

INTERNATIONAL
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ON THE ELIMINATION
OF ALL FORMS OF
RACIAL DISCRIMINATION



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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Thirty-seventh session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Ninth periodic reports of States parties due in 1989

Addendum

DENMARK */

[11 August 1989]

1. The eighth periodic report of the Government of Denmark was submitted on 13 October 1987 and is contained in document CERD/C/158/Add.8. The present report contains a brief updating of the eighth periodic report. The text below refers to those paragraphs in document CERD/C/158/Add.8 on which additional information is provided.

*/ In accordance with the recommendation of the Eleventh Meeting of States Parties to the Convention on 29 April 1987 relating to the periodicity of reporting under article 9 of the Convention which was endorsed by the Committee on the Elimination of Racial Discrimination at its 827th meeting (thirty-sixth session), on 9 August 1988 (see: A/43/18, para. 24 (c)), the present ninth periodic report contains a brief updating of the eighth periodic report submitted by the Government of Denmark which is pending consideration before the Committee.

For the seventh and eighth periodic reports submitted by the Government of Denmark and the summary records of the meetings of the Committee at which those reports were considered, see:

- (7) Seventh periodic report - CERD/C/131/Add.6 (CERD/C/SR.763-SR.765).
- (8) Eighth periodic report - CERD/C/158/Add.8 (Pending consideration).

PART I: GENERAL COMMENTS

2. Paragraph 6 should read:

"As of 1 January 1989 the number of foreign citizens residing in Denmark was 142,016, equal to 2.8 per cent of the total population. 54,635 of these were citizens from the other Nordic countries, the EEC and North America. The number of citizens from countries outside Scandinavia, the EEC and North America constitutes 87,381, including 26,072 from Turkey, 9,149 from Yugoslavia and 6,454 from Pakistan. Add to this an unknown number of foreign citizens, who have obtained Danish citizenship."

3. Paragraph 12 should read:

"On 1 January 1989 the total population of Greenland was 55,171 of whom 45,629 were born in Greenland, according to the civil register. As pointed out previously, Danish citizens are not registered according to ethnic origin, registration does not take into consideration the ethnic origin of the parents, and among those persons registered as born in Greenland are children of a variety of other nationalities."

4. Paragraph 13 should read:

Taxable income by amount and place of birth, 1987

	Persons born in Greenland	Persons born outside Greenland
Taxable income	Number of assessments	Number of assessments
<u>Danish kroner</u>		
0 - and below	1 873	341
1 - 49 999	10 121	1 825
50 000 - 99 999	6 680	1 462
100 000 - 149 999	4 098	1 396
150 000 - 199 999	2 012	1 346
200 000 - 399 999	2 743	3 570
400 000 - and above	444	1 015
Total	27 971	10 955

5. Paragraph 15 should read:

"As of 31 December 1987 6,472 persons were employed full time in the civil service of Greenland. Of these 4,139 are registered as born in Greenland."

6. Paragraph 22 should read:

"The Twelve decided in November 1985 to revise and strengthen the EC Code of Conduct of 1977 for companies with subsidiaries, branches or representatives in South Africa. For Denmark, the revised Code is now applicable only to five companies as a result of deinvestment by Danish companies. It is the considered opinion of the Danish Government that the five companies observe the guidelines laid down in the Code."

7. Paragraph 24 should read:

"In 1978 the Nordic countries made visas compulsory for all South African citizens. Admission to the Nordic countries of South African citizens was further restricted in January 1986 when new guidelines for the administration of visas for South African citizens were introduced. The latest examination of the guidelines took place in March 1989. In particular, visas are not granted to South Africans wishing to take part in:

Sports;

Cultural arrangements, except where the scope is clearly aimed towards the abolition of apartheid;

Trade promotion arrangements;

Scientific arrangements, except where the need to promote a broad international co-operation is clearly in evidence."

8. Paragraph 27 should read:

"According to Act No. 289 of 4 June 1986 all trade in goods and services between Denmark and South Africa and Namibia has been prohibited as of 15 December 1986 (annex II and III). An amendment to this Act was introduced in 1989 and entered into force on 15 June 1989, according to which import and export of news, information in print and electronically recorded sound and pictures are exempted from the prohibition. The exemption was introduced to ensure the freedom of the press."

9. Paragraph 29 should read:

"After denouncing the air transport agreement SAS decided to terminate all flights to and from South Africa effective from 1 September 1985. The ban on trade in general applies also to arrangement of package tours to and from South Africa. SAS has also closed down its sales office in Johannesburg."

