



International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

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

List of themes to be taken up in connection with the consideration of the eighteenth and nineteenth periodic reports of Denmark (CERD/C/DNK/18 - 19)

The following is a list of themes identified by the Country Rapporteur in connection with the consideration of the eighteenth and nineteenth periodic reports of Denmark. The list is meant to guide the dialogue between the State party delegation and the Committee and *does not require written replies*. This is not an exhaustive list as other issues will be raised in the course of the dialogue.

1. Prohibition against the promotion of or incitement to racial hatred and discrimination, and judicial remedies (arts. 4 and 6)

(a) Grounds on which the Director of Public Prosecution may dismiss or decide not to pursue investigations regarding reports alleging breaches of section 266B of the Criminal Code (CERD/C/DNK/18-19, paras. 48-49). Information on the number of cases under section 266B which have been (a) received, (b) prosecuted, (c) discontinued and (d) completed, in 2009 (CERD/C/DNK/18-19, para. 44);

(b) Specific actions which may have been taken or are envisaged to be taken to further encourage victims of racial hatred and discrimination to report racially motivated offences to the police and allow them to actively participate in judicial proceedings (CERD/C/DNK/18-19, para. 42).

2. Situation of asylum-seekers and refugees (arts. 2, 5 and 6)

(a) Information on the operations of the Board on Equal Treatment since its establishment, and the outcome of the procedures that have so far been invoked (CERD/C/DNK/18-19, paras. 166-167);

(b) Implementation of measures to comply with the Committee's recommendation to grant asylum-seekers the right to appeal the decisions of the Refugee Appeals Board. Procedures available for asylum-seekers to request the Board to reconsider/review its decisions on the basis of new evidence or change of circumstances.

Statement on whether this has ever happened in the past, and with what results (CERD/C/DEN/CO/17, para. 13).

3. Rights of non-citizens: combating prejudices which lead to racial discrimination (arts. 2, 5 and 6)

(a) Measures the State envisages to take regarding children who do not benefit from the policy on mother-tongue tuition, which is limited to bilingual children from European Union and European Economic Area countries, so that they may enjoy on an equal footing the same entitlements (CERD/C/DNK/18-19, para. 160);

(b) Efforts to establish the reasons why applicants to the Police Service with other ethnic backgrounds other than Danish fail the police recruitment test, and measures being taken to address this phenomenon (CERD/C/DNK/18-19, para. 119);

(c) Updated information on the number of residence permits granted, refused and the grounds for refusal under the amended section 7, paragraph 2, of the Aliens Act. (CERD/C/DNK/18-19, para. 27);

(d) Available information on the number of applications for family reunification which have been granted, including applicants who do not strictly comply with the 24-years rule, which requires that both spouses must have attained the age of 24 to be eligible for family reunification (CERD/C/DEN/CO/17/Add.1, para. 43; concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/DEN/CO/7), para. 41). The number of children between 15 and 18 years that have been granted family reunification, and the procedures and burden of proof to satisfy the “special reasons” requirement in order for a family reunification order to be granted for children between the ages of 15 and 18 (CERD/C/DEN/CO/17/Add.1, para. 62);

(e) Information including the number of cases decided by migration authorities in which resident permits of foreign women who are victims of domestic violence were not revoked notwithstanding the cessation of cohabitation (CERD/C/DNK/18-19, paras. 68-69);

(f) Steps taken to assess the extent to which the disproportionate level of unemployment among persons coming or originating from countries outside the European Union, North America and Nordic countries is the result of discrimination they face in accessing jobs, and measures taken to combat this phenomenon (CERD/C/DEN/CO/17, para. 16).

4. Protection of the Roma people (art. 2, para.2)

(a) Concrete measures taken in the reporting period to further improve the situation of Roma people regarding the enjoyment of their rights and fundamental freedoms without discrimination (CERD/C/DNK/18-19, paras. 32-35);

(b) Measures taken by the State party to understand its demographic composition in order to determine the numerical status of the Roma people (CERD/C/DNK/18-19, paras. 32, 33 and 35).

5. Indigenous peoples (arts. 2 and 5)

(a) Measures taken or envisaged to be taken to effectively engage in free and informed consultations with the Thule Tribe on their status as indigenous or tribal peoples as a result of their self-identification as such (CERD/C/DEN/CO/17, para 20; concluding observations of the Human Rights Committee (CCPR/C/DNK/CO/5), para. 13).