government	National action plan	In September 2022, the Ministry of Justice (<i>Justitsministeriet</i>) presented a scheme of 9 new political initiatives to create a secure online environment for	No	Denmark, The Ministry of Justice (2022), Digital security package (Digital tryghedspakke), September 2022.

		<p>children and to combat IT-criminals. One of the initiatives includes a pilot scheme, in which the police will use facial recognition to conduct same-victim-identification of children that are victims of sexual abuse. The use of facial recognition technology will be applied to the photo- and video material that the Danish police is in possession of. The aim of the schemes is to improve the combatting of digital violations online</p>		
DPA	Project Group	<p>Following the Danish Institute for Human Rights' report on challenges relating to human rights and rule of law when the public administration uses</p>	Yes	<p>Denmark, The Danish data protection authority (2022), press release announcing the DPA's internal project group on AI, 10 May 2022.</p>

		<p>automated decision-making systems, which was published in 2021 (mentioned in last year's fundamental rights report (FRR2022)), the Danish DPA has announced that it is setting up an internal project group to look at artificial intelligence and data protection in a broad context. The project group will mainly focus on developing guidelines and best practises for the development and use of AI solutions and mapping the use of artificial intelligence solutions across the public sector. The Danish DPA intends involve a wide range of relevant stakeholders in Denmark and draw on existing experiences</p>		
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		from other European countries, mainly Norway, the United Kingdom and France.		
Government	Position paper	On 17 May 2022 (revised 30 May 2022), the Danish Ministry for Industry, Business and Financial Affairs submitted a summary note on the commission's proposal for a regulation laying down harmonised rules on artificial intelligence (artificial intelligence act) to the Danish Parliament. The summary note includes, inter alia, a summary of the Danish government's general position on the proposal. The Government generally supports the ambition to	Yes	Denmark, the Danish for Industry, Business and Financial Affairs (2022), summary note on the commission's proposal for a regulation laying down harmonised rules on artificial intelligence (artificial intelligence act) , 17 May 2022.

		<p>create a well-functioning internal market for ethical, responsible and safe use of artificial intelligence. The Danish government considers artificial intelligence to be one of the key technologies to support the EU's competitiveness, prosperity, green transformation and public administration. However, the Danish government recognises that the use of artificial intelligence in certain situations may entail a number of serious risks. The Government supports addressing the risks associated with artificial intelligence in a European regulatory framework.</p>		
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		<p>Overall, the Danish government emphasises that the European regulatory framework should follow a risk-based, technology-neutral and proportionate approach, where the degree of obligations follows the degree of potential harm. Consequently, a clear and operational regulatory framework is necessary in order to ensure the confidence of citizens and enhance the protection of society, without unnecessarily hampering innovation or reducing competitiveness. The Danish government considers it essential, that key concepts in the proposal are clarified further, including the</p>		
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	<p>definition of artificial intelligence, and that clear criteria are established for which applications are classified as high-risk artificial intelligence. In addition, the Danish government considers it essential that the regulation takes account of existing legislation, including GDPR and product liability. Furthermore, the Danish government will work for the establishment of a European supervisory authority that can handle cases of a certain size or cross-border nature.</p> <p>The Danish Ministry for Industry, Business and Financial Affairs has submitted similar</p>		
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		summary notes regarding the proposal for a Directive on adapting non contractual civil liability rules to artificial intelligence (AI Liability Directive) ⁵⁷ and regarding Council of Europe's proposal for a Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law ⁵⁸ .		
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⁵⁷ Denmark, the Danish for Industry, Business and Financial Affairs (2022), [summary note on the directive on adapting non contractual civil liability rules to artificial intelligence \(AI Liability Directive\)](#), 1 November 2022.

⁵⁸ Denmark, the Danish for Industry, Business and Financial Affairs (2022), [summary note on the Council of Europe's proposal for a Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law](#), 25 October 2022.

5.2 Legal and policy initiatives on data protection and private life

Ministry for Digitisation and Gender Equality

On 1 November 2022, general elections were held in Denmark and, as a result, a new government was formed on 15 December 2022. The new government have taken the initiative to create a Ministry for Digitisation and Gender Equality⁵⁹. The new minister was appointed on 15 December 2022.

Areas previously dealt with by three other ministries were transferred to the Ministry for Digitisation and Gender Equality. From the Ministry of Finance (*Finansministeriet*), cases relating to digitisation and IT, including IT modernization and the Agency for Digital Government (*Digitaliseringsstyrelsen*), were transferred. Furthermore, from the Ministry of the Interior and Housing (*Iderigs- og Boligministeriet*) Statistics Denmark (*Danmarks Statistik*) were transferred to the new ministry. Finally, from the Ministry of Industry, Business and Financial Affairs (*Erhvervsministeriet*), cases relating to digitisation in the area of business and tasks related to digital growth, digital security and data protection in companies as well as digital transformation in the area of business was transferred.

Data retention

As stated in last year's fundamental rights report (FRR2022), the matter of general and indiscriminate retention of all traffic and location data of all subscribers and registered users has been a reality in Denmark since 2007. However, in recent years the Danish Government has been revising the legislation on data retention to comply with the jurisprudence from the European Court of Justice on general and indiscriminate retention such as *Tele2 Sverige AB/Watson* (C-203/15), case C-623/17, *Privacy International*, and joined cases C-511/18, *La Quadrature du Net and Others*, C-512/18, *French Data Network and Others*, and C-520/18, *Ordre des barreaux francophones et germanophone and Others*.

⁵⁹ Denmark, [The Prime Minister's appointment of new ministries and ministers](#), 15 December 2022.

In 2021 the Danish Ministry of Justice sent an amended data retention draft Act (L 93 Proposal for an Act amending the Danish Administration of Justice Act and the Act on Electronic Communication Networks and Services⁶⁰) to public consultation. The act was intended to harmonize Danish national legislation on data retention with Eu case law. The act, however, was criticized by the Danish Institute for Human Rights for still allowing general and undifferentiated data-retention and for giving the police too wide access to this information⁶¹.

Nonetheless, the act was passed on 3 March 2022 and entered into force on 30 March 2022. The Danish Ministry of Justice published a statement explaining the main features in the newly passed act, including that it would only be possible for the Danish government to impose excessive data retention on the telecommunications providers, if reports from institutions such as the Centre for Terror Analysis (CTA), the Police Intelligence Service (Politiets Efterretningstjeneste) or the Defense Intelligence Service (Forsvarets Efterretningstjeneste) in their annual threat assessment believes it to be required due to a serious threat to Denmark's national security⁶². In this regard it is worth mentioning that the CTA every year since 2014 has assessed that there is a constant and extensive terrorist threat against Denmark⁶³.

Following the European Court of Justice's decision in the case C-140/20, Commissioner of An Garda Síochána and others, the Danish Ministry of Justice published a new statement⁶⁴, dated 25 May 2022, explaining that the newly passed act was not in full compliance with the Courts decision in the case. Consequently, the Ministry noted that information obtained through general and undifferentiated data retention could no longer be used in cases of serious crime. Furthermore, the Ministry announced a new amendment act which intends to amend the Danish rules on data retention in light of the Court's decision. It is expected that the amendment act will be presented to the Danish parliament after the coming general election. On June 28 2022 the

⁶⁰ Denmark, the Danish Parliament (2021), [L93 Proposal for Act amending the Danish Administration of Justice Act and the Act on Electronic Communication Networks and Services, \(L 93 Forslag til lov om ændring af retsplejeloven og lov om elektroniske kommunikationsnet og - tjenester \(Revision af reglerne om registrering og opbevaring af oplysninger om teletrafik \(logning\) m.v\)](#), 18 November 2021.

⁶¹ Denmark, Danish Institute for Human Rights (2021), [Consultation response on the draft data-retention Act L93](#), 25 Oktober 2021.

⁶² Denmark, the Danish Ministry of Justice (2022), [Today the new data retention Act enters into force](#), 30 March 2022.

⁶³ Denmark, the national security and intelligence service (PET) (2022), [assessment of the terrorist threat to Denmark 2022](#).

⁶⁴ Denmark, The Danish Ministry of Justice (2022), [press release on data retention rules](#), 25 May 2022.

Danish Ministry of Justice published an additional statement⁶⁵, announcing that Danish telecommunications providers have been required to carry out targeted geographical data retention of, inter alia, areas where there are a high number of reports of serious crime.

The Central DNA database and the Central Fingerprint database

On 4 May 2022, the Danish Ministry of Justice set forth a legislative proposal on the Central DNA database and the Central Fingerprint database (Forslag til lov om Det Centrale Dna-profilregister og Det Centrale Fingeraftryksregister)⁶⁶. The reasoning behind the revision of the rules and the extension of the data storage is to improve the police's ability to combat crime and thereby providing them with the best tools to do so. The aim of the law is thus to establish an overall specific legal regulation for the DNA – and fingerprint database and to clarify the police's access to recording, storage and deletion of DNA profiles and fingerprints. The act introduces an extended access to store DNA-profiles and fingerprints, where the time frame is increased according to how high the penalty is for a specific crime.

For persons who were charged but not sentenced, where the minimum penalty of the committed crime was at least 6 years imprisonment but less than 8 years in prison, the act provides for a legal retention period of 15 years from the acquittal, which is an extension of five years to the previous rules. For persons that were acquitted of an offence with a minimum penalty is at least 8 years imprisonment, the data retention period will be 20 years, which is an extension of 10 years to the previous rules. For persons that were convicted the retention period is higher. Persons convicted of a crime with a maximum penalty of less than 3 years imprisonment can be stores for 15 years. If the penalty is between 3 and 8 years, the data can be stored for 25 years. If the minimum penalty for a convicted person is 8 years imprisonment, the information can be stored for 40 years. For persons sentenced to a life sentence, the data can be stored for an indefinite period.

Furthermore, the act entailed a repeal of the previous rules, where information about a person would be deleted when the registered person reached the age of 80, or 2 years after their death.

⁶⁵ Denmark, The Danish Ministry of Justice (2022), [press release on targeted data retention rules](#), 28 June 2022.

⁶⁶ Denmark, the Danish Parliamet (2022), [L195 Proposal for Act amending the Danish DNA register and the Danish fingerprint register, \(L 195 Forslag til lov om Det Centrale Dna-profilregister og Det Centrale Fingeraftryksregister\)](#), 4 May 2022.

The Danish Institute for Human Rights has criticized the law for possibly being at risk of violating article 8 in the European Convention of Human Rights in regard to the extended data retention periods for persons who were charged but not sentenced⁶⁷. However, The law was passed on 9 June 2022 without the amendments suggested by the Danish Institute for Human Rights.

