



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination 105th session

### Summary record of the 2850th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 24 November 2021, at 10 a.m.

*Chair:* Ms. Li

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Consideration of reports, comments and information submitted by States parties under article 9 of the Convention (*continued*)

*Combined twenty-second to twenty-fourth periodic reports of Denmark (continued)*

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*The meeting was called to order at 10 a.m.*

**Consideration of reports, comments and information submitted by States parties under article 9 of the Convention** *(continued)*

*Combined twenty-second to twenty-fourth periodic reports of Denmark (continued)*  
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1. *At the invitation of the Chair, the delegation of Denmark joined the meeting.*
2. **Ms. Ko** (Country Rapporteur) said that she would welcome information on complaints of racial discrimination that had been received and investigated by the Danish National Police during the reporting period and on the outcomes of those complaints. It would be useful to learn whether the number of cases had increased or decreased and if there had been any notable trends. Given that persons with an ethnic minority background reportedly faced regular discrimination, she had been surprised to read in the State party's periodic report that only 13 cases of contravention of the Act on the Prohibition of Discrimination Based on Race had been reported between 2013 and 2018. She would appreciate an explanation for that extremely low number.
3. The Committee would welcome updated statistics on the representation of minorities in political and public affairs, including at the highest levels. It would also appreciate information on any measures that had been taken to increase the number of persons belonging to minority groups who were recruited to government positions and the impact of such measures.
4. Additional details of the new certification system for interpreters that had been introduced in the health-care system to enhance and ensure the quality of interpretation would be appreciated. Information on how the State party ensured the quality of the interpretation service provided in the judicial system would also be useful.
5. She asked whether the State party had sufficient data to assess accurately the situation of Roma persons living in Denmark, particularly with regard to discrimination in the areas of education, employment, housing and health. If not, on what basis would the State party conduct such an assessment? She said that the Committee had learned that certain criminal provisions prohibited people from sleeping outdoors in camps considered "unsettling" by local residents, and that few of the persons charged under those provisions were Danish nationals. She requested updated figures on charges brought for that offence. She wished to know what measures the State party had taken to ensure that its legislation on homelessness was not enforced in a discriminatory manner and that it did not have a discriminatory effect.
6. According to a recent survey of persons of African descent living in the European Union, 41 per cent of respondents who lived in Denmark reported that they had experienced racial discrimination. She wished to know whether any research had been conducted into discrimination against persons of African descent in the State party.
7. The State party's core document indicated that the Council of Europe Framework Convention for the Protection of National Minorities applied to the German population living in South Jutland. She said that the Committee would like to receive information on the situation of that population.
8. Additional data on the number of employers that had been penalized for failing to comply with the Act on the prohibition against discrimination in the labour market would be welcome.
9. The Committee had received reports that the State party's legislation allowing the police to confiscate people's valuable belongings had been criticized for stigmatizing persons seeking protection in Denmark. She would welcome the delegation's reaction to that criticism and asked whether there were plans to repeal the legislation.
10. She said that there had been widespread international condemnation of the State party's decision to declare that it was now sufficiently safe to return refugees to Damascus and the surrounding area in the Syrian Arab Republic. Critics of that decision had highlighted concerns about the rule of law and widespread human rights violations and abuses, including against returnees. It would therefore be useful to have additional details of the discussions

that had led up to that decision and of the information on which the assessment had been based.

11. The Danish parliament had been criticized by international and regional organizations, in particular the Office of the United Nations High Commissioner for Refugees (UNHCR), for adopting certain amendments to the Aliens Act in June 2021, as it was considered that the amendments might facilitate the forcible transfer of asylum seekers outside the European Union and enable Denmark to outsource its asylum and international protection obligations to other countries. UNHCR had said that the amendments ran counter to the letter and spirit of the Convention relating to the Status of Refugees and that, if implemented, they would constitute an abdication of the State party's responsibility for the asylum process and for protecting vulnerable refugees. She would appreciate the delegation's comments on those claims.

12. The Committee had received reports that, in October 2021, the Government had temporarily closed admission to six high schools that had a large number of "non-Western" students. The aim was reportedly to ensure that students considered by the authorities to be Danish would not be in the minority. She would appreciate more information on those closures and on how the right to education had been maintained for the students affected by the halt in enrolment at those schools.

