

**INTERNATIONAL
CONVENTION
ON THE ELIMINATION
OF ALL FORMS OF
RACIAL DISCRIMINATION**



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RACIAL DISCRIMINATION
Thirty-third session

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

Seventh periodic reports of States Parties due in 1985

Addendum

DENMARK 1/

[1 October 1985]

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1/ For previous reports submitted by the Government of Denmark and the summary records of the meetings of the Committee at which those reports were considered, see:

- (1) Initial report - CERD/C/R.50/Add.3 (CERD/C/SR.159);
- (2) Second periodic report - CERD/C/R.77/Add.2 (CERD/C/SR.236);
- (3) Third periodic report - CERD/C/R.98/Add.3 (CERD/C/SR.334);
- (4) Fourth periodic report - CERD/C/48/Add.2 (CERD/C/SR.442-SR.443);
- (5) Fifth periodic report - CERD/C/75/Add.5 (CERD/C/SR.540);
- (6) Sixth periodic report - CERD/C/106/Add.9 (CERD/C/SR.664-SR.666)

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- I. Draft resolution tabled in the Danish Parliament by a majority of the Foreign Affairs Committee of the Parliament (Copenhagen, 22 May 1978)
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- III. Motion for adjournment passed by the Folketing (Danish Parliament) on 14 March 1985
- IV. Bill No. L. 194 on prohibition of new Danish investments, etc., in South Africa and Namibia
- V. Comments on specific questions raised in connection with the consideration of the sixth periodic report

PART I - INTRODUCTION AND GENERAL PART

1. This report is submitted in pursuance of article 9, paragraph 1 (b), of the International Convention on the Elimination of All Forms of Racial Discrimination which entered into force with respect to Denmark on 8 January 1972.

2. The report is organized in conformity with the revised guidelines set out in document CERD/C/70/Rev.1.

3. The report is concentrated on developments since the submission of the sixth periodic report in 1983 (CERD/C/106/Add.9).

4. A brief description of:

(a) Danish policy in eliminating racial discrimination in all its forms;

(b) The general legal framework in which racial discrimination, as defined in article 1, paragraph 1, of the Convention, is prohibited and eliminated in Denmark; and

(c) The measures taken to promote and protect the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life;

is given in the previous periodic reports, especially the initial (CERD/C/R.50/Add.3) and the second periodic reports (CERD/C/R.77/Add.2), to which reference is made.

5. The impact of the Convention on domestic law is dealt with in particular in section III, p. 5 ff. of the fourth periodic report (CERD/C/48/Add.2).

6. As regards the demographic composition of the Danish population of relevance to the implementation of the Convention, it should be noted that persons are not registered according to ethnic origin, as was explained during the examination of the sixth periodic report (CERD/C/SR.650-674, p. 182).

7. As of 1 January 1984 the number of immigrants in Denmark was 104,062, equal to about 2 per cent of the total population. Of that total 46,090 came from the other Nordic countries or member States of the European Economic Community (EEC), 4,668 from the United States and Canada and 54,388 from other countries, including 17,827 from Turkey, 6,659 from Pakistan and 7,397 from Yugoslavia.

8. Immigrants who have been resident in Denmark for a three-year period immediately preceding local government elections have been accorded the right to vote in such elections, cf. the comments on article 5 in part II of the sixth periodic report (CERD/C/106/Add.9).

9. The following annexes are submitted with the present report:

Annex I: Draft resolution tabled in the Danish Parliament by a majority of the Foreign Affairs Committee of the Parliament;

Annex II: Parliamentary resolution on tightening the policy of sanctions against South Africa, adopted on 28 May 1984;

Annex III: Motion for adjournment passed by the Folketing (Danish Parliament) on 14 March 1985;

Annex IV: Bill No. L. 194 on Prohibition of New Danish Investments, etc., in South Africa and Namibia;

Annex V: Comments on specific questions raised in connection with the consideration of the sixth report, including information regarding the Danish Aliens Act and Aliens Order (governing inter alia the granting of refugee status).

PART II - INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION

Article 2

10. Reference is made to paragraph 268 of the report of the Committee to the General Assembly 2/ relating to the discussion which took place in the Committee at its 664th to 666th meetings (CERD/C/SR.664 to SR.666) in connection with the consideration of the sixth periodic report submitted by Denmark (CERD/C/106/Add.9).