Following a citizen's proposal⁶⁸ to the Danish parliament, the Danish Ministry of Justice announced that the Danish National Police has been asked to explore the possibility of using genealogy to identify suspects in investigations of homicides and other serious crimes⁶⁹. The Ministry notes that the proposal raises some fundamental legal issues which need to be clarified further.

Automatic license plate recognition

On 27 January 2022 the Danish Ministry of Justice issued a revised statutory order on the police's use of automatic number plate recognition (ANPG)⁷⁰. The revised statutory order expanded the police's access to collect and store information when using cameras with automatic license plate recognition. The information is stored in a differentiated period of time depending on how it is collected and whether it generates a "hit", e.g. lack of insurance on the vehicle.

The revised statutory order expands the data storage period for "no hits" collected by mobile ANPG equipment from 24 hours after the registration of the number plate to 7 days. However, if the "no hits" are collected by stationary ANPG equipment, the data storage period is expanded from 30 days to 60 days. The 60 days extends to numberplate registrations collected using mobile ANPG equipment as part of a targeted police action. Furthermore, the revised statutory order expands the framework for when the police may collect ANPG information using stationary equipment.

⁶⁷ Denmark, the Danish Institute for Human Rights (2022), [Response to the public consultation on the Central DNA database and the Central Fingerprint database \(Høringssvar over lov om det Centrale Dna-register og det Centrale fingeraftryksregister\)](#), 28 April 2022.

⁶⁸ Denmark, Citizens' proposal (2022), [The Danish Police must be able to use genealogy in the investigation of homicides and other serious crimes](#), 20 June 2022.

⁶⁹ Denmark, the Danish Ministry of Justice (2022), [press release on the use of genealogy in police investigations](#), 08 September 2022.

⁷⁰ Denmark, Danish Ministry of Justice (2022), [statutory order no. 152 on the police's use of automatic number plate recognition \(ANPG\)](#), 27 January 2022.

The Danish Institute for Human Rights has expressed concern that the revised statutory order provides the police with too wide authority to use the ANPG stationary equipment and that the data storage period would be expanded, possibly resulting in an unproportional interference with the right to data protection and privacy.⁷¹

The Independent Inspectorate of Evidence

In 2021 the Danish Ministry of Justice proposed an amendmend to the Danish Administration of Justice Act, with, amongst other things, the purpose of establishing an independent Inspectorate of Evidence under the same leadership as the Independent Police Complaints Authority⁷². The act was proposed on the basis of the “teledata case” from 2019, where it was discovered that there had been errors in the telecommunicationsdata used by the police in their investigations and as evidence in several criminal cases⁷³.

The aim of the Independent Inspecorate of Evidence is to make ensure proper processing of technical evidence by the police and the prosecution. Fistly, they must ensure that the authorities have established relevant and sufficient guidelines for the processing of technical evidence (including biometric data). Secondly, that reservations and uncertainties linked to the nature of the technical evidence are sufficiently described and visible in cases. Thirdly, they must ensure that the police’s and prosecution’s detection of possible errors in the technical evidence of a general or systematic nature and with significance for the citizens’ due process are sufficiently investigated and followed up upon⁷⁴.

The Inspectorate of Evidece was established on 1 January 2022. They have not yet reported on any cases.

⁷¹ Denmark, the Danish Institute for Human Rights (2021), [Response to the public consultation on the draft consolidation Act on the police's use of automatic number plate recognition \(ANPG\)](#), 17 December 2021.

⁷² Denmark, the Danish Parliament (2021), [L222 Proposal for Act amending the Danish Adiminstration of Justice Act, \(L222 Forslag til lov om ændring af retsplejeloven \(Nyt uafhængigt tilsyn med bevismidler, udvidelse af politiklageordningen og justering af ordningen med fartbøder til politiets personale i forbindelse med udrykningskørsel som led i tjenesten\)](#), 28 April 2021.

⁷³ Denmark, Danish Ministry of Justice (2019), [press release on the “teledata case”](#), 3 October 2019.

⁷⁴ Denmark, [The Independent Inspectorate of Evidence](#).

6 Rights of the child

6.1 Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the EU Child Guarantee

Measures addressing vulnerabilities of children living in poverty and developments regarding the national implementation of the [EU Child Guarantee](#).

Legislative changes	<p>In December 2022, the proposal for an Act Amending the Act on a Temporary Child Allowance for Certain Dependents (<i>Forslag til Lov om ændring af lov om et midlertidigt børnetilskud til visse forsørgere</i>) was rejected by a majority in Parliament.⁷⁵ Based, inter alia, on the parliamentary debate on the proposal, the newly elected government is expected to propose a new, revised proposal in the beginning of 2023.</p> <p>In August 2022 the Danish Agency for Labour Market and Recruitment (<i>Styrelsen for Arbejdsmarked og Rekruttering</i>) introduced the Proposal for an Act Amending the Act on a Temporary Child Allowance for Certain Dependents (<i>Forslag til Lov om ændring af lov om et midlertidigt børnetilskud til visse forsørgere</i>) for public consultation.⁷⁶ The proposal extends a temporary child allowance for some families until the recommendations from the so-called "Benefit Commission" (<i>Ydelseskommisionen</i>) and an associated political agreement have been passed into law. This is expected to happen at the latest 1 January 2024. The commission has been scrutinising the framework for public benefits in Denmark, and on 31 May 2021 it gave its recommendations. Subsequently, on 14 June 2022 a political agreement between the Government and a number of parties was announced, which among other things focuses on children in the social security system.</p>
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⁷⁵ Denmark, [white paper on the proposal for act amending the act on a temporary child allowance for certain dependents](#) (*Betænkning over Forslag til Lov om ændring af lov om et midlertidigt børnetilskud til visse forsørgere*) of 13 December 2022

⁷⁶ Denmark, The Danish Agency for Labour Market and Recruitment, [proposal for act amending the act on a temporary child allowance for certain dependents](#) (*Forslag til Lov om ændring af lov om et midlertidigt børnetilskud til visse forsørgere*), 23 August 2022.

The agreement contains e.g. the continuation of the temporary child allowance for the most vulnerable children in the system on a permanent basis. This will include both a child allowance and a new leisure allowance aimed at children. The leisure allowance focuses on certain activities for children such as sports, cultural, educational, and social activities. The parents must document that at least two thirds of the allowance is spent on such activities. The parties estimate that the child allowance will affect 23.000 children and that the leisure allowance will affect 40.000 children. Furthermore, the political agreement contain initiatives on the repeal of the general social security ceiling and introduction of an income steps based regulation, better vacation rights for people on social security, the expansion of State-subsidized medicine for children with parents in the social security system to cover all expenses for necessary medicine, etc. In total, it is estimated that the agreement will cost 485 million DKK.⁷⁷

On 9 June 2022, the Danish Parliament (*Folketinget*), adopted an act amending Act on the primary school, Act on municipal efforts for young people under the age of 25 and various other laws (Future evaluation and assessment system in the primary school, etc. (*Lov om ændring af lov om folkeskolen, lov om kommunal indsats for unge under 25 år og forskellige andre love (Fremtidigt evaluerings- og bedømmelsessystem i folkeskolen m.v.)*),⁷⁸ which includes the possibility for the municipalities to provide a differentiated subsidy for food schemes on the basis of income, so that pupils from low-resource homes are taken into account.

The Ministry of Social Affairs and Senior Citizens (*Social- og Ældreministeriet*) proposed a legislative package which includes a new Child's Act (*Barnets lov*) and amendments to parts of the existing law vis-a-vis Social Service Act etc. (*serviceloven, retssikkerhedsloven mv.*). The proposal contains several initiatives aimed at strengthening children's rights, including more flexible rules on

⁷⁷ Denmark, The Danish Agency for Labour Market and Recruitment, [Agreement on new social security system with room for the children](#) (*Aftale om nyt kontanthjælpssystem med plads til børnene*), June 2022.

⁷⁸ Denmark, [act amending Act on the primary school, Act on municipal efforts for young people under the age of 25 and various other laws \(Future evaluation and assessment system in the primary school, etc.](#) (*Lov om ændring af lov om folkeskolen, lov om kommunal indsats for unge under 25 år og forskellige andre love (Fremtidigt evaluerings- og bedømmelsessystem i folkeskolen m.v.)*).

	<p>investigations and efforts for the child, increased focus on negative social control and honor-related conflicts and the destigmatization in the language of the law.⁷⁹ The proposal also includes, inter alia, a revised procedure to be used when the authorities seek to adopt a child without the parents' consent. Furthermore, the proposal aims at enabling authorities to take decisions on out-of-home placement and adoption of children (without the parents' consent) before birth. Moreover, the act proposes to abolish several legal guarantees for the child, such as the municipality's duty to visit the child at the place of placement at regular intervals, that have been introduced in recent years to ensure children are better protected against abuse.</p>
<p>Policy changes</p>	<p>On 27 September 2022, the former Government together with a broad collation of parties agreed on a 10 year plan to strengthen children and adolescents in psychological distress and the socially disadvantaged with severe mental disorders.⁸⁰ With the agreement, the parties agree to secure a permanent boost of DKK 0.5 billion. DKK annually.</p> <p>On 30 April 2022 the Ministry of Social Affairs and Senior Citizens (<i>Social- og Ældreministeriet</i>) announced the Danish action plan for implementing the EU Child Guarantee, which was sent into public consultation in February 2022.⁸¹ In accordance with the council recommendation the action plan identifies relevant groups of vulnerable children and describes existing and future initiatives vis-à-vis the identified groups. Subsequently, the Danish action plan has identified the following relevant groups: vulnerable children and students in public day-care facilities and primary school, homeless and children with uncertain housing, children and adolescents with a physical or psychological impairment that receive contributions in accordance with the Social Service Act (<i>ServiceLOVEN</i>), vulnerable children and adolescents who receive contributions in accordance with the Social Service Act, children and adolescents placed outside the home, children with a minority</p>

⁷⁹ Denmark, the Ministry of Social Affairs and Senior Citizens (*Social- og Ældreministeriet*), [proposal on the Child's Act](#) (*Forslag til Barnets lov*) and [the amending act to law on Social Service Act etc](#) (*serviceloven, retssikkerhedsloven mv.*).

⁸⁰ Denmark, the Ministry of Social Affairs and Senior Citizens (*Social- og Ældreministeriet*), [press release on 27 September 2022](#).

⁸¹ Denmark, the Ministry of Social Affairs and Senior Citizens (*Social- og Ældreministeriet*), [the Danish action plan for implementing the EU Child Guarantee](#), 30 April 2022.