13. Noting that between 2017 and 2020, some 500 million Danish kroner (DKr) had been earmarked for the 120 schools in the country with the highest proportions of academically challenged pupils, she said that the Committee would like to receive information on the specific measures that had been taken at those schools, the results obtained and details of the number of students with an ethnic minority background that had benefited from the measures.

14. The Committee would like to know how many students had used the course material and guides provided by the Ministry of Education on issues of discrimination against and stigmatization of particular groups in society, and in which grades such material was used. She would appreciate information on the impact of measures taken to raise awareness among civil servants, particularly law enforcement officers, of the importance of cultural diversity, tolerance and inter-ethnic understanding.

15. **Ms. Stavrinaki** (Country Task Force) said that she welcomed the recent legislative amendment providing that crimes considered to be partially motivated by hate or bias would fall into the same category as those considered to be entirely motivated by those elements. She would appreciate updated information on the amended law and specifically would like to have confirmation that crimes with mixed motives were included in the same category. It would be useful to learn whether the State party planned to introduce specific operational measures to ensure the proper implementation of the amended law and to provide training for the police on how to apply it and how to identify racially motivated crimes.

16. She would welcome an explanation for the large disparity between the number of hate crimes registered by the police and the incidence of racially motivated violence reported by the Danish Institute for Human Rights. She requested updated information on the number of racially motivated crimes registered by the Danish National Police; the nature of those crimes; any measures planned by the State party to address the disparity, particularly to remove barriers to reporting hate crimes and to build trust between the authorities and the communities targeted by those crimes; and the precise number of cases involving hate crimes that had been tried in court during the reporting period, and their outcomes.

17. Owing to the Roma community's lack of trust in the authorities, acts of discrimination against Roma persons often went unreported, even at a time when discrimination against them by the police, the public and politicians was reportedly worsening. Ethnic minorities had evidently been particularly exposed to hatred at the beginning of the coronavirus disease (COVID-19) pandemic, when they had been subjected to shouts to "go home", spitting, threatening behaviour, the use of derogatory terminology about Asians and accusations of spreading disease. There was still apparently no comprehensive single system of data collection on racist hate speech incidents that included fully disaggregated data and details of judicial follow-up and outcome. She asked how many complaints had been received and investigated since 2018 under article 266 (b) of the Criminal Code, which penalized the dissemination of information threatening, insulting or degrading groups on discriminatory

grounds, and whether those complaints had been disaggregated by grounds of discrimination, type of offence and other related circumstances, such as the perpetrator's characteristics. It would be useful to learn whether the State party had taken or planned to take any measures to establish a comprehensive data-collection system for racist hate speech incidents. Such a database could include demographic and other related data on perpetrators and the circumstances of the crimes, drawing inspiration from the Committee's general recommendation No. 35 (2013) on combating racist hate speech and other relevant sources. In the absence of such a measure, what was the State party doing to understand trends in hate speech, in order to combat it effectively? What measures had the State party taken to address and prevent racist and xenophobic discourse by politicians and racist messages on the Internet?

18. She said that she would like to receive information on the main outcomes of the digital mapping project launched in 2018 to clarify the role of social media in radicalization and hate crimes, the main challenges encountered and how the results had been used. She asked whether the State party had taken any specific measures to monitor organizations that incited people to participate in violence and racial discrimination. What measures did the authorities take if they found that an organization made a direct connection between hate speech and recourse to violence? Given reports of the level of underreporting of hate crimes and hate speech, the significant interconnection between the two phenomena and the increase in them both during the COVID-19 pandemic, she said that she would like to know whether the State party had reversed its decision not to adopt an action plan against racism.

19. Highlighting the fact that studies had shown that persons and groups protected under the Convention were more vulnerable to COVID-19 in terms of infection rates and the severity of disease, she asked what measures the State party had taken to ensure that the response to the pandemic, in particular in relation to access to health services and vaccination, benefited everyone, without discrimination. She said that she wished to know what lessons had been learned from the pandemic regarding the right to health of persons protected under the Convention; whether those persons trusted the authorities and health professionals; and which person or authority had played a prominent role in promoting preventive measures and in assessing their impact.