11. Supplementary to the information previously provided it should be noted that the legal status accorded to aliens under the Aliens Act (Act No. 226 of 8 June 1983) is not determined by race, colour, national or ethnic origin, or belief, but solely by nationality, i.e. country of citizenship. The Act distinguishes between:

(a) Nationals of the other Nordic countries (Finland, Iceland, Norway and Sweden);

(b) Nationals of the other member States of the European Economic Communities (EEC);

(c) Nationals of "third countries", i.e. countries other than those referred to in (a) and (b).

12. In 1973, Denmark introduced a ban on immigration. The provisions of the Aliens Act under which residence and work permits may be issued are exceptions to this ban. Residence and work permits are issued only to aliens satisfying special requirements. As a general rule, applications for residence and work permits shall be submitted to the diplomatic mission of Denmark or to a Danish consulate in the country of which the applicant is a national or has been a permanent resident during the six months prior to his application.

13. An alien staying in Denmark without the requisite permit may be expelled. Decisions concerning expulsion are taken administratively by the Directorate for Aliens whose decisions are appealable to the Ministry of Justice. In specific instances, decisions of the Ministry of Justice may be brought before a law court for review. Furthermore, an alien staying and working in Denmark without permission may be prosecuted. In specific instances, aliens can be expelled within a period of three months after entry.

2/ Official Records of the General Assembly, Thirty-ninth Session, Supplement No. 18 (A/39/18).

Article 3

General remarks

14. Denmark condemns all forms of racial discrimination, especially South Africa's policy of apartheid, which represents an appalling system of institutionalized racism. Denmark has worked in all relevant international forums to give concrete expression to its strong and unequivocal condemnation of the apartheid system in South Africa.

15. It is Denmark's firm belief that the international pressure against South Africa must be increased and made more effective in order to bring about a peaceful abolition of the apartheid system. Thus, Denmark works actively in favour of binding decisions by the Security Council on sanctions against South Africa. However, in the absence of such decisions, Denmark has - together with other countries and unilaterally - implemented a number of concrete measures.

16. These measures have been implemented by Parliamentary resolutions, by Royal Decrees and by law.

Legislative and executive action

17. In March 1978 the Governments of the Nordic countries - including Denmark - adopted the following Joint Programme of Action against South Africa:

- "1. Prohibition or discouragement of new investments in South Africa;
2. Negotiations with Nordic enterprises with a view to restricting their production in South Africa;
3. Recommendation that contracts with the apartheid régime in South Africa in the field of sport and culture be discontinued;
4. Increased Nordic support to refugees, liberation movements, victims of apartheid, etc.

In the United Nations the Nordic countries will, in accordance with their policy, primarily:

1. Work for the adoption of resolutions in the Security Council against new investments in South Africa;
2. Work for proposals in the Security Council which could result in binding resolutions against trade with South Africa; and
3. Work to ensure the strict observance of the Security Council's resolution on the arms embargo against South Africa."

18. Since the adoption of the Joint Programme of Action, Denmark and the other Nordic countries have continuously examined its implementation and discussed other possible measures to be applied towards South Africa. Most measures adopted since then can be referred to the Joint Programme of Action.

19. In February 1978 national legislation implementing Security Council resolution 418 (1977) in Denmark entered into force by Royal Decree.

20. Three months later, on 26 May 1978, the Danish Folketing (Parliament) endorsed the Programme of Action by adopting a resolution concerning a boycott of economic activities in the Republic of South Africa (annex I);

21. A further strengthening of Denmark's policy took place in May 1984, when the Danish Parliament adopted a resolution on tightening the policy of sanctions against South Africa (annex II) and again on 14 March 1985 when another Parliamentary resolution (annex III) requested the Danish Government to adopt new measures by working out a new Nordic Programme of Action.

22. On 29 May 1985 the Danish Parliament passed a bill which prohibits new investments in South Africa (annex IV).

International measures

23. Denmark attaches great importance to strict observance of Security Council resolution 418 (1977) on the arms embargo against South Africa, which has become Danish law by Royal Decree. Following investigations into alleged violations of the Royal Decree by Danish ships the Government decided to widen the scope of its application, and an amendment was adopted on 7 April 1982. In May 1985 the penalty for violation of the Decree was raised, and the maximum penalty is now four years of imprisonment.