	<p>background, children that are covered by the support and care of the Danish Immigration Service (<i>Udlændingestyrelsen</i>), and children with a Roma background. The action plan provides an overview of key services in support of the childrens well-being and development of their social, cognitive and emotional capabilities including within daycare, education and school activities, healthcare, nutrition, housing and cultural life.</p> <p>In September 2021, the Minister for Social Affairs and Senior Citizens appointed Head of Unit Anita Hørby from the international unit (Legal and International Relations) of the Ministry for Social Affairs and Senior Citizens as the Danish National Coordinator for the EU Child Guarantee.⁸²</p>
<p>Other measures or initiatives</p>	<p>In December 2022, the government platform (<i>regeringsgrundlaget</i>) contains an proposal to acutely secure, through the finansial act for 2023, inflation aid targeting finansial vulnerable families with children.⁸³ Moreover, the government provided an extra financial help of 50 mio. DKK to organisations that distribute Christmas and winter aid to further assist social disadvantaged families.⁸⁴</p> <p>In December 2022 a new study conducted by Rambøll, commissioned by the Egmont Foundation (<i>Egmont Fonden</i>), was released.⁸⁵ The study concludes that children in financial vulnerable families suffers more hardship today, compared to previous years.⁸⁶ The study found, inter alia, that approximately 90 percent of the families has experienced that their economic circumstances has worsened, and more than half of the interviewed vulnerable families have had to give their children less food, such as fruits and vegetables, compared to last year. Furthermore, vulnerable</p>

⁸² Denmark, information provided by the Ministry of Social Affairs and Senior Citizens (*Social- og Ældreministeriet*) by e-mail on 22 September 2022.

⁸³ Denmark, [The government platform \(regeringsgrundlaget\)](#), page 6.

⁸⁴ Denmark, the Ministry of Social Affairs and Senior Citizens (*Social- og Ældreministeriet*), [press release on 21 December 2022](#).

⁸⁵Denmark, Egmont Foundation (*Egmont Fonden*), [Study on loss amongst Danish families with children](#) (*Undersøgelse af afsavn blandt danske børnefamilier, efteråret 2022*)

⁸⁶ Denmark, Rambøll, [Study on loss amongst Danish families with children](#) (*Undersøgelse af afsavn blandt danske børnefamilier, efteråret 2022*)

families have had to cut expenses to, inter alia, the children's leisure activities, toys, clothing and electronics, including electronics used for educational purposes. The study was based on a survey of approximately 5.000 families with children under the age of 18, where the parent/parents are either unemployed, self-employed or dependent on welfare benefits.

On 13 November 2022 the newly (30 May 23022) appointed Chairperson for the Children's Council (*Børnerådet*), Puk Elgård, announced that she is stepping down due to the framework and conditions provided to the Children's Council, in order to fulfill its purpose, being far from adequate.⁸⁷

The National Board of Social Services (*Socialstyrelsen*) has a variety of projects and initiatives to address the specific vulnerabilities of children living in poverty and to ensure their well-being.⁸⁸ The different projects and initiatives are set up for a fixed period of time. As an example, one of the projects include an initiative to ensure that socially vulnerable children can participate in recreational activities on equal terms as other children of the same age.⁸⁹ The lack of participation of vulnerable children in such activities can be caused by e.g. the economic restraints of the family and constitutes a restraint on the child's possibilities of creating relations and building social capabilities. The project is aimed at municipalities that does not already have an arrangement addressing this problem. The project will run from 2021-2023 and have been funded by 22.3 million Danish crowns.

⁸⁷ Denmark, Children's Council (*Børnerådet*), [press release from 13 November 2022](#).

⁸⁸ Denmark, the National Board of Social Services (*Socialstyrelsen*), [List of projects and initiatives aimed at children](#).

⁸⁹ Denmark, the National Board of Social Services (*Socialstyrelsen*), [Project: Access to recreational activities for socially vulnerable children and adolescents](#).

6.2 Legal and policy developments or measures in relation to child-friendly procedures for children as victims, witness or suspects/accused in criminal proceedings.

Legislative changes	<p>On 16 December 2021, the Danish Parliament (<i>Folketinget</i>), adopted an act amending the Danish Criminal Code (<i>Straffeloven</i>), the Danish Administration of Justice Act, the Danish Anti-Money Laundering Act and different other acts (<i>Lov om ændring af straffeloven, retsplejeloven, hvidvaskloven og forskellige andre love</i>) which included an extension of the possibility of using video-taped interviewing in criminal proceedings of victims of rape above the age of 15.⁹⁰ Moreover, on 14 December 2021, the Danish Parliament, adopted an act amending the Danish Criminal Code, the Danish Administration of Justice Act, and the Act on Ouster Order, Exclusion Order and Expulsion (<i>Forslag til lov om ændring af straffeloven, retsplejeloven og lov om tilhold, opholdsforbud og bortvisning</i>) which included the possibility of using video-taped interviewing of children below 15, if the child or a person close to the child is a victim of stalking, and if the perpetrator also is close to the child.⁹¹ Both of the acts came into force on 1 January 2022.</p> <p>On 10 February 2022, the Danish Parliament adopted an act amending the Danish Criminal Code, the Danish Administration of Justice Act, and the Act on Passport for Danish Nationals etc. (<i>Lov om ændring af straffeloven, retsplejeloven og lov om pas til danske statsborgere m.v.</i>).⁹² The act concerned an increased effort against sexual abuse of children and increased counselling for victims of sexual abuse. Among other things, the act amends the criminal</p>
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⁹⁰ Denmark, [Act amending the Danish Criminal Code, the Danish Administration of Justice Act, the Danish Anti-Money Laundering Act and different other acts](#) (*Lov om ændring af straffeloven, retsplejeloven, hvidvaskloven og forskellige andre love*), section 2, para. 7.

⁹¹ Denmark, [Act amending the Danish Criminal Code, the Danish Administration of Justice Act, and the Act on Ouster Order, Exclusion Order and Expulsion](#) (*Forslag til lov om ændring af straffeloven, retsplejeloven og lov om tilhold, opholdsforbud og bortvisning*), section 2, para. 3.

⁹² Denmark, [Act amending the Danish Criminal Code, the Danish Administration of Justice Act, and the Act on Passport for Danish Nationals etc.](#) (*Lov om ændring af straffeloven, retsplejeloven og lov om pas til danske statsborgere m.v.*).

	<p>provision on rape, so that any sexual intercourse between an aggrieved party under the age of 15 years and a perpetrator of at least 22 years of age, is by definition considered rape. Furthermore, the act increases the sentences of sexual abuse against children by 50 percentage, and introduces a ban on sex dolls. Finally, the act ensures that victims of sexual abuse can receive free of charge legal guidance from a lawyer prior to a possible police report being filed.</p> <p>On 6 June 2022, the Danish Parliament adopted an act amending the Danish Liability for Damages Act (<i>Lov om ændring af lov om erstatningsansvar</i>).⁹³ The act concerned tort compensation (damages for mental/emotional distress) for digital sexual abuse in relation to sharing or publication of e.g. naked pictures or other material of a sexual nature of the aggrieved. In Danish case law a ceiling on such compensation had been established in related cases of multiple perpetrators. Among other things, the act removes this ceiling in order to ensure that in all cases of digital sexual abuse, that have been committed independently of each other, the determination of such compensation is assessed independently.</p> <p>In September 2022 the Ministry of Justice introduced a act on an independent criminalization of “grooming” in the Danish Criminal Code for public consultation.⁹⁴ “Grooming” is defined as a situation in which a person builds a relationship of trust to a child or an adolescent with the purpose of committing sexual abuse against the concerned or luring the child or adolescent to send naked pictures or pictures of a sexual character.</p>
<p>Policy developments</p>	<p>In August 2022, the Government presented 30 new political initiatives to combat criminal gangs in Denmark.⁹⁵ The first four initiatives concern crime prevention targeting children in</p>

⁹³ Denmark, [Act amending the Danish Liability for Damages Act](#) (*Lov om ændring af lov om erstatningsansvar*).

⁹⁴ Denmark, The Ministry of Justice, [proposal for act amending the Danish Criminal Code and the Danish Administration of Justice Act](#), 6 September 2022.

⁹⁵ Denmark, [The Government, Political Initiative](#), August 2022, page 3.

order to halt the “food-chain” to Danish gangs. The first initiative concerns an independent criminalization of recruitment of children and adolescents to Danish gangs in the Danish Criminal Code. The criminalization will include the action of contributing to children and adolescent’s involvement in criminal activity through e.g. urging, advice or instruction. The second initiative seeks to strengthen the interdisciplinary cooperation amongst authorities in the prevention of criminality among children (*SSP-samarbejdet*) in relation to an increased focus on children and adolescents at risk of being recruited to gangs. This includes in particular children with family connections to gangs. The third initiative seeks to ensure that children, which are assessed to be in the risk of gang recruitment, to a greater degree can be referred to the Juvenile Delinquency Board (*Ungdomskriminalitetsnævnet*). This includes the assessment of whether a pecuniary penalty should be sufficient to trigger such a referral. Finally, the political proposal includes an initiative for local municipalities to offer “pocket money jobs” to youth from 13 to 17 years old, that are motivated to leave an impending criminal career. This initiative will in particular focus on children that have been referred to the Juvenile Delinquency Board as well as children that are suspected of having committed serious criminal offences. It is expected that as many as 800 children and adolescents on a yearly basis will be offered such a job.

As mentioned above in Section 5.1. the Ministry of Justice (*Justitsministeriet*) has together with five other political parties presented 9 new political initiatives to create more safety online and to ensure more effective combat of IT-criminals.⁹⁶ One of the initiatives includes a pilot scheme, in which the police will use facial recognition to conduct same-victim-identification of children that are victims of sexual abuse. Moreover, the political proposal includes an initiative to strengthen the cooperation between authorities and the civil society in a network, that will contribute to new initiatives and measures concerning the combatting of digital violations online. In particular, the network should focus on the possibilities of strengthening the fight against “grooming” of children and violating “deep-fake” pictures. Finally, the political proposal

⁹⁶ Denmark, [The Ministry of Justice, Political Initiative](#), September 2022, page 2.

	<p>includes an initiative to strengthen the Danish Police’s handling of reports of digital sexual abuse with a special focus on children victims. This initiative includes an allocation of resources to the Danish Police’s contact point for digital sexual abuse equivalent to 11 full-time positions and the appointment of a permanent contact person in every police district in order to ensure better knowledge sharing between police districts of new knowledge, threat assessments. The Ministry of Justice has submitted the appointment of a legal representative and strengthened counseling for victims of grooming. Moreover that the Danish Government on September 6th 2022 submitted a legislative proposal for public hearing, regarding, inter alia, the aggrieved party in grooming cases. First of all, it is proposed to amend section 741 a of the Administration of Justice Act (<i>Retsplejeloven</i>) in order to provide the aggrieved party the opportunity to have a legal representative. Secondly, it is proposed to amend section 741 a and 741 c of the Administration of Justice Act (<i>Retsplejeloven</i>) with the aim of providing the aggrieved party the right to a free conversation/counseling with a legal representative prior to filing a report to the police and after a possible sentence.</p>
<p>Other measures or initiatives</p>	<p>In June 2022 the Danish Crime Prevention Council (<i>Det Kriminalpræventive Råd</i>) published new educational material for adolescents in primary school and youth educations concerning illegal picture sharing of an intimate and violating character in order to prevent the youth from participating in such activities.⁹⁷</p>

⁹⁷ Denmark, the Danish Crime Prevention Council (*Det Kriminalpræventive Råd*), educational material on illegal picture sharing.