10. Paragraph 30 should read:

"The Joint Nordic Programme of Action against Apartheid adopted in 1978 and revised in 1985 and 1988 calls for increased support for the victims of apartheid, e.g. refugees, liberation movements and other opponents of the apartheid policy."

In the period 1978-1989 the Danish assistance in this field has been raised substantially from 15 to 87 mill. Danish Kroner. Funds are being used primarily for humanitarian aid, educational and training activities and for legal assistance to the victims of the apartheid legislature and aid to their families."

11. Re paragraphs 32-37:

Following the completion of the Eighth Danish Report two court rulings have since 1987 and till now been handed down pursuant to section 266 b of the Criminal Code. In addition the courts have dealt with two cases involving infringement of Act No. 289 of 9 June 1971 on prohibition of discrimination on account of race etc., one of which has not yet been concluded.

In the one case involving infringement of section 266 b of the Criminal Code several defendants confessed having burned a large wooden cross outside a church in which a group of Tamil refugees had sought shelter. The defendants further admitted to having made highly offensive racist utterances to a reporter with a view to publication in a newspaper the following day. The purpose of this exercise was to threaten, insult and degrade the Tamil refugees on account of their race, colour of their skin, national or ethnic origin. Two defendants were fined DKr 2,000 each while the remaining offenders were awarded fines of DKr 750 each.

In the second case involving infringement of section 266 b of the Criminal Code three so-called "green jackets" were convicted of having made derogatory remarks about other races etc. in a taped television broadcast. The accused were invited to the taping by a journalist working for Radio Denmark who wanted to describe attitudes towards aliens. The taping took six hours but was reduced to a few minutes' duration after editing and then aired on television with the approval of the individual responsible for programming. As for the "green jackets" no separate punishment was meted out since immediately before they had been sentenced to lengthy prison terms. As for the journalist and the programming official the Supreme Court could not accept that freedom of expression should take precedence over protection against racial discrimination. Consequently, the journalist and programming official were sentenced for contribution to public utterance of racially offensive statements. The punishment was set at DKr 1,000 and DKr 2,000, respectively.

In the case involving infringement of section 289 b, a shop assistant was sentenced for having denied a permanently resident Iranian national an account, for reasons of the latter's nationality. The penalty was set at DKr 1,000, on grounds that the shop assistant (defendant) was mistakenly of the opinion that his employer refused accounts to aliens.

In the second case involving infringement of section 289 b of the Criminal Code charges were brought against a doorman for having denied an alien entry into a restaurant on the argument that the refused party was a refugee. This case has not yet been settled.

During the period under review, the Parliamentary Ombudsman has examined one case concerning possible racial discrimination. The case concerned a local council's decision in 1976 to recommend to local building societies to

stop until further notice all new - renting out of houses and flats to immigrants. The local council in question confirmed this decision in 1988. The local board of supervision did not find it appropriate to intervene against the decision once again made by the local council, whereupon the Ombudsman investigated the case on his own initiative.

Already in connection with the decision made in 1976, the Public Prosecutor had refused to denounce the local council for breaking the racial discrimination prohibition act, and likewise, considering the special circumstances prevailing in the municipality at that time, the Ombudsman did not find any basis for criticizing the decision.

However, during the Ombudsman's renewed study, the case was read by the Folketing, and for this reason with due reference to the respective areas of jurisdiction of the Folketing and the Ombudsman, the Ombudsman had to abstain from further examination of the case.

12. Add the following new paragraph 43:

"The Danish Parliament has adopted an appropriation in 1989 of 1.25 million dollars (10 million DKr) for information and educational work for Danes involved with refugees and immigrants residing in Denmark. The purpose of this information campaign is to foster understanding, tolerance and frankness among Danes concerning foreigners in Denmark. This can be done by increasing both the refugees'/immigrants' knowledge and the Danes' knowledge of each other across cultural barriers. Increasing the knowledge of each other, will be instrumental to removing erroneous opinions and diminish racial discrimination.

The Immigrants Council, acting as an advisory council to the Government on immigration policy and consisting of members of immigrants' associations in Denmark, will participate in the distribution of the appropriation, which will be applied to both local meetings and cultural arrangements and to general information."

In Annex II 1 (3) the words "Minister of the Interior" shall be substituted by "Minister of Industry".