24. Denmark also faithfully observes the call for a ban on military imports from South Africa adopted by the Security Council in resolution 558 (1984) of 13 December 1984.

25. Internationally and in accordance with the Joint Nordic Programme of Action, Denmark works actively in favour of the adoption by the United Nations Security Council of binding sanctions against South Africa in other areas. The Parliamentary resolution of 14 March 1985 reiterates and extends the obligation of the Government to promote the policy of sanctions in all relevant international organizations.

26. Denmark has for many years sponsored the General Assembly resolution urging the Security Council to take effective steps to achieve the cessation of further foreign investments in and financial loans to South Africa. At the thirty-ninth session of the General Assembly in 1984 the resolution was replaced by resolution 39/72G on concerted international action for the elimination of apartheid. The resolution was founded on the Joint Nordic Programme of Action and sponsored and introduced by the Nordic countries together with certain African and other Western countries.

Measures adopted with the EEC partners

27. Within the framework of European political co-operation, Denmark and the other members of the European Economic Community in September 1977 adopted a Code of Conduct for companies with subsidiaries, branches or representations in South Africa. In Denmark the Code is applicable for two companies only. Based on their yearly reports on the implementation of the Code the Danish Government considers that the two companies are endeavouring to observe the guidelines laid down in the Code and thus contributing to bringing about improvements in the living and working conditions of black African workers.

Measures adopted with the other Nordic countries

28. To follow-up on the Joint Nordic Programme of Action the Nordic countries in the summer of 1978 made visas compulsory for all South African citizens. The decision was further harmonized in March 1982 when common guidelines for the administration of the visa requirements were adopted. The visa requirements and the common guidelines imply that visa applications from South African citizens in the technical, scientific and economic field, as well as in the field of culture and sports, should be submitted to the Ministry of Foreign Affairs for a decision.

29. In accordance with the Parliamentary resolution of 28 May 1984 the Danish Government works actively for repudiation of any Nordic involvement in International Monetary Fund (IMF) loans to South Africa, and the same resolution enjoins the Government in a Nordic context to raise the question of and to work actively for the adoption of a ban on the sale of licenses to South Africa.

30. The Parliamentary resolution of 14 March 1985 requests the Government, within the frame of a new Nordic Programme of Action, to phase out trade relations with South Africa, thereby bringing to a halt the use of South African ports by Nordic shipping companies and preventing new investments in South Africa.

31. Considering that a total and peaceful abolition of the apartheid system is long overdue, the Nordic Foreign Ministers at their meeting in March 1985 decided to consider an extension and strengthening of the Joint Nordic Programme of Action. The measures to be included are currently subject to discussion. It is intended to have a programme adopted at the next meeting of the Nordic Foreign Ministers in October 1985.

Unilateral measures

32. Realizing that there are still fields in which measures against South Africa could be taken, but an international agreement cannot yet be obtained, Denmark has adopted several unilateral measures on its own and in some cases in conformity with a joint Nordic decision.

(a) Development assistance

33. The Joint Nordic Programme of Action contains a call for increased Nordic support of refugees, liberation movements, victims of apartheid, etc. Since then Danish humanitarian and educational aid to the oppressed people of southern Africa has been quadrupled. In conformity with the Parliamentary resolution of 14 March 1985, the Danish Government is once again going to increase this specific humanitarian assistance substantially.

34. Furthermore, Denmark gives considerable bilateral development assistance to the front-line States and supports, politically and financially, co-operation within the framework of the Southern African Development Co-ordination Conference (SADCC).

(b) Coal imports

35. The Parliamentary resolution of 26 May 1978 called on the Danish Government to ask the Danish electric utility companies to purchase coal, if possible, from countries other than South Africa. This request was superceded by a new decision by Parliament in January 1983 calling upon the Government to request the companies importing coal from South Africa to wind down such imports gradually before the year 1990.

36. The request was reiterated in the Parliamentary resolution of May 1984. Consequently and in order to ensure compliance with these recommendations, the Government has asked the companies to notify it of the volume of coal imported from South Africa at intervals of not more than one year and to report in detail on steps taken to implement the Parliamentary recommendations.