7 Access to justice – Victims’ Rights and Judicial Independence

7.1 Legal and policy developments or measures relevant to the implementation of the Victims’ Rights Directive and the EU strategy for Victims’ Rights 2020-2025

On 1 January 2022, an section 745 e of the Administration of Justice Act entered into force. The amendment expanded the possibility to conduct video questioning in rape cases, so that the aggrieved party is given the opportunity to give his or her statement in the form of a video questioning. If the aggrieved chooses to give his or her statement in the form of a video questioning, the video will be presented in court during the processing of the case as part of the evidence, after which the aggrieved must acknowledge the explanation. In this connection, it will also be possible to ask additional questions to the aggrieved.⁹⁸

On 1 March 2022, an amendment to section 741 a and 741 c of the Administration of Justice Act entered into force. The amendment strengthened the counselling for the aggrieved party in cases of sexual assault. First of all, section 741 a of the Administration of Justice Act was amended with the aim of providing the aggrieved party the right to a free conversation/counseling with a legal representative prior to filing a report to the police. It is no prerequisite for the conversation/counseling that the aggrieved party subsequently reports the crime. Secondly, section 741 c of the Administration of Justice Act was amended in order to provide the aggrieved party the right to a free conversation/counseling with a legal representative following a possible sentence. The purpose of these conversations is to explain the course and outcome of the case as well as inform the aggrieved about his or her rights and possibilities before and after the trial.⁹⁹

⁹⁸ Denmark, [Lov nr. 2600 om ændring af straffeloven, retsplejeloven og lov om tilhold, opholdsforbud og bortvisning](#), 28 December 2021.

⁹⁹ Denmark, [Lov nr. 226 om ændring af straffeloven, retsplejeloven og lov om pas til danske statsborgere m.v.](#), 15 February 2022.

In May 2022 a panel of experts from Danish government institutions, NGO's and the University of Copenhagen delivered four recommendations for better protection of victims and witnesses of gang related crime¹⁰⁰:

- 1) The Danish Ministry of Justice should explore the possibilities for a temporary reposition of victims and witnesses in cases of organized crime.
- 2) The process for judicial questioning should be changed so questioning in court begins with documentation of any available in-court-explanation from the victim or the witness. The rest of the judicial questioning should focus on supplementing the previous explanation (if available).
- 3) It should be possible to escort all the accused out of the court room when a witness gives his or her explanation, regardless of whether the accused is charged for an offence the explanation concerns.
- 4) Guidelines targeted certain groups of victims and witnesses should be published to give a better and realistic impression of guidance and support for the specific group. Further, the panel states that it will elaborate on this recommendation in it's second report.

In the process of following-up on the recommendation the Danish Ministry of Justice (*Justitsministeriet*) in August 2022 presented a [political proposal with 30 initiatives targeted gang related crime](#) (*Trygge lokalsamfund uden kriminelle bander – Opgør med Fødekedden, forretningen og forråelse*).¹⁰¹ The ministry has proposed to implement recommendation 1, 2 and 3, but no political agreement has been concluded yet. Political discussions is expected to continue when a new government in Denmark is appointed.

In August 2022, the Danish Ministry of Justice (*Justitsministeriet*), published a survey on the experience of security in the Danish population (*Tryghedsundersøgelse 2021*).¹⁰²

The survey shows that 88 pct. of the population feels secure in their neighbourhood which is about the same level as surveys recorded from the previous 10 years. However, only 70 pct. of the population living in areas categories by the government as

¹⁰⁰ Denmark, The Danish Ministry of Justice (*Justitsministeriet*), [Panel delivers first report on recommendations for better protection of victims and witnesses](#) (*Ekspertpanel afleverer første afrapportering med forslag til bedre beskyttelse af ofre for og vidner til bandekriminalitet*).

¹⁰¹ Denmark, The Danish Ministry of Justice (*Justitsministeriet*), [Safe local communities without criminal gangs – A battle against the food chain, the business and the brutal environment](#) (*Trygge lokalsamfund uden kriminelle bander – Opgør med Fødekedden, forretningen og forråelse*).

¹⁰² Denmark, The Danish Ministry of Justice (*Justitsministeriet*). [Survey on security](#) (*Tryghedsundersøgelse*).

particularly vulnerable residential areas (SUB areas) feels secure in their neighbourhood. The level of security in these areas are the same as the last survey recorded in 2019. The survey also shows that the feeling of security in peoples own neighbourhood increase by the age of the population. Thus, people 65 years old or older feel more secure than people in younger age categories. Furthermore, people from 30-64 years generally feels more secure than people from 15-29 years.¹⁰³

7.2 Measures addressing violence against women

In January 2022, new legislation criminalising stalking entered into force. In contrast to the previous legislation, according to which stalking was an aggravating factor in relation to punishment for the violation of restraining orders etc., the new legislation introduced a new section in the Danish Criminal Code, according to which stalking became punishable as an individual crime with prison up to three years.¹⁰⁴

In the political agreement for measures regarding the social, health and labour market in 2022-2025, the parties agree to strengthen and develop initiatives for perpetrators of violence with special focus on violence in families with children. This includes outpatient treatment of perpetrators and digital counselling for both perpetrators and victims of violence. Furthermore, the parties agree to allocate funds to the organisation Lev Uden Vold (Live Without Violence) to enhance the knowledge and skills of the municipalities in order to improve early detection of victims and perpetrators of intimate partner violence.¹⁰⁵

In March 2022, in a new tripartite agreement between the government and the parties of the labour market, the parties agreed on a number of initiatives combatting sexual harassment in the workplace. The agreement entails 17 initiatives that all aim at contributing to a change in culture through better prevention as well as handling of sexual harassment. It focuses on a number of key areas and initiatives such as: 1) clarifying the rules of sexual harassment so that employers are fully aware of their

¹⁰³ Denmark, The Danish Ministry of Justice (*Justitsministeriet*). [Survey on security](#) (*Tryghedsundersøgelse*), page 3-4.

¹⁰⁴ Denmark (2022), [Lov nr. 2600 om ændring af straffeloven, retsplejeloven og lov om tilhold, opholdsforbud og bortvisning](#), the law entered into force on 1 January 2022.

¹⁰⁵ Denmark, the Ministry of Social Affairs and Senior Citizens (2022), ['Aftale om udmøntning af reserven til foranstaltninger på social-, sundheds- og arbejdsmarkedsområdet 2022-2025'](#), 20 November 2019.

responsibilities, 2) raising the compensation level in particularly gross cases with 33 pct., 3) more focus on sexual harassment in work environments in the individual workplace, 4) yearly overviews of the number of rulings and guidelines from the Danish Work Environment Authority in relation to sexual harassment cases, and 5) the appointment of an alliance with relevant organisations in order to keep this on the political agenda. The government intends to allocate 5 million DKK to the alliance in 2023.¹⁰⁶

In April 2022, the Danish government presented a new national strategy for combatting human trafficking 2022-2025. In the national strategy for 2022-2025, the government points to three areas for strengthening: 1) strengthening relevant authorities in their work with identifying human trafficking, 2) offering better services for victims of human trafficking, and 3) strengthening the prosecution of those behind the trafficking. In order to strengthen the first area, the government proposes initiative such as giving governmental authorities the authority to conduct consultations with potential victims of trafficking, sharing information between authorities in order to gain a more systematic approach and examining the efforts of fighting human trafficking through a study done by the Danish Institute for Human Rights in 2024-2025. In relation to the second area, the strategy presents initiatives that will improve the accommodation options for trafficking victims. The third area of focus includes initiatives such as establishing a 'National unit for Special Crimes' with the aim of improving the combatting of, *inter alia*, human trafficking. It also includes a continued focus on human trafficking in court.¹⁰⁷

On April 2022, the Danish government presented a budget proposal allocating 12 million DKK to combat domestic violence, followed by 23 million DKK for the initiative presented in the national strategy of combatting intimate partner violence through stricter notification obligations for everybody who witness or suspect intimate partner violence, especially when there are child witnesses to violence between parents.¹⁰⁸

In June 2022, the Danish Government introduced a new national strategy combatting intimate partner violence and partner killings in Denmark 2023-2026. The overall aim of this national strategy is breaking with the taboo surrounding intimate partner

¹⁰⁶ Denmark, Agreement between the Danish government and the labour marked parties, information on the '[Trepartsaftale om seksuel chikane](#)', 4 March 2022.

¹⁰⁷ Denmark, the Ministry of Transport and Equal Opportunities (2022), '[Handlingsplan til bekæmpelse af menneskehandel 2022-2025](#)', 8 April 2022.

¹⁰⁸ Denmark, the Ministry of Transport and Equal Opportunities (2022), '[Budget proposal from the Danish Government](#)', 31 august 2022.

violence. The strategy stresses that intimate partner violence is not a private matter, but a societal one. The national strategy focuses on three main areas that each include several initiatives. These are 1) how violence is the responsibility of society, 2) how to break the circle of violence and 3) how to act early, effectively and coordinated when violence occurs.¹⁰⁹

¹⁰⁹ Denmark, the Ministry of Transport and Equal Opportunities (2022), '[Handlingsplan mod partnervold og partnerdrab](#)', 23 June 2022.