20. She said that it was her understanding that under the State party's law, individuals without legal residence could be charged for all hospital services except for emergency treatment and that undocumented migrant women were required to cover the costs of some or all of their maternal health care. She requested information on the number and situation of undocumented migrant women who gave birth in situations not covered by emergency treatment.

21. **Ms. Shepherd** said that she wished to know whether the State party had drawn up a programme of activities to mark the International Decade for People of African Descent and, if so, which activities had been conducted to date. The Decade was particularly relevant to the State party, which not only had people of African descent in its population, but also had benefited economically from the labour of African enslaved people in the Caribbean during its colonial past.

22. She had been concerned to learn that the State party had boycotted the high-level meeting of the General Assembly that had been held in New York on 22 September 2021 to commemorate the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action. That document had sought to address issues of racial discrimination, xenophobia, and antisemitism, as well as Afrophobia, and to bring about peace and reconciliation between States. She asked whether the boycott reflected the fact that the State party no longer valued the Durban Declaration and Programme of Action.

23. **Mr. Kut** said that he wished to know why it had not been possible to obtain electronic extracts from the information technology and administrative system referred to as POLSAS, which had been set up by the Danish National Police to register all hate crimes. He also wished to know whether the State party considered that the four formal charges that had been brought between 2013 and 2018 under the Act on the Prohibition of Discrimination Based on Race, resulting in two acquittals, one fixed-penalty notice and one legal warning, constituted an accurate reflection of the situation of racial discrimination cases in Denmark.

If not, it would be useful to know what measures the State party planned to take to address the disparity. He requested additional information on the tangible results and impacts of all the measures taken by the Danish National Police to address acts of racial discrimination. He said that he would welcome updated information on the integration of members of the Roma community in the labour market.

24. **Ms. Ali Al-Misnad** said that, while legislation, policies and strategies were important in tackling racial discrimination, it was also necessary to find ways to change people's attitudes. Given the significant influence of the media and of social media in that regard, she failed to understand why the Danish Ministry of Culture had subsidized a radio station reportedly managed by explicitly racist right-wing extremists, known as Radio Oasis.

25. **Ms. Tlakula** asked how the Danish Security and Intelligence Service ensured that, in implementing its digital mapping project on the influence of social media on radicalization and hate crimes, it did not violate anyone's rights to freedom of expression and to privacy.

26. **Mr. Diaby** said that he would appreciate information on the extent of ethnic segregation in upper secondary schools. He would be interested to know how the laws that required young children living in vulnerable areas to attend a course on Danish values and language for 25 hours a week were applied in practice. He, too, wished to know why the State had supported the operation of the far-right radio station Radio Oasis.

27. **Mr. Yeung Sik Yuen** said that he remained concerned that the State party was not in full compliance with its obligations under article 4 of the Convention, since its laws did not prohibit organizations which promoted and incited racial discrimination, nor did they recognize participation in such organizations as a punishable offence. He did not understand the State party's insistence that the incorporation of the provisions of the Convention into Danish law entailed a risk of shifting powers from the parliament and Government to the courts.

*The meeting was suspended at 10.50 a.m. and resumed at 11.05 a.m.*

28. **Ms. í Horni** (Faroe Islands, Denmark) said that the Government of the Faroe Islands worked actively to promote human rights and cooperated with the Council of Europe, the European Union and the United Nations to implement a range of human rights initiatives and laws. The European Convention on Human Rights had been incorporated in Faroese law on 1 May 2000. The Government routinely assessed whether draft legislation complied with its international obligations.

29. Racist statements were punishable under article 266 (b) of the Criminal Code. The Faroe Islands Police had recorded five violations of article 266 (b) since 2018. However, since the provision also covered discrimination on the grounds of sexual orientation and disability, she could not say how many hate crimes were unambiguously linked to race.

30. Following the Committee's recommendation to establish a human rights institution, the Government of the Faroe Islands had appointed a task force to make recommendations on appropriate institutional models. The Government was still considering feasible solutions. That notwithstanding, several systems were already in place to protect the rights of citizens.

31. The bill prohibiting discrimination and enforcing equality of treatment in the labour market had lapsed and the current administration had no plans to reintroduce it. Nevertheless, the police, the tax and customs authorities and the Working Environment and Fire Safety Authority performed regular checks to ensure that employers respected the labour rights of foreign workers.