(c) Oil

37. In May 1981 the Danish Foreign Minister, in a letter to the Danish Underground Consortium (DUC), requested that the Consortium voluntarily made it a policy not to export Danish oil to South Africa.

38. In compliance with the Parliamentary resolution of 28 May 1984 the Danish Government has notified Danish oil companies and shipowners that trade in and/or transport of oil to South Africa is in contravention of Denmark's trade and foreign policies. Furthermore the Government has investigated the amount of oil transported to South Africa by Danish shipowners between 1979 and 1983. The result of the investigation shows a significant drop in the amount of oil transported on Danish keel.

(d) New investment

39. On 29 May 1985 Parliament enacted a bill prohibiting new Danish investment of any nature in South Africa and Namibia as well as entry into contracts for leasing equipment of any kind intended for use in those countries.

(e) SAS flights to South Africa

40. Together with the Governments of Norway and Sweden, Denmark decided on 27 June 1985 to terminate immediately their respective air agreements with South Africa since maintenance of air traffic between Scandinavia and South Africa had become incompatible with the foreign policy pursued by the three Scandinavian countries.

41. Among other things, the decision was triggered by Security Council resolution 566 (1985) of 19 June 1985 calling upon Member States to re-examine their aerial relations with South Africa.

(f) General trade

42. In accordance with the Parliamentary resolution of 26 May 1978, the Government has recalled the Trade Commissioner from the Danish Consulate-General in Johannesburg and no export credit insurance is given for exports to South Africa. In addition Danish authorities do not render any assistance in order to promote trade with South Africa.

43. The Royal Greenland Trading Company has been instructed not to purchase goods in South Africa, and the Danish State Railways have urged the leaseholders of railway shops not to carry goods of South African origin.

Article 4

44. During the period under review, criminal proceedings were instituted in two cases for circumvention of section 266 (b) of the Criminal Code which prohibits discrimination on account of race, colour, national or ethnic origin, or belief.

(a) Two persons were found not guilty in the absence of adequate evidence that a person, as alleged, had been denied admittance to a restaurant on account of race and colour.

(b) The editor of a weekly magazine was punished, as responsible under press law, for allowing the magazine to carry an interview in which two unnamed persons intimidated, insulted or degraded a group of people on account of race, colour, national or ethnic origin, or belief. The case against one of the persons interviewed was dismissed because a writ was not served in time. The other person interviewed was found not guilty because the court was reluctant to decide on the basis of the evidence adduced whether he had made the defamatory statement alone or jointly with the person whose case was dismissed.

45. The parliamentary ombudsman did not have before him any case giving rise to censure of racial discrimination under the provisions of article 4.

46. The consumer ombudsman dealt with two cases of racial discrimination in advertisements.

47. In these cases the words "slant eyes" and "land of the slant-eyed" were used, respectively, in advertising of products of Asian origin. In the first case the ombudsman drew the advertiser's attention to the code of advertising practices under which all advertising shall be lawful, decent, honest and truthful. In the second case he expressed the opinion that it touched foreigners on the raw to be described in a manner that could be taken as degrading. Furthermore, he found the advertisement inconsistent with fair and decent marketing practices (Marketing Practices Act, sect. 1).

48. The ombudsman saw no reason to take further action in these two cases.

Article 5

49. With regard to the question whether it is possible for the population of Greenland to have a representative in the Supreme Court (CERD/C/SR.665, para. 73) it should be noted that section 42 of the Administration of Justice Act provides that the permanent judges of the general courts of the Realm shall be appointed by the King and that only persons having graduated in law and being of legal capacity, unblemished reputation and trustworthy shall be eligible for appointment. Subsections (1) and (2) of the Act are worded as follows:

"(1) As a general rule, only persons having served for three years as a judge of the High Court, president of the Copenhagen City Court, judge of the courts of Aarhus, Odense and Aalborg, president or vice-president of the Commercial and Maritime Court, public prosecutor,

barrister to the Supreme Court, permanent under-secretary of State, or, by appointment, as a university teacher of jurisprudence may be considered for appointment to office in the Supreme Court.