8 Developments in the implementation of the Convention on the Rights of Persons with Disabilities

8.1 CRPD policy and legal developments & implementation of the European Accessibility Act L

Legal developments

As mentioned in last year's fundamental rights report (FRR2022), amendments of the Danish Mental Health Act entered into force on 1 January 2022.¹¹⁰ Among other things, the amendments establish a suitable interval between the three medical assessments of the use of belt restraint to be a maximum of four hours between the initiation of the restraint measure and the first assessment and a maximum of 10 hours between subsequent assessments. In its public consultation response, the Institute for Human Rights welcomed the efforts to strengthen the legal rights of psychiatric patients but recommended that the Danish authorities take further measures to ensure the protection of psychiatric patients' human rights.¹¹¹

Legislation for the implementation of EU Directive 2019/882 on the accessibility requirements for products and services was passed by the Danish Parliament and entered into force on 28 June 2022.¹¹² The Danish Institute for Human Rights welcomes the act but recommends that further steps are taken to ensure effective enforcement of the Directive.¹¹³

¹¹⁰ Denmark, [Act no. 2617 of 28 December 2021 on the amendment of the Danish Mental Health Act and the Danish Health Act](#) (Obligation to take notes, interval between medical assessments, etc.) (*Lov nr. 2617 af 28. december 2021 om ændring af lov om anvendelse af tvang i psykiatrien m.v. og sundhedsloven (Notatpligt for den faste vagt for bæltefikserede patienter, interval mellem lægelige vurderinger m.v.)*) and [Act no. 2618 of 28 December 2021 on the amendment of the Danish Mental Health Act](#) (House rules at psychiatric wards security checks in forensic psychiatry, special rules for persons placed in surrogat eremand etc.) (*Lov nr. 2618 af 28. december 2021 om ændring af lov om anvendelse af tvang i psykiatrien m.v. (Husordener på psykiatriske afdelinger, sikkerhedskontroller i retspsykiatrien, særlige regler for surrogatanbragte m.v.)*).

¹¹¹ Denmark, The Danish Institute for Human Rights (*Institut for Menneskerettigheder*), [consultation response regarding proposal for act amending the act on the use of coercion in psychiatry](#) (*Høringssvar vedr. lovforslag om ændring af lov om anvendelse af tvang i psykiatrien*), 29 September 2021.

¹¹² Denmark, [Act no. 801 of 7 June 2022 on the accessibility requirements for products and services](#) (*lov om tilgængelighedskrav for produkter og tjenester*).

¹¹³ Denmark, The Danish Institute for Human Rights (*Institut for Menneskerettigheder*), [consultation response regarding proposal for act on accessibility requirements for products and devices](#) (*Høring over forslag til lov om tilgængelighedskrav for produkter og tjenester*).

In June 2022, the Danish Board of Equal Treatment (Ligebehandlingsnævnet) decided that a public transport company had violated the Danish Disability Discrimination Act because of indirect discrimination based on the complainant's disability.¹¹⁴ The company's bus service was not designed for persons with visual impairment and because a precise pickup-point for the bus could not be provided, the service was not accessible to a blind person. This discrimination complaint was conducted by the Danish Institute of Human Rights on behalf of a citizen and resulted in a monetary compensation of 10.000 DKK to the complainant. In addition, the bus company amended its practices due to the case to make it easier for people with vision impairments to use their services.

In June 2022, the Danish Board of Equal Treatment decided that a complainant had been wrongfully discriminated on the grounds of disability.¹¹⁵ The complainant had been called for a job interview for one of four vacancies as a truck driver. However, the respondent cancelled the interview on the grounds that they had subsequently become aware that the complainant communicated only through sign language and writing and that all communication with the respondent's customers and sales staff was in speech. Subsequently, however, the complainant was again summoned for an interview, but the position was later refused. The complainant was awarded a monetary compensation of 25.000 DKK.

In February 2022, the Danish Board of Equal Treatment decided that a management company, who handled leasing contracts, had violated the Danish Disability Discrimination Act by refusing a girl diagnosed with atypical autism and other anxiety conditions and her parents to keep a service dog in the property in which they resided.¹¹⁶ The complainant was awarded a monetary compensation of 5.000 DKK.

Reforms and initiatives

As mentioned in previous fundamental rights reports, the Danish Government has been working on a 10-year plan for the psychiatric sector since the Danish general election in 2019. The plan was delayed due to the COVID-19 pandemic. Finally, in

¹¹⁴ Denmark, The Danish Board of Equal Treatment (*Ligebehandlingsnævnet*), [decision No. 9817](#), 2 June 2022.

¹¹⁵ Denmark, The Danish Board of Equal Treatment (*Ligebehandlingsnævnet*), [decision No. 9823](#), 2 June 2022.

¹¹⁶ Denmark, The Danish Board of Equal Treatment (*Ligebehandlingsnævnet*), [decision No. 9227](#), 7 February 2022.

January 2022, the Danish Health Authority (Sundhedsstyrelsen) presented its academic proposal for a 10-year plan.¹¹⁷ It contains 37 recommendations to deal with the major challenges in the Danish psychiatric sector (these challenges include insufficient capacity, coordination and preventive measures among other issues). Political negotiations for the 10-year plan took place in September 2022. The negotiations resulted in an agreement, which was supported by every political party except one.¹¹⁸ The 10-year plan increases funding of the psychiatric sector by roughly 500 million DKK per year from 2023 onwards and launches five prioritized initiatives, which cover ten of the Danish Health Authority's 37 recommendations. These five initiatives are:

- Development of easily accessible services in the municipalities to children and youth with psychiatric discontent
- Improved services to people with severe psychiatric illnesses
- De-stigmatization of psychiatric illnesses
- Improved interdisciplinary and evidence-based environments
- Research and development

The parties to the agreement have committed themselves to following up on the 10-year plan and realizing the remaining 27 recommendations and securing further funding to that end.

The Ministry of Social Affairs and Senior Citizens (Social- og Ældreministeriet) has carried out an evaluation of the current planning and organisation in the area of social policies concerning people with special needs (Evaluering af det specialiserede socialområde), e.g. people with severe physical or mental disabilities.¹¹⁹ The evaluation was published on 22 May 2022 along

¹¹⁷ Denmark, The Danish Health Authority (*Sundhedsstyrelsen*) and the National Board of Social Services (*Socialstyrelsen*), [Better mental health and a strengthened effort for people with mental health disorders](#) (*Bedre mental sundhed og en styrket indsats til mennesker med psykiske lidelser*), 14 January 2022.

¹¹⁸ Denmark, The Danish Ministry of Health (*Sundhedsministeriet*), [Agreement on a 10-year plan for the psychiatric sector and mental health](#) (*Aftale om en 10-årsplan for psykiatrien og mental sundhed*), September 2022.

¹¹⁹ Denmark, The Danish Ministry of Social Affairs and Senior Citizens (*Social- og Ældreministeriet*), [Reporting on the evaluation of the specialized social area](#) (*Afrapportering af evalueringen af det specialiserede socialområde*), 19 May 2022.

with a plan for the further organisation of the specialised social area.¹²⁰ One of the main proposals is to introduce speciality planning within the social sector with inspiration from the healthcare system, where a specific illness is dealt with in a specific way. In a similar fashion, within the social sector, having a specific disability should result in specific support measures. The Danish Government proposes to implement this idea gradually with full implementation by 2030. However, a political consensus has not been reached at this time, so it is still unsure if this idea will be realized.

On 21 March 2022, the Danish National Audit Office (Rigsrevisionen) published a report on the management of the field of disability.¹²¹ The purpose of the report was to assess whether the Ministry of Social Affairs and Senior Citizens' supervision of the municipalities' management of the disability area is satisfactory. The report concludes that the supervision has been unsatisfactory, and the consequence is that there is an increased risk that citizens with disabilities do not receive the benefits to which they are entitled under the Service Act (Serviceloven). On the basis of the report, the Public Accounts Committee (Statsrevisorerne) calls on the Danish Parliament to consider whether there are structural problems behind the apparently recurring problems in the area of disability, despite many years of efforts to correct it.¹²²

In November 2021, the Danish Parliament reached an agreement on the allocation of the reserve in the social, health and labour market areas.¹²³ Over the next four years, funds have been allocated to the disability area, the homeless, the elderly and the prevention of loneliness. The largest part of the reserve goes to initiatives in the social and elderly area, where money has been allocated to a national loneliness strategy, better legal certainty and trust in the disability area, a national partnership for the efforts against homelessness and new experiments with more self-determination in visitation in elder care and strengthened palliative efforts for vulnerable elderly people. In the health sector, money has been set aside for the treatment of patients with Binge Eating Disorders ('BED') and a more advanced regional function in child and adolescent psychiatry.

¹²⁰ Denmark, The Danish Ministry of Social Affairs and Senior Citizens (*Social- og Ældreministeriet*), [A life with Equal Opportunities](#) (*Et liv med ligestillede muligheder*), 19 May 2022.

¹²¹ Denmark, The Danish National Audit Office (*Rigsrevisionen*), [Report No 13/2021 on the management of the field of disability](#) (*Beretning nr. 13/2021 om forvaltningen af handicapområdet*), 21 March 2022.

¹²² Denmark, The Danish National Audit Office (*Rigsrevisionen*), [Report No 13/2021 on the management of the field of disability](#) (*Beretning nr. 13/2021 om forvaltningen af handicapområdet*), 21 March 2022.

¹²³ Denmark, The Ministry of Social Affairs and Senior Citizens (*Social- og Ældreministeriet*), [Agreement on the implementation of the reserve for social, health and labour market measures 2022-2025](#) (*Aftale om udmøntning af reserven til foranstaltninger på social-, sundheds- og arbejdsmarkedsområdet 2022-2025*), 19 November 2021.

As a result of a Danish media broadcast in June 2022 where the treatment of Ukrainian refugees with disabilities in Denmark were described and criticised¹²⁴, the Danish Committee of Immigration and Integration (Udlændinge- og Integrationsudvalget) has asked the Danish Minister of Immigration and Integration (Udlændinge- og Integrationsministeren) to answer what special efforts are required to receive, accommodate and ensure the necessary assistance to Ukrainian refugees with disabilities, and whether the Minister believes that Denmark adequately provides these special efforts to Ukrainian refugees with disabilities. In addition, the Committee wants to know how the Government ensures that Denmark complies with the UN Convention on the Rights of Persons with Disabilities when handling Ukrainian refugees.¹²⁵ The Minister has yet to answer these questions, but answers are expected this fall. The Institute for Human Rights will be following the development of the matter and update the report accordingly.

8.2 CRPD monitoring at national level

On 18 January 2022, the Danish Institute for Human Rights published a memo and leaflet on how persons with disabilities and the associations that represent them can be involved in policy development and decision-making processes in Greenland so that positive changes are created.¹²⁶ The publications establish a number of principles for how people with disabilities and the representing associations can be involved in the work of developing and implementing policies and legislation aimed at implementing the UN Convention on the Rights of Persons with Disabilities. At the same time, the publications contribute with concrete indications on how these principles can be put into practice.

¹²⁴ Denmark, the Danish Broadcasting Corporation (DR), [Stairs, bunk beds and lack of adult diapers: Ukrainian refugees with disabilities are treated 'unworthily' in Denmark](#) (*Trapper, køjesenge og mangel på voksenbleer: Ukrainske flygtninge med handicap behandles 'uværdigt' i Danmark*), 15 June 2022.

¹²⁵ Denmark, ft.dk, [open consultation on the treatment of Ukrainian refugees with disabilities](#) (*Åbent samråd om behandlingen af ukrainske flygtninge med handicap*), 13 September 2022.

