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Submission: Non-discrimination and protection of persons in vulnerable and marginalized situations

The OHCHR has by e-mail on the 23rd of February 2022 requested all states, NHRIs and other relevant stakeholders to provide information on challenges, laws, policies, and programmes related to the right to equality and non-discrimination and the protection of persons in vulnerable and marginalized situations.

The Danish Institute for Human Rights (hereafter the institute) hereby presents its relevant comments in relation to the situation in Denmark.

1. **Laws, policies, and programmes that have been developed by local authorities explicitly to promote and protect human rights, include those related to the right to equality and non-discrimination and the protection of persons in vulnerable and marginalized situations.**

The Danish Parliament adopted legislation on the 21st of December 2021 prohibiting discrimination on grounds of sexual orientation, gender identity, gender expression or sex characteristics outside the workplace as well as within the workplace in relation to the last three mentioned grounds.[[1]](#footnote-1) In addition, the legislation created the legal basis for bringing forth cases to the Board of Equal Treatment on grounds beforehand mentioned, and mandated the institute to promote, evaluate and monitor LGBT+-individuals’ rights and living conditions on a national level.

1. **Challenges faced by local authorities and promising practices, to promote and protect human rights, including in relation to the right to equality and non-discrimination and the protection of persons in vulnerable and marginalized situations.**

The institute has in February 2022 published a report disclosing candidates’ experiences with harassment and threats running for office in the 2021 regional elections.[[2]](#footnote-2)

In our report, we find that almost half of the asked candidates have experienced harassment or threats when running for office in the regional elections of 2021. This is especially the case for women, young candidates, and ethnic minorities. 26 % of female candidate aged 18-39 years have experience sexual harassment and 21 % of candidates with ethnic minority background have been harassed or been subject to threats due to their ethnicity or skin colour.

Around one in two of the candidates who have experienced harassment or threats reports that it has had negative personal consequences. Furthermore, 19 % of those who have experienced harassment or threats reconsider not running for office in the next term.

These facts are important to question 2, as they illustrate a challenge for the democratic system, as women, young candidates, and ethnic minorities are the ones who are most vulnerable in this case, also are the ones less represented in regional politics in Denmark.

More recently in March 2022 the institute has published a report on ethnic profiling amongst the Danish Police. The scope of this report is to identify the degree and character of the problem, and the personal consequences for ethnic minority males.[[3]](#footnote-3)

The analysis of the report is based on all charges, arrests, and case decisions in the period 2009-2019, which are found in public registries. The institute finds that people with ethnic minority background are more likely than the majority population to be charged and arrested based on grounds they are not found guilty for. The probability to be charged without conviction is 27 % higher for immigrants than for people with Danish origin.

The probability for immigrants is 27 % more likely to be charged without conviction, compared to people with Danish origin. For descendants of immigrants this probability is 45 % higher than for people with Danish origin. This is especially true for immigrants or descendants with an ethnic background from the MENA-region or east Africa.

Despite that international and Danish law explicitly prohibits discrimination based on race, ethnicity or religion, no steps have been taking to include this in the instruction of conduct in the Danish Police.

1. **Key principles that should guide local and national governments in the promotion and protection of human rights.**

On the 24th of January 2022, the Danish government agreed in collaboration with the parties who voted for the fiscal budget of 2022, to direct funds to establish an action plan on racism in Denmark.[[4]](#footnote-4)

In relation to this announcement, the institute has formulated a selection of recommendations on what to include in a future action plan on racism.[[5]](#footnote-5) The recommendations are two-fold, firstly with an assessment and monitoring and then divided into the following themes: general level, children and youth, labour market, nightlife and hate crimes.

Yours sincerely,

Sinja Laursen

SENIOR ADVISOR

1. See link to legislation, available in Danish: <https://www.ft.dk/samling/20211/lovforslag/L18/som_vedtaget.htm> [↑](#footnote-ref-1)
2. The report is available in Danish and can be found on the following website: <https://menneskeret.dk/udgivelser/chikane-trusler-lokalpolitik> [↑](#footnote-ref-2)
3. The report is available in Danish and can be found on the following website: <https://menneskeret.dk/udgivelser/etnisk-profilering> [↑](#footnote-ref-3)
4. The statement from the Ministry of Justice is available in Danish via:

   <https://www.justitsministeriet.dk/pressemeddelelse/regeringen-er-enig-med-sf-radikale-venstre-enhedslisten-alternativet-og-kristendemokraterne-om-at-lave-en-handlingsplan-mod-racisme/> [↑](#footnote-ref-4)
5. The institute’s recommendations to the future action plan on racism can is available in Danish via:

   <https://menneskeret.dk/udgivelser/anbefalinger-handlingsplan-racisme> [↑](#footnote-ref-5)