- (2) No person can be appointed to office in the Supreme Court before he has proved himself competent to be seated in the Court by voting first, on probation, in at least four cases of which at least one shall be a civil case."

50. It follows from the provisions of part 6 of the Civil Servants (Salaries and Post Classification) Act (Act No. 13 of 18 June 1969), read in conjunction with Circular No. 35 issued by the Ministry of Economic and Budgetary Affairs on 26 February 1973, that judges of the Supreme Court shall be employed on the terms applicable to civil servants.

51. The second sentence of section 27 (1) of the Constitution provides that only Danish nationals can be employed as civil servants.

52. Greenlanders are eligible for appointment to vacancies in the Supreme Court on equal terms with other Danish nationals.

Article 6

53. Reference is made to the information provided in relation to article 4.

Article 7

54. The following comments are submitted as a supplement to the information previously provided concerning measures taken for observance of the provisions of article 7 regarding education and teaching, cultural activities, and information.

55. Under a programme launched by the Ministry of Education in 1962, courses providing information on the UNESCO programme of international education are held for primary school teachers.

56. The courses deal with subjects such as human rights and dissimilarities of cultures arising out of different ethnic backgrounds, different religions, and different social and economic conditions.

57. The purpose of the courses is to develop teaching units, working methods and teaching material by which to acquaint pupils with foreign ethnic and cultural environments and encourage understanding of and respect for the principles embodied in the Convention and other human rights instruments.

58. Over the past 15 years, in which there has been some increase in the number of immigrant workers and refugees in Denmark, attendance of the aforementioned courses has been extended to teachers having children of these population groups among their pupils, with the dual aim of providing a background for teachers to understand their new pupils and enable them to integrate these pupils into Danish groups of pupils while, as far as possible, avoiding prejudices and discrimination.

59. In this connection account is taken of the recommendations of the Council of Europe concerning intercultural education.

60. Central government initiatives in this field cover:

Holding of two to four-day courses for teachers who, as an encouragement, are granted leave to attend the course;

Publications of catalogues of suitable textbooks and fiction;

Invitation of guest teachers with expert knowledge of the subjects concerned;

Danish representation at relevant meetings in other countries;

Participation in EEC pilot projects on teaching of immigrant children;

Participation in the UNESCO Associated Schools Project.

61. In grammar schools and schools preparing for higher education the general provision that all teaching shall be based on tolerance towards minority groups of any kind is observed. In addition, problems of discrimination are dealt with frequently and in depth in the teaching of individual subjects. All ethnic minorities in Denmark have the same access as Danish nationals to free education, partly to ensure them equal access to higher education, and partly because their participation in everyday school life is an important factor in promoting tolerance in practice.

62. To the knowledge of the Danish school authorities there has been no instance of discrimination in the grammar school sector. Nor has any action been brought under the Racial Discrimination Act. The information work in youth organizations on the situation in South Africa has been continued and intensified, inter alia in connection with Bishop Tutu's visit to Denmark and through a campaign against the purchase of coal in South Africa.

63. In Greenland, the youth organizations, assisted by advice and guidance from the Joint Council for Youth, have established their own joint council. The Joint Council of Youth has recommended that a fixed amount be granted annually to Greenland youth organizations out of the football pool funds earmarked for idea-targeted youth activities.

64. The Danish youth organizations which are members of the Joint Council of Youth have for many years been in the forefront of information campaigns on the apartheid régime in South Africa. The Joint Council of Youth maintains close contact with the African National Congress (ANC), the largest liberation movement in South Africa.

65. Through the Joint Council of Youth financial support is channelled to the ANC school at Morogoro.

66. Independent of - but in co-operation with - the Joint Council of Youth, the religious youth organizations, co-ordinated in the secretariat of the Joint Ecumenical Council, have conducted intensive information campaigns on southern Africa, notably on the work carried out by the South African Church Council under the leadership of Bishop Tutu.

67. The Ministry of Education assists indirectly in promoting this work through support of the administration and course activities of these organizations.

68. Several Danish youth organizations collaborate very closely with corresponding organizations in Greenland. The Joint Council of Youth has discussed with the Home Rule authorities the question of providing assistance on building up co-operation between Greenland youth organizations corresponding to the co-operation of the Danish organizations.