¹²⁶ Denmark, The Danish Institute for Human Rights (*Institut for Menneskerettigheder*), [Civil society, involvement and disability policy in Greenland](#) (*Civilsamfund, inddragelse og handicappolitik i Grønland*), 18 January 2022.

In the spring of 2022, the Danish Institute for Human Rights published a report on how forensic autopsies can help protect and promote the rights of persons with mental disabilities.¹²⁷ The report focusses on the need for more knowledge about the causes of premature and unexpected death among persons with mental disabilities.

On 6 May 2022, the Danish Institute for Human Rights published a report about the Danish Juvenile Delinquency Board (Ungdomskriminalitetsnævnet).¹²⁸ In this report, the Institute examines the human rights consequences for 10-14-year-olds and for children and young people with cognitive and mental disabilities when they are suspected of or commit crimes, and their case is referred to the Juvenile Delinquency Board for consideration. Among other things, the report shows that children – including children and young persons with cognitive or mental impairments – are automatically referred to the Board in cases concerning dangerous crimes. Thus, it is not included in the assessment whether the child or young person is considered to be at risk of committing further crimes and the rules do not take into account that the child may already be subject to comprehensive process under the Service Act (Serviceloven).¹²⁹ On this basis, the Institute recommends that the Danish Parliament amend the Juvenile Delinquency Act so that children and young people with cognitive or mental impairments are only referred to the Juvenile Delinquency Board after a specific assessment.¹³⁰

In June 2022, the Danish Institute for Human Rights participated in the annual “Folkemøde” - the Democracy Festival of Denmark. Every year during four days at the island of Bornholm, the festival is the platform for democratic dialogue between civil society, politicians, businesses, media, universities, and citizens at large. The Institute engaged in several debates with politicians, authorities, experts and civil society representatives on different human rights related themes, including on how to bring down coercion in the Danish psychiatric sector.

¹²⁷ Denmark, The Danish Institute for Human Rights (*Institut for Menneskerettigheder*), [Knowledge on premature death in psychiatry](#) (*Viden om tidlig død i psykiatrien*), 22 February 2022.

¹²⁸ Denmark, The Danish Institute for Human Rights (*Institut for Menneskerettigheder*) [The Juvenile Delinquency Board in a human rights perspective](#) (*Ungdomskriminalitetsnævnet i et menneskeretligt perspektiv*), 6 May 2022.

¹²⁹ Denmark, The Danish Institute for Human Rights (*Institut for Menneskerettigheder*), [The Juvenile Delinquency Board in a human rights perspective](#) (*Ungdomskriminalitetsnævnet i et menneskeretligt perspektiv*), 6 May 2022, page 30.

¹³⁰ Denmark, The Danish Institute for Human Rights (*Institut for Menneskerettigheder*), [The Juvenile Delinquency Board in a human rights perspective](#) (*Ungdomskriminalitetsnævnet i et menneskeretligt perspektiv*), 6 May 2022, page 43.

In the spring of 2022, the Danish Institute for Human Rights together with DIGNITY – Danish Institute Against Torture (DIGNITY – Dansk Institut mod Tortur) and Better Psychiatry (Bedre Psykiatri) communicated with the Committee of Ministers of the Council of Europe regarding the judgement concerning Aggerholm v. Denmark from 15 September 2020. This was done in accordance with rule 9.2 of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements. The case concerned the applicant’s strapping to a restraint bed for almost twenty-three hours in a psychiatric hospital, which was not strictly necessary and not respectful of his human dignity. The rule 9 submission urged the Danish Government to take further measures to ensure that means of restraint are only used as a last resort and formally represents input to the dialogue between Denmark and the Committee of Ministers in the implementation of the judgment.

The Danish Institute for Human Rights is currently working on a report about the use of coercion at Danish psychiatric hospitals. The Institute explores how to improve self-determination in psychiatric treatment and how to reduce unnecessary coercion. This is done specifically by examining the existing complaints procedure for patients in connection with coercion. Observing that the number of incidents of coercion is on the rise in the psychiatry sector, the aim of the report is to bring attention to the lack of focus on the context of coercion in the complaints procedure. Through a legal analysis and involvement of several personal stories from present and former psychiatric patients we investigate whether including the context of coercion, such as inappropriate treatment or insufficient personnel, might contribute to a strengthened legal protection of the psychiatric patient.

Due to significant differences in voter turnout between people with disabilities and those without, the Danish Institute for Human Rights is currently also examining the barriers to participation in political elections by individuals with disabilities. By asking an online panel about their experiences and understandings of accessibility of electoral participation, the institute will identify the typical barriers related to physical attendance, voter meetings and election information accessibility. The institute strive to close the disability gap in voter turnout by offering proposed amendment to national electoral authorities in Denmark. The report is expected to be published in November 2022.

Annex 1 – Promising Practices

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one example of a promising practice to tackle discrimination against LGBTIQ people or discrimination on the grounds of socio-economic status, health status and physical appearance, such as awareness raising campaigns or training for relevant professionals. Where no such examples are available, please provide an example of an awareness raising campaign held in your country in 2022 relevant to equality and non-discrimination of LGBTIQ people or on the other above-mentioned grounds, preferably one conducted by a national equality body.
Title (original language)	No promising practice has been identified for this thematic area. The following provides information on the awareness campaign #Gamechanger.
Title (EN)	#Gamechanger
Organisation (original language)	DGI (danske gymnastik og idrætsforeninger), DIF (Danmarks idrætsforbund), DHF (dansk håndboldforbund), Pan Idræt, DBU (dansk boldspil-union), Amnesty International, Institut for Menneskerettigheder, Spillerforeningen
Organisation (EN)	DGI (Danish gymnastics and sport associations), DIF (Denmark’s sports-association), DHF (Danish handball union), Pan Sports, DBU (Danish ball-sport union), Amnesty International, the Danish Institute for Human Rights, The player association
Government / Civil society	The Ministry of Culture
Funding body	The Ministry of Culture
Reference (incl. URL, where available)	Bliv Gamechanger Lad os sammen skabe en mere inkluderende idræt!
Indicate the start date of the promising practice and the finishing	4 September 2022 and until 2025.

date if it has ceased to exist	
Type of initiative	Awareness campaign
Main target group	LGBT+ persons
Indicate level of implementation: Local/Regional/National	The campaign engages sport clubs on the local level in Denmark
Brief description (max. 1000 chars)	One in five LGBT+ persons do not feel welcome in sports today. The Ministry of Culture has therefore funded and supported several organisations in the fight to include everyone. Sport clubs and associations will get help from #Gamechanger to put focus on inclusive culture. By the end of 2022, 50 clubs are engaged and, throughout 2023, more will become a part of the work for making LGBT+ people feel welcome and safe in sports environments throughout Denmark. The clubs are provided with merchandise in rainbow design and the opportunity to get help and counselling on the campaign's website and from #gamechanger consultants.
Highlight any element of the actions that is transferable (max. 500 chars)	N/A
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The campaign runs from 2022-2025 and broadly engages with local sport clubs and associations. This way the campaign attempt to do in-depth work and spread awareness.
Give reasons why you consider the practice as having concrete measurable impact	N/A

<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>N/A</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>N/A</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>N/A</p>

<p>Thematic area</p>	<p>RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide one example of a promising practice to address racism and xenophobia. Please give preference to a promising practice about participation and engagement of Equality bodies and CSOs in addressing racism and hate crime. Where no such practice exists, please provide one example of a promising practice related more generally to combating racism, xenophobia, and related intolerances.</p>
<p>Title (original language)</p>	<p>No promising practice has been identified for this thematic area. The following provides information on the awareness campaign "Vote along".</p>

Title (EN)	Vote Along
Organisation (original language)	Kommunernes Landsforening (KL) i samarbejde med Mino Danmark
Organisation (EN)	Local Government Denmark (KL) in corporaton with Mino Denmark
Government / Civil society	Both. Local Government Denmark is a governmental body/interest group for municipalities in Denmark while Mino Denmark is a civil society organizations for minorities in Denmark.
Funding body	Local Government Denmark (KL)
Reference (incl. URL, where available)	Stem med - en fælles kampagne for en styrket valgdeltagelse (kl.dk)
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	2021
Type of initiative	Awareness campaign
Main target group	All citizens with a focus on ethnic minorities
Indicate level of implementation: Local/Regional/National	Local
Brief description (max. 1000 chars)	A campaign to engage citizens including ethnic minorities in voting in local elections in especially November 2021. The electoral participation in elections in Denmark is traditionally very high but significantly lower amongst ethnic minorities. So this campaign had the purpose of raising the participation in the elections and some of the ideas and materials will also be used in the forth-coming election in Denmark on 1 st of November 2022.

Highlight any element of the actions that is transferable (max. 500 chars)	Both Physical and virtual material with practical information on how, where and when to vote that. For illustration the material is available her: Stem med - en fælles kampagne for en styrket valgdeltagelse (kl.dk)
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	N/A
Give reasons why you consider the practice as having concrete measurable impact	It is possible to measure on the development in electoral participation on a very detailed level down to specific residential areas. It is off course not possible to say definitely if and whether the development is caused directly by the campaign but it would be a contributing factor.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	N/A
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.	N/A

Explain, if applicable, how the practice provides for review and assessment.	N/A
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Thematic area	ROMA EQUALITY AND INCLUSION Please provide one example of promising practice in relation to the two topics addressed in the chapter: regarding the implementation of national action plans and regarding the legal or policy developments addressing Roma/Travellers equality and inclusion.
Title (original language)	No promising practice has been identified for this thematic area.

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please, provide one example of a promising practice related to the topics addressed in the chapter, i.e., in relation to data protection, and/or artificial intelligence systems.
Title (original language)	Ekspertgruppe om cloud
Title (EN)	Expert working group on the use of cloud
Organisation (original language)	Datatilsynet
Organisation (EN)	The Danish Data Protection Agency
Government / Civil society	Government
Funding body	Government

Reference (incl. URL, where available)	Denmark, the Danish Data Protection Agency (<i>Datatilsynet</i>), Expert working group on the use of cloud, established 9 March 2022, available in English: Expert working group on the use of cloud (datatilsynet.dk)
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	The DDPA expects to meet with the expert working group 3-5 times during 2022. We are not certain whether they have already facilitated all the meetings.
Type of initiative	Practical guidelines
Main target group	Danish organisations, service providers and companies
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	As a result of the 2020 Schrems II-judgment and the therefore increased need for guidelines on Standard Contractual Clauses for companies and organisations transferring cloud based data to third countries, the Danish Data Protection Agency has set down an expert working group on the use of cloud. The group consists of members who have both practical and theoretical experience and knowledge of cloud services. The task of the group is to support the DDPA in providing practical solutions and measures regarding the use of cloud based services whilst ensuring compliance with applicable data protection laws. The recommendations by the group of experts will result in the DDPA creating concrete guidelines on how to use cloud based services in accordance with applicable law. The guidelines are a supplement to the DDPA's already existing general guidance on the matter. The guidelines will be aimed at both organisations and cloud service providers.
Highlight any element of the actions that is transferable (max. 500 chars)	Organizations will have better prerequisites for protecting the rights of the data subjects.