32. Statistics Faroe Islands continuously developed indicators and collected data on various issues and had recently begun to focus on collecting data regarding new residents from other countries. It had also launched a new project for the mapping of Sustainable Development Goal indicators. The project was expected to yield a wealth of new statistical data.

33. **Ms. Dam á Neystabø** (Faroe Islands, Denmark) said that, since 2018, the Government of the Faroe Islands had conducted several successful campaigns to combat violence and hate speech, with an emphasis on teaching young people about their individual rights and on preventing racism, hatred or bullying. The "Stop Hate Speech" campaign had been

disseminated via television and radio, social media, news portals and posters and banners throughout the country.

34. Migration and hate speech were increasingly the subjects of research conducted at the University of the Faroe Islands. Several doctoral theses and academic papers on the experiences of migrants had been published in recent years. Furthermore, the university had introduced a programme to train teachers in Faroese language education at all levels. Migrants had the right to receive free Faroese language classes.

35. **Ms. Søvndahl Gant** (Greenland, Denmark) said that Greenland had withdrawn from the European Community in 1985 and thus was not bound by European Union law on racism and racial discrimination. However, those issues were adequately covered by its national legislation and international norms and obligations. The Danish Act on the Prohibition of Discrimination Based on Race, adopted in 1971, was applicable in Greenland, while the Greenland Criminal Code prohibited hate speech and discrimination on various grounds. During the reporting period, there had been one violation of the relevant article of the Criminal Code, which had resulted in the issuance of a caution. At the international level, the core international human rights treaties and the European Convention on Human Rights were applicable. Nevertheless, the Danish Institute for Human Rights and the Human Rights Council of Greenland had drawn attention to the need for more detailed anti-discrimination legislation, and two recommendations had been issued, following the recent universal periodic review of Denmark, calling for the development of such legislation. The competent ministries in Greenland had been entrusted with the task of addressing those recommendations.

36. In 2019, the parliament of Greenland had decided that a comprehensive national strategy against bullying should be developed, covering schools, day-care centres and other youth education institutions. The draft strategy envisaged awareness-raising on identity challenges associated with nationality, ethnicity and language and included specific recommendations on digital bullying and harassment. Educational institutions would be required to develop local anti-bullying policies and to carry out activities to promote positive behaviour online. The draft strategy recommended that all public entities and agencies form a broad-based coalition to address digital harassment and bullying.

37. The Government of Greenland recognized that it had limited capacity for data collection and analysis, although it was able to gather some data from the thematic reports of the Human Rights Council of Greenland and other human rights institutions. It was hoped that the planned doubling of the Council's budget would enhance its analytical capacity in respect of discrimination issues. The Government was preparing a strategy for implementation of the Sustainable Development Goals, which would also entail the strengthening of data collection and analytical capacity.

38. The Government attached great importance to the exercise of democratic rights without discrimination of any kind. Remote and small communities, such the Inuit community of Qaanaaq, or Thule, elected settlement councils so that the people who lived there could have a say on local matters. Qaanaaq, with its population of 619, was located in the Avannaarsua municipality, which had a population of about 10,000. In Qaanaaq a local committee had been elected with consultative status vis-à-vis the municipal council, and it could thus exert influence over municipal decisions and expenditure. Furthermore, sectoral laws and municipal by-laws often contained provisions requiring consultation with local communities before decisions could be taken that might affect them. One example was the Mineral Resources Act, which laid down requirements that prevented mining infrastructure or activities from having unintended or substantial adverse effects on local communities. Another law gave communities a say on the sustainable hunting of terrestrial and marine mammals and seabirds.

39. **Mr. Melgaard** (Denmark) said that the Parliamentary Ombudsman did not publish disaggregated information on specific topics of complaint, such as racial discrimination.

40. **Mr. Nielsen** (Denmark) said that the number of racist hate crimes recorded annually in Denmark had steadily increased from 223 in 2017 to 360 in 2020. The number of recorded hate crimes involving vandalism had risen from 12 in 2017 to 28 in 2020. There had been 30 cases of hate speech in 2017 and 67 cases in 2020.

41. The Act on the Prohibition of Discrimination Based on Race criminalized the refusal to provide people with the same services as others on account of their race, skin colour, national or ethnic origin, religious belief or sexual orientation. The low number of reported violations might be explained by the fact that the Act covered only criminal offences. Discrimination was also addressed under the Act on the Prohibition of Discrimination on the Labour Market and the Act on Ethnic Equal Treatment, violations of which were handled by the Board of Equal Treatment, or under the Civil Code.