<p>Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')</p>	<p>The practice is sustainable because it is aimed at improving data security and the rights of the data subjects in general, by providing organisations and companies with adequate and comprehensible guidelines on the matter of cloud based data transfer to third countries.</p>
<p>Give reasons why you consider the practice as having concrete measurable impact</p>	<p>The practice is a concrete guide for all data controllers and data processors in Denmark working with cloud based solutions. The rules on the area of cloud based third country data transfers are complex, thus requiring clear practical guidelines for organizations and businesses to comply with the applicable law. The guidelines will have a measurable positive impact on the rights of the data subjects whose data is being transferred.</p>
<p>Give reasons why you consider the practice as transferable to other settings and/or Member States?</p>	<p>The initiative is transferable in the sense that all Member States have organisations or companies using cloud based solutions in their daily work. Providing adequate and comprehensible guidelines on the matter is therefore essential to all data subjects in the EU.</p>
<p>Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review assessment and implementation of the practice.</p>	<p>N/A</p>
<p>Explain, if applicable, how the practice provides for review and assessment.</p>	<p>N/A</p>

Thematic area	RIGHTS OF THE CHILD Please provide a promising practice for the related topics addressed in the chapter (i.e., the impact of poverty and exclusion on children and children and justice).
Title (original language)	No promising practice has been identified for this thematic area.

Thematic area	ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence Please provide one example of a promising practice in relation to the topic address in the chapter: i.e. Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women.
Title (original language)	No promising practice has been identified for this thematic area.

Thematic area	Developments in the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) Please provide one example of a promising practice of national monitoring bodies (e.g., a well-run outreach campaign, an inclusive survey, a successful effort or initiative to improve legislation, etc.) in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities. Where no such practice exists, please provide one example of a promising practice in relation to projects or programmes implementing the CRPD or promoting the rights of persons with disabilities, focussing on projects and programmes implemented with EU funding.
Title (original language)	Sundhedstjek af beboere på botilbud som led i overenskomsten om almen praksis (OK22)
Title (EN)	Health check of residents in residential facilities as part of the collective agreement on general practice (OK22)
Organisation (original language)	Praktiserende Lægers Organisation (PLO) og Danske Regioner (DR)

Organisation (EN)	The Danish General Practitioners' Organisation (PLO) and Danish Regions (DR)
Government / Civil society	Government
Funding body	Government
Reference (incl. URL, where available)	Denmark, The Danish General Practitioners' Organisation (<i>Praktiserende Lægers Organisation</i>), Agreement on general practice (OK22), available in Danish at: OK22 shelter ger.dk (laeger.dk)
Indicate the start date of the promising practice and the finishing date if it has ceased to exist	1 January 2022
Type of initiative	Agreement for 2022 between the Danish General Practitioners' Organisation (PLO) and Danish Regions (DR)
Main target group	Persons aged 18 or over with a significant and permanently reduced level of physical and mental capacity who are staying in a residential facility.
Indicate level of implementation: Local/Regional/National	National
Brief description (max. 1000 chars)	With the agreement on general practice for 2022, health checks are introduced for persons aged 18 or over with a significant and permanently reduced level of physical and mental capacity who are staying in a residential facility. The health check aims to prevent and treat somatic diseases and to reduce health inequalities. The agreement covers citizens in private, regional and municipal housing facilities, cf. sections 107-108 of the Danish Social Services Act, as well as housing facilities built under the General Housing Act with support under section 85 of the Danish Service Act.

	As a follow-up, it has been agreed that a research project will be carried out under the auspices of one or more of the research units for general practice. The project will identify whether health checks in general practice contribute to increased life expectancy and quality of life.
Highlight any element of the actions that is transferable (max. 500 chars)	Residents in residential facilities will be visited more often by a doctor.
Give reasons why you consider the practice as sustainable (as opposed to 'one off activities')	The research provided will be valuable information for the arranging of the general practice in the future and ensuring a high quality of life for residents in residential facilities.
Give reasons why you consider the practice as having concrete measurable impact	The focus on health checks for persons with significant and permanently reduced level of physical and mental capacity who are staying in residential facilities can help contribute to a more inclusive society. If the health checks further the well-being of the residents, it could potentially create less societal inequality.
Give reasons why you consider the practice as transferable to other settings and/or Member States?	If the results of the research project show that the health checks contribute to increased life expectancy and quality of life for residents in residential facilities, a similar arrangement might also be relevant to other Member States or settings given that challenges for people with disabilities in relation to health are cross-national issues.
Explain, if applicable, how the practice involves beneficiaries and stakeholders in the design, planning, evaluation, review	During the collective agreement period, the parties will seek dialogue with relevant patient organisations and the Danish Health and Medicines Authority in order to include experiences and recommendations for use in consideration of adaptation of the effort, including collaboration with staff at residential facilities.

assessment and implementation of the practice.	
Explain, if applicable, how the practice provides for review and assessment.	A research project will identify whether health checks in general practice contribute to increased life expectancy and quality of life.

Annex 2 – Case Law

Thematic area	EQUALITY AND NON-DISCRIMINATION Please provide one high court decision addressing discrimination against LGBTIQ people or on the grounds of socio-economic status, health status and physical appearance (not related to health or disability or to other grounds like ethnic origin, religion). Where relevant, always highlight any relevance or reference to multiple or intersectional discrimination in the case you report.
Decision date	24 March 2022
Reference details	Denmark, Supreme Court (Højesteret), 1 st section, judgment in case 91/2020.
Key facts of the case (max. 500 chars)	In 2019, the defendant, who was a Lithuanian citizen, was sentenced to prison for several incidences of begging and deported from Denmark. Shortly afterwards, he travelled back to Denmark and was found guilty of entry in violation of the travel ban and of begging at the entrance to Copenhagen Central Station. He was sentenced to prison for 60 days and deported from Denmark.
Main reasoning/argumentation (max. 500 chars)	The central question in the case was whether, in the light of the Lăcătuș judgment, it was contrary to the European Convention on Human Rights to punish the defendant for begging. The Supreme Court stated that in Denmark there is access to public assistance for people in need, and that people staying in the country will thus have the opportunity to have their basic needs met. Under these circumstances, extraordinary cases, where the human dignity of a person is threatened as a result of lack of sufficient resources to meet their basic needs, are exceptional.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The national prohibition on begging pursued the legitimate aim of preventing disorder and protecting the rights of others and was proportionate. The right to private life only entailed the protection of begging in exceptional circumstances in the Danish context, where there is access to public assistance for people in need. The discrimination assessment was conducted in relation to the ground of nationality and not socio-economic status, which was not considered in the case.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The defendant was imprisoned and deported for begging. The court found that there had been no violation of Articles 8, 10, 3, or 14 of the European Convention on Human Rights.

	The main implication of the case is that begging is only considered protected under the Convention in exceptional cases due to the access to public assistance for people in need in Denmark.
Key quotation in original language and translated into English with reference details (max. 500 chars)	<p>"I Danmark er der som nævnt adgang til offentlig hjælp for personer i nød. Der vil derfor kun helt undtagelsesvis kunne forekomme tilfælde, hvor den menneskelige værdighed er truet for en person som følge af, at den pågældende ikke har tilstrækkelige midler til at dække sine grundlæggende behov."</p> <p>"In Denmark, as mentioned, there is access to public assistance for people in need. Therefore, cases where the human dignity of a person is threatened, as a result of their lack of sufficient resources to meet their basic needs, will occur only exceptionally."</p>

Thematic area	RACISM, XENOPHOBIA AND RELATED INTOLERANCE Please provide the most relevant <u>high court</u> decision concerning the application of <u>either</u> the Racial Equality Directive or the Framework Decision on racism and xenophobia, addressing racism, xenophobia, and other forms of intolerance more generally.
Decision date	28 June 2022
Reference details	Denmark, Eastern High Court (Østre Landsret)
Key facts of the case (max. 500 chars)	In June 2022 the Eastern High Court ruled in a case concerning the so-called parallel society legislation. The housing area "Nøjsomhed" has been on the government's ghetto list since 2018, and in order to get off the list, the landlord "Boliggården" terminated tenants in seven floors, where most residents with a non-Western background lived.
Main reasoning/argumentation (max. 500 chars)	The Danish institute for Human Rights intervened in the case in support of the group of residents who, since the dismissal from their home in Nøjsomhed, have complained about illegal discrimination on the basis of ethnicity.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The court stated that the residents are neither directly nor indirectly discriminated against, partly because "non-Western" does not refer to one specific population group with the same ethnic origin.

	The Appeals Permission Board has on 22 September 2022 decided that the plaintiffs can appeal the case to the Supreme Court of Denmark. ¹³¹
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	<p>The plaintiff will have to leave their home in Nøjsomhed (unless the High Court of Denmark takes another decision than the Eastern High Court). Furthermore, the case opens up for other municipalities to demolish and change the residential composition of certain areas with reference to the residents "non-Western" background.</p> <p>In another case (Mjølnerparken) also related to the housing legislation (the so-called parallel society legislation) and the Danish Institute for Human Rights has also intervened in this case, the plaintiffs initially lost the case in the lower court after which it was appealed to the high court.</p> <p>In that connection, the Institute for Human Rights has requested the high court to let the case be presented for the Court of Justice of the European Union so they can give a preliminary ruling on the question of whether the use of "non-western background" to classify and evict the residents is to be considered a part of the protection against discrimination on the basis of ethnicity or not. On 8 of November 2022 the high court ruled that the case will be presented for the European Court of Justice.</p>
Key quotation in original language and translated into English with reference details (max. 500 chars)	

¹³¹ Denmark, The Appeals Permission Board (2022), '[Forbud mod forskelsbehandling på grund af etnisk oprindelse](#)', 22 December 2022

Thematic area	ROMA EQUALITY AND INCLUSION Please provide the most relevant high court decision addressing violations of fundamental rights of Roma and Travellers.
Decision date	No caselaw has been identified for this thematic area.

Thematic area	ASYLUM, VISAS, MIGRATION, BORDERS AND INTEGRATION Please provide the most relevant high court decision – or any court ruling – relating to the processing of personal data by new technologies in asylum, migration and border management delivered in 2022 (on Eurodac, SIS and VIS).
Decision date	No caselaw has been identified for this thematic area.