42. **Mr. Lischang Marker** (Denmark) said that persons belonging to ethnic minorities accounted for 3 per cent of legislators, senior government officials and senior officials of special interest organizations and 4 per cent of managing directors and chief executives. More detailed statistics on minority representation in political positions and public affairs would be provided to the Committee in writing. The Act on the Prohibition of Discrimination on the Labour Market placed certain limitations on the scope of measures intended to increase the public administration's recruitment of persons belonging to minority groups. However, the Danish Employee and Competence Agency encouraged recruiting institutions to explicitly invite all people to apply and to consider applicants strictly on equal terms, regardless of ethnic origin, for instance.

43. **Mr. Geil** (Denmark) said that, on 1 March 2019, an interpreter certification scheme had been introduced to ensure and enhance the quality of interpretation services in the health service.

44. **Mr. Nielsen** (Denmark) said that the Government had decided to set up a committee to make recommendations on improving interpretation in the public sector. The committee was considering a certification scheme and education programmes for foreign language interpretation. It was also considering a proposal by the University of Copenhagen to create a new national body responsible for the testing and certification of interpreters employed by the courts, the police and the prison and probation service.

45. **Ms. Hauberg Wilhelmsen** (Denmark) said that the Government's integration policy did not specifically target Roma people, as it was not based on ethnicity. Roma people had access to the State welfare system, including health-care, childcare and education services, on equal terms with other legal residents. The policy of equal treatment ensured that the civil, political, social and other rights of the Roma population were recognized. Denmark had recently submitted to the European Commission a specific strategy on the equality, inclusion and participation of Roma people.

46. **Mr. Lischang Marker** (Denmark) said that the country's active labour market policy measures involved career guidance and upgrading of skills; practical work training in public and private enterprises; and wage subsidies for employers hiring persons from certain target groups. Several new initiatives had been launched in recent years to strengthen the labour market integration of vulnerable groups. One such initiative was intended to enhance the labour market integration of some 30,000 cash benefit recipients, one third of whom were immigrants. Individuals from vulnerable groups were provided targeted support, and data had shown that employment, education or apprenticeship uptake among non-Western immigrants participating in the initiative was similar to that of other members of the target group. The initiative had successfully increased the labour market participation of vulnerable population groups.

47. **Mr. Nielsen** (Denmark) said that in 2016 and 2017 Denmark had seen a rise in the number of foreign Travellers who had established camps and had been begging and sleeping in public places. In response, the Administrative Order of Public Order had been amended to criminalize establishing and staying in camps that qualified as a disturbance to public order. The amendment neither established a general ban on sleeping in public places, nor did it criminalize homelessness. In June 2020, the scope of the new order had been clarified by introducing the option of issuing a warning before taking other action to prohibit such behaviour. The order was enforced against anyone engaging in the conduct prescribed by it, regardless of nationality. The delegation could provide no statistics relating to the implementation of the ban.

48. **Mr. Melgaard** (Denmark), providing a brief historical background, said that the German minority in Denmark had held special status since 1955 and that a number of the

minority's institutions were thus eligible for financial support from the State. The German minority participated fully in political life.

49. **Ms. Aller** (Denmark) said that the German minority ran 19 kindergartens, 13 primary and lower secondary schools, a boarding school and an upper secondary school and that at those establishments German was the primary language of instruction. In 2020, the schools had received a total of DKr 91 million in subsidies.

50. **Mr. Nielsen** (Denmark), providing a brief explanation of the methodology used by the case registration system of the Danish National Police (POLSAS), said that POLSAS did not currently provide any statistical information on crimes prohibited by the Act on the Prohibition of Discrimination Based on Race.

51. **Mr. Lischang Marker** (Denmark) said that there were no statistical data on the number, nature and outcome of court cases involving employers that failed to comply with the Act on the Prohibition against Discrimination on the Labour Market. Statistics on labour market discrimination were, however, made available by the Board of Equal Treatment.

52. **Ms. Aller** (Denmark) said that the Government had closed admission to six high schools with a large number of non-Western students in order to ensure that students engaged with peers from backgrounds different than their own. The decision had been taken by a parliamentary majority, was temporary, and had been based on socioeconomic background and the low number of applications for admission, not ethnicity or nationality. The right to education was guaranteed. All the schools in question were located in areas that had alternative high schools nearby. At Langkaer Gymnasium, first-year students had been divided into different groups based on their ethnicity in order to attract a more mixed group of students. To the Government's knowledge, there had been no other cases of deliberate ethnicity-based segregation in schools. In 2018, the Government had decided to limit the proportion of children from vulnerable areas at day-care institutions to 30 per cent. In June 2021, an agreement had been reached on ways to ensure a more even distribution of secondary school students based on their socioeconomic background and travel time to school, with the aim of creating more mixed groups of students and preventing polarization. The new model would be implemented in 2023. Discussions were under way to reach similar agreements for primary and lower secondary schools and day-care establishments.

53. The DKr 500 million earmarked to support schools with a high number of students with poor academic outcomes was allocated on the basis of payment for performance. Schools were granted a financial premium for reducing the share of students with poor academic outcomes. An evaluation of the programme had revealed no specific impact on the academic performance of children with ethnic minority backgrounds. It had also shown an overall improvement in examination results at the end of schooling.

54. **Mr. Ørum Rasmussen** (Denmark), replying to a question regarding the reported confiscation of asylum seekers' belongings, said that the Danish welfare system was based on the principle that persons able to provide for themselves were obliged to do so. Asylum seekers were provided with accommodation, social security and medical treatment, but if they had possessions with a value exceeding a certain amount, it was considered reasonable that they should contribute to covering the related expenses. Items with special sentimental value were exempt from confiscation.

55. In June 2021, the parliament had passed a bill allowing for the transfer of asylum seekers to third countries for the purpose of asylum processing and subsequent protection. The proposed model was consistent with the country's obligations under international law and was not intended to replace procedures for applying for asylum in Denmark.

56. The Danish asylum system was based on the premise that protection was granted on a temporary basis. Once conditions in the place of origin had improved and the need for protection had ceased, refugees were expected to return. However, the current revocation of residence permits applied only to Syrian citizens from Damascus and Rif Damascus who held temporary protection status on general grounds, and not to persons in need of international protection within the meaning of the 1951 Convention relating to the Status of Refugees or articles 3 (prohibition of torture) or 8 (right to respect for private and family life) of the European Convention on Human Rights. The decision to review residence permits followed



an assessment by the Refugee Appeals Board that had found that the security situation in Damascus and Rif Damascus had improved to the extent that the general circumstances alone did not place returnees at risk of ill-treatment.

57. **Mr. Geil** (Denmark) said that access to health care in Denmark was conditional on residency, not citizenship. Persons staying in the country temporarily were entitled to emergency hospital treatment and subsequent non-emergency hospital treatment. No woman had been refused hospital treatment for childbirth, and if patients were unable to pay for treatment, the payment claim could be waived.

58. **Ms. Aller** (Denmark) said that human rights education was compulsory at all levels of education. Although teaching pupils about racism prevention was not mandatory, the promotion of tolerance was an integral part of the overall mission of Danish public schools. Students were required to learn about human rights, equality and the significance of cultural and religious diversity. A special entity has been set up to provide guidance on ways to enhance civics education and promote democratic values at educational institutions. It had been recommended that schools should teach students the difference between democratic and undemocratic processes, foster skills needed to participate in democratic debate and involve students in democratic processes at school. Students were taught about the Holocaust in history class.

59. **Mr. Nielsen** (Denmark) said that workplace discrimination was generally addressed in the context of joint consultation committees, workplace assessments and employee satisfaction surveys. It was unlawful to enquire about an applicant's ethnicity at any stage of the recruitment process. There was no central evaluation of anti-discrimination measures at the workplace. Instead, employers were required to follow up on findings of workplace assessments.

60. Ongoing efforts were made to increase age, gender and ethnic diversity in the police force, including through outreach activities, media campaigns and internships. The number of police officers with non-Danish ethnic backgrounds had increased in recent years. At the same time, police officers were trained to conduct their work impartially and irrespective of a suspect's ethnicity, gender, nationality or skin colour. Since 2018, the Danish police and the public prosecution service had compiled annual reports of complaints against police action. The reports were inter alia used to inform continuous training programmes.