Thematic area	INFORMATION SOCIETY, PRIVACY AND DATA PROTECTION Please provide the most relevant high court decision related to the topics addressed in the chapter (i.e. data protection, and/or artificial intelligence systems).
Decision date	20 June 2022
Reference details	Denmark, Eastern High Court, 20 June 2022 (Case number BS-48085/2020-OLR)
Key facts of the case (max. 500 chars)	The plaintiff had requested Google to delete or block various search results appearing on a search on the plaintiff's name. One search result referred to a private person's website, which contains information that the plaintiff has allegedly worked with a person who was suspected of having committed a serious financial crime. Furthermore, two of the search results referred to pages that contain information about companies founded or owned by the plaintiff, which included information stating that some of the companies has been declared bankrupt. Finally, two search results

	<p>referred, respectively, to an article from October 2001 and a blog which contained negative mention of the plaintiff's professional work in response to a television show.</p> <p>Google denied to delete the search results, arguing that the search results were related to the plaintiff's professional work which meant that the information were in the interest of the public. As a consequence of Googles decision, the plaintiff filed a complaint to the Danish Data Protection Agency.</p> <p>In its assesment of the case the Danish Data Protection Agency found that Google's processing of personal data concerning the plaintiff had sufficient legal basis in Article 6(1)(f) of the GDPR. The Danish Data Protection Agency could therefore not order Google to delete the search results concerning the plaintiff from its search engine, as the conditions for deletion according to Article 17 in the GDPR were not fulfilled. The plaintiff then suede Danish Data Protection Agency, claiming that the Danish Data Protection Agency should order Google to delete the above mentioned search results and pay the plaintiff 75.000 DKK (approximately 10.000 EUR).</p>
Main reasoning/argumentation (max. 500 chars)	The Eastern High Court court found that Google's web adresses contained general, non-sensitive information regarding the plaintiff's professional activities, including his association with bankrupt companies, and that some of the information were expressions of opinions from private individuals. Moreover, the court emphasized that the public had an legitimate interest in accessing the information, referencing, inter alia, to the freedom of expression and information, persuant to Article 6(1)(f) of the GDPR.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The main issue before the Eastern High Court was whether the plaintiff was entitled to have specific search results deleted or blocked from Google's search engines when a search was conducted on the plaintiff's name.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Eastern High Court found that Google was not obligated to delete or block the specific search results concerning the plaintiff.
Key quotation in original language and translated into English with reference details (max. 500 chars)	N/A

Thematic area	RIGHTS OF THE CHILD Please provide the most relevant high court decision for the related topics addressed in the chapter.
Decision date	5 October 2022
Reference details	Denmark, The Supreme Court (Højesteret), 2 nd section, judgement in case BS-16807/2022-HJR ¹³² .
Key facts of the case (max. 500 chars)	<p>A woman with dual citizenship joined Islamic State with her now deceased husband in 2015. Her husband died shortly after, and she remarried a man of Afghan origin and gave birth to their two children. The woman did not actively contribute to the fight while staying with Islamic State in the Raqqa province in Syria. During this period The Islamic State was defeated and the woman and her children were placed in the Roj camp in Syria. It is unknown where the father of the children is now and whether he is alive.</p> <p>While the woman was held in the Roj camp the Ministry of Immigration and Integration administrative revoked her Danish citizenship. The children were not revoked of their Danish citizenship. Later, the Danish Government repatriated the woman and children held in camps in Northeast Syria except from the woman who had originally had dual citizenship and their children.</p>
Main reasoning/argumentation (max. 500 chars)	The Court noted that the children were born in the camp in Syria and had never lived in Denmark. They still lived in the camp with their mother. Therefore, the revocation of their mother's Danish citizenship had no effect on their right to a family life. However, the revocation had the consequence that the mother could no longer stay legally in Denmark. If she later decided to apply for residence permit to resume a family life in Denmark the State would have to take into consideration the European Convention and The Convention of The Right of the Child when assessing that application.

¹³² The Supreme Courts judgement in [case BS-16807/2022-HJR](#).

<p>Key issues (concepts, interpretations) clarified by the case (max. 500 chars)</p>	<p>The key issue in the proceedings where whether the Ministry and the Court had struck a fair balance between on one hand the State's interest in combating terrorism and the security of the state and on the other hand the right to family life for the woman and her children and the best interest of the children.</p>
<p>Results (sanctions) and key consequences or implications of the case (max. 500 chars)</p>	<p>No violation of the European Convention of Human Rights article 8, no violation of the Convention of the Rights of the Child and no violation Articles 7 and 24(2) of the EU Charter of Fundamental Rights.</p>
<p>Key quotation in original language and translated into English with reference details (max. 500 chars)</p>	<p>Da ministeriet traf afgørelse, opholdt A sig i al-Roj-lejren sammen med sine to børn, der aldrig har været i Danmark, og det fremgår af sagen, at hendes ægtefælle (børnenes far), der er afghansk statsborger, i begyndelsen af 2019 opholdt sig i et fængsel i Syrien. Afgørelsen medførte således ikke ændringer i hendes og børnenes privat- og familieliv, men den indebærer, at A ikke kan bo i Danmark med sine børn, medmindre hun får en opholdstilladelse. Sagen angår som anført ikke spørgsmålet, om A kan få opholdstilladelse i Danmark, og ved en afgørelse herom vil det påhvile de danske myndigheder at påse, at et eventuelt afslag på opholdstilladelse ikke krænker hendes eller børnenes rettigheder efter Den Europæiske Menneskerettighedskonvention eller FN's Børnekonvention.</p> <p>At the time of the Ministry's decision, A was in al-Roj camp with her two children, who have never been to Denmark, and the case shows that her spouse (the children's father), an Afghan national, was in a prison in Syria in early 2019. Thus, the decision did not change her and the children's private and family life, but it means that A cannot live in Denmark with her children unless she obtains a residence permit. As stated, the case does not concern the question whether A can obtain a residence permit in Denmark and, in the event of a decision to that effect, it will be for the Danish authorities to ensure that any refusal of a residence permit does not violate her or her children's rights under the European Convention on Human Rights or the United Nations Convention on the Rights of the Child.</p>

Thematic area	ACCESS TO JUSTICE – Victim’s Rights and Judicial Independence Please provide the most relevant high court decision related topics addressed in the chapter (i.e the Victim’s Rights Directive, the EU Strategy for Victim’s Rights and violence against women).
Decision date	24 March 2022
Reference details	Denmark, Supreme Court (Højesteret), 1 st section, judgment in case 1/2022.
Key facts of the case (max. 500 chars)	The defendant had been found guilty by the High Court (Vestre Landsret) of having sexual intercourse with a woman without her consent twice on the same night. The High Court had found it proven that both before and during the first intercourse and in connection with the second intercourse, the woman had expressed that she did not want to have sex and asked the defendant to let her be, just as she several times had said that she wanted to go home and asked him to stop. The rapes were committed without the use of physical force or threat of violence.
Main reasoning/argumentation (max. 500 chars)	Before the Supreme Court, the case concerned the determination of punishment under the consent-based rape provision in the Danish criminal law, which entered into force on 1 January 2021, clarifying the principles of sentencing. According to the consent-based rape provision, the level of punishment, <i>inter alia</i> , depends on the severity of the offence in the specific case. The court found that, on the one hand, the case could not be equated with the most serious cases of rape. On the other hand, the case was considered more serious than situations where the victims are in a state in which they are unable to oppose the act (which are considered less severe cases according to the <i>travaux préparatoires</i>).
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The establishment of the events before the High Court was primarily based on the testimony of the victim, which was considered comprehensive and credible, while the testimony of the defendant was considered incoherent. The sentencing of the Supreme Court increased the penalty with 6 months.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The defendant was sentenced to 2 years of imprisonment. As one of the first Supreme Court cases on the consent based rape provision, this might set a precedent for future cases as to the severity of rape with lack of consent, but without the use of physical force or threat thereof.
Key quotation in original language and translated into	”Efter landsrettens bevisresultat finder Højesteret, at samlejerne på den ene side ikke kan sidestilles med de nævnte groveste tilfælde, men at de på den anden side heller ikke kan

English with reference details (max. 500 chars)	<p>sidestilles med de situationer, hvor forurettede befinder sig i en tilstand, i hvilken den pågældende er ude af stand til at modsætte sig handlingen.”</p> <p>“According to the assessment of evidence of the High Court, the Supreme Court finds that, on the one hand, the intercourses cannot be equated with the most serious cases mentioned [in the <i>travaux préparatoires</i>], but on the other hand, they can neither be equated with the situations in which the victim is in a state where the person concerned is unable to oppose the conduct.”</p>
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Thematic area	<p>DEVELOPMENTS IN THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)</p> <p>Please provide the most relevant High Court decision, which quoted the CRPD or prominently referred to the CRPD in the reasoning.</p>
Decision date	14 January 2022
Reference details	Denmark, Eastern High Court (Østre Landsret), case BS-14886/2020-OLR, 14 January 2022
Key facts of the case (max. 500 chars)	<p>The plaintiff was a Turkish national, who had applied for family reunification with her resident husband who was also of Turkish nationality. The husband had a disability within the meaning of the Convention on the Rights of Persons with Disabilities (CRPD). The plaintiff’s application was rejected by the Danish Immigration Appeals Board (Udlændingenævnet) on 13 February 2019, with reference to the fact that the husband did not meet the self-support requirement in Section 9(1), No 5 of the Danish Aliens Act (udlændingeloven) and that there were no special reasons to deviate from the requirement.</p>
Main reasoning/argumentation (max. 500 chars)	<p>The Eastern High Court found, with reference to a statement of 31 August 2018 from the UN Disability Committee, that even though it cannot be concluded at the time of the application that a foreigner as a result of a disability will not be able to satisfy the self-support requirement at a later date, an upholding of the self-support requirement may specifically constitute indirect discrimination provided that a verdict on the application for family reunification shall await a long clarification process.</p>

	The Court concluded that the Immigration Appeals Board, when assessing whether the family should be dispensed from the self-support requirement, should have included the duration of the clarification process as well as the fact that the couple, when the husband had finished this process, would have to wait more than three years before being able to achieve family reunification.
Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The main question before the Eastern High Court was whether the Immigration Appeals Boards' verdict to reject the plaintiff's' application for family reunification with reference to the fact that her husband did not meet the self-support requirement in the Danish Aliens Act was a violation of Article 14 in conjunction with Article 8 of the European Convention on Human Rights and/or Article 5 of the Convention on the Rights of Persons with Disabilities due to the husbands' disability.
Results (sanctions) and key consequences or implications of the case (max. 500 chars)	The Eastern High Court repealed the Immigration Appeals Boards' verdict and referred the case to renewed judgment by the Board.
Key quotation in original language and translated into English with reference details (max. 500 chars)	N/A