61. Hate crimes were considered a serious offence. The Government supported the recently proposed parliamentary resolution to amend the Criminal Code to clarify that a crime was also considered a hate crime if it was only partially motivated by race or ethnicity. Since that interpretation was already provided in the explanatory notes to the article in question, the proposed amendment did not constitute a real change in law, and there was no need to amend the guidelines of the public prosecution service or the police. It would nonetheless send a strong signal that Danish society did not tolerate any crime motivated by hatred.

62. **Ms. Aller** (Denmark), replying to a question about human rights education for public servants, said that non-discrimination and human rights were an integral part of the curricula for social workers, early childhood educators and teachers.

63. **Mr. Nielsen** (Denmark) said that the Government's conviction that the incorporation of international human rights core instruments into Danish law would entail a risk of shifting powers from the parliament and Government to the courts did not imply that provisions of those instruments should not be incorporated into the national legislation. Although Danish law did not explicitly prohibit the establishment of organizations and participation of activities that promoted racial discrimination, the promotion of racism constituted a violation of article 266 (b) of the Criminal Code. Furthermore, the Constitution provided for the possibility to dissolve an association that employed violence or aimed at obtaining its objectives through violence.

64. **Mr. Lischang Marker** (Denmark) said that racism had not been completely stamped out in Danish society. However, the Danish Government was doing its utmost to combat it and ensure equal opportunities for all, using tools such as the Act on the Prohibition against Discrimination on the Labour Market, which was enforced by the Board of Equal Treatment and the courts. All persons normally resident in Denmark, regardless of their ethnic

background or national origin, had access to adequate public housing and health care. Non-residents were temporarily entitled to hospital treatment. All children living in Denmark were entitled to receive an education. Children who did not speak Danish received additional language support to facilitate their integration into the school system.

65. **Mr. Nielsen** (Denmark) said that the posting of racist statements or messages online, including on social media platforms, could constitute a violation of article 266 (b) of the Criminal Code. The national centre responsible for combating cybercrime was in the process of establishing a digital policing unit, which would be operational by mid-2022. One of the new unit's tasks would be to detect and investigate online hate speech and hate crime.

66. **Mr. Melgaard** (Denmark) said that everyone had the right to apply for a radio broadcasting licence in Denmark if they complied with the applicable regulations. However, no one was allowed to incite racial hatred over the radio, and any radio station that did so would be shut down. Radio Oasis no longer received public funding.

67. **Mr. Nielsen** (Denmark) said that, under the National Action Plan on Preventing and Countering Extremism and Radicalization 2016, the Security and Intelligence Service had mapped out the scope and nature of extremist content on public social media platforms in order to gain insight into the sort of extremist messaging that was readily consultable by the Danish public. The activities carried out under the Action Plan had enhanced the Service's capacity to monitor, analyse and extrapolate trends from extremist content online.

68. **Mr. Melgaard** (Denmark) said that the Government of Denmark was committed to preventing and countering anti-Muslim discrimination and hatred. Respect for freedom of religion and belief was a fundamental value of Danish society. The Government preferred to use the generic terms "discrimination" and "hatred" when describing the unfair and illegal treatment that Muslims experienced; using the term "Islamophobia" could be counter-productive, insofar as the term referred to a religion and not to the people who practised it, carried a suffix that normally implied an irrational anxiety or fear, and was not clearly defined. Moreover, the term lent itself to being co-opted by persons who sought to outlaw blasphemy or suppress legitimate criticism of religion, thus undermining freedom of expression.

69. **Mr. Nielsen** (Denmark) said that anti-Muslim hate speech and hate crimes were tackled in the same way as all other hate speech and hate crimes. Several initiatives had been launched to address hate crimes, including the multi-year financial agreement on strengthening the police and prosecution service, which provided for increased resources for the training of officers in how to handle such crime and how to provide support to its victims.

70. **Mr. Melgaard** (Denmark) said that the Danish Government considered it essential to ensure that all persons living in Denmark were treated equally, including, of course, persons of African descent. The period in which Denmark had engaged in the international trade of enslaved Africans was one of the darkest chapters of its history. To ensure that those dark days were never forgotten, the history of the transatlantic slave trade and the abolition of slavery was a mandatory part of the national school curriculum. Millions of historical documents and pictures constituting a permanent record of slavery in the Danish Virgin Islands had been made available online by the Danish National Archives. A statue honouring Mary Thomas, who had led a revolt in the islands, had been erected in Copenhagen. The Ministry of Culture was due to publish a report in 2022 containing suggestions for increasing awareness and knowledge of Danish colonial history. The Danish State remained a staunch supporter of the primary objectives and commitments undertaken at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance; however, in line with the common position of a number of member States of the European Union, for reasons unrelated to the fight against racism, it had sent no representatives to the high-level meeting commemorating the twentieth anniversary of the Durban Declaration and Programme of Action. He hoped that the issues affecting that forum would be resolved to ensure that future conferences held to commemorate the adoption of the Declaration offered an appropriate space for the discussion of global efforts to combat racism.

71. **Mr. Geil** (Denmark) said that the Government was taking steps to ensure that all persons had access to COVID-19 vaccinations and diagnostic testing. Vaccination uptake and testing rates had been lower in areas of Denmark where a large proportion of the local

population belonged to an ethnic minority, according to recent studies, in part because of mistrust towards the authorities. Special measures had been taken to address that situation, including the installation of pop-up vaccination centres in neighbourhoods with a high concentration of ethnic minorities. Information on COVID-19, testing and vaccination had been made available in various languages and formats in order to reach those who were illiterate, did not speak Danish or had difficulty reading long texts. Considerable efforts had been made to ensure that everyone had equal access to care throughout the pandemic without increasing the risk of infection. The health authorities were currently exploring alternative forms of care, including teleconsultations.

72. **Ms. Stavrinaki** said that she wished to know what criteria were applied by the police in determining whether an offence constituted a hate crime. It would be useful to receive an explanation of the procedure for the application of aggravating circumstances in the sentencing of persons convicted of hate crimes.

73. **Ms. Izsák-Ndiaye** said that she wished to remind the State party that the effective implementation of the Convention required the application of measures not only to combat discrimination, but also to promote the active participation of persons at risk of racial discrimination in programmes and decisions concerning them.

74. **Mr. Kut** said that, according to an annex to the periodic report, the prevalence of hate crimes had risen between 2017 and 2020. While such a trend might appear negative at first glance, the fact that the State party had clearly identified the problem was a positive development. The onus was now on the authorities to develop an adequate way of addressing the phenomenon. He wished to draw the State party's attention to the importance of monitoring the effectiveness of its programmes and to suggest that information on such monitoring should be included in its subsequent periodic report.

75. **Mr. Yeung Sik Yuen** said that it would be useful to receive an explanation of the statistical data on hate crimes contained in the second annex to the periodic report.

76. **Ms. Ko** said that she wished to thank the State party for its sincere engagement in the interactive dialogue and its steadfast commitment to the reporting process. However, she remained concerned about the Government's use of the term "non-Western". Indeed, parallels could be drawn between that antiquated term and the term "civilization", as employed in the Covenant of the League of Nations, which had been adopted in 1919. Any reference to "civilized" nations implied that certain nations remained "uncivilized". In 2021, "non-Western" had discriminatory overtones, and she had not been convinced of the necessity of its continued use.

77. **Mr. Melgaard** (Denmark) said that he felt uncomfortable at the comparison of the notion of "non-Western" and the discriminatory notion of "civilized" and "uncivilized" nations, which was contrary to the values of Danish society. The use of the term "non-Western" had the primary aim of ensuring that all persons in Denmark, including those of a non-Western background, were afforded the same opportunities. Nonetheless, the Government was always looking for ways to improve its anti-racism policies and strategies, and the delegation had taken due note of the Committee's invaluable insights and recommendations.

78. **Ms. í Horni** (Faroe Islands, Denmark) said that the fight against racism was a dynamic and continuous process. She thanked the Committee for its comments and suggestions, which would contribute to the improvement of human rights standards in the Faroe Islands.

79. **Ms. Søvndahl Gant** (Greenland, Denmark) thanked the Committee for its contribution to combating racial discrimination in Greenland.

80. **The Chair** said that any responses to questions not yet answered that were submitted in writing within 48 hours would be taken into account when the Committee drew up its concluding observations.

*The meeting rose at 1.05 p.m.*