69. The Joint Council of Youth is a member of the Danish Refugee Board, which is responsible for the integration of refugees, and several member organizations of the Joint Council of Youth engage in specific local projects for the integration of refugees. It is hoped to establish similar projects for immigrant workers (and their children).

70. These activities are also supported, directly or indirectly, by the Ministry of Education.

Annex I

DRAFT RESOLUTION TABLED IN THE DANISH PARLIAMENT BY
A MAJORITY OF THE FOREIGN AFFAIRS COMMITTEE OF THE
PARLIAMENT (COPENHAGEN, 22 May 1978)

"In order to contribute to the commencing isolation of the South African apartheid régime, the Parliament requests the Government to boycott certain economic activities in the Republic of South Africa.

The Parliament endorses the Programme of Action, which is part of the Communiqué from the Meeting of the Nordic Foreign Ministers in Oslo on 9 to 10 March 1978, including the contemplated gradual increase of support to refugees, liberation movements, victims of the apartheid régime, etc., and (the Parliament) requests the Government to contribute to further elaboration of the joint Nordic Programme of Action against South Africa.

The Parliament requests the Government to discontinue the granting of export credit insurances in connection with exports to the Republic of South Africa.

The Parliament requests the Government to withdraw the Danish Trade Delegate from Johannesburg.

The Parliament requests the Government to approach the executive board of ELSAM (The Association of Electric Power Plants in Jutland and Funen) with a request that ELSAM, if possible, purchase coal somewhere other than in the Republic of South Africa. The request should follow the same lines as those previously used by the Government in expressing its attitude (on relations with South Africa) to the sporting organizations."

Annex II

PARLIAMENTARY RESOLUTION ON TIGHTENING THE POLICY OF SANCTIONS
AGAINST SOUTH AFRICA (ADOPTED ON 28 May 1984)

With the objective of tightening the Danish Policy of sanctions against South Africa the Danish Parliament (Folketing) enjoins the Government to implement the following measures:

(a) In order to ensure compliance with the parliamentary recommendation asking companies to wind down their coal imports from South Africa progressively, the Government shall at intervals of not more than one year request companies importing coal from South Africa to submit a detailed overview on the volume of coal imported from South Africa.

The Government shall moreover request companies to submit a detailed report on any steps taken in order to comply with the parliamentary recommendation during the period under review.

All reports shall be presented to the Parliamentary Energy Policy Committee and the Foreign Policy Committee.

Where the desired information cannot be procured without statutory amendment the Government shall table a bill on the requisite amendments.

(b) In keeping with the viewpoints put forward by a majority of Members of the United Nations, among them Denmark, in the United Nations General Assembly, the Government shall make it clear to oil companies and Danish shipowners that trade in and/or transport of oil to South Africa is in contravention of Denmark's trade and foreign policies.

The Government is enjoined to investigate before the six-month period ending 30 June 1985 the extent of oil shipments and sales of Danish oil to South Africa by Danish shipowners and oil companies since 1979 and up to 1983.

The results of the investigations shall be presented to the Government as well as the Energy Policy Committee and the Foreign Policy Committee.

The Government shall unequivocally support the international initiatives which have been launched by trade unions and are in conformity with United Nations resolutions on sanctions against South Africa. The Government is moreover enjoined, in the United Nations Security Council, to press for implementation of effective sanctions in the field of oil transport and to ensure implementation of the arms embargo adopted by the Security Council against South Africa.

(c) At future meetings of Nordic Ministers and in the appropriate official committees assisting these meetings, the Government is enjoined to give vigorous support to repudiation of any Nordic involvement in IMF loans to South Africa. The Government is enjoined to discuss the matter at the next meetings of the Nordic Foreign Ministers and in the relevant official committees.

(d) The Government is enjoined - if necessary by statutory measures - to halt any kind of new Danish investment in South Africa. The Government is further enjoined within the framework of Nordic co-operation to raise the issue of a ban on the sale of licences to South Africa and to make a determined effort to ensure adoption of such a ban.

Annex III

MOTION FOR ADJOURNEMENT PASSED BY
THE FOLKETING (DANISH PARLIAMENT)
ON 14 MARCH 1985
Unofficial translation

The Folketing calls upon the Government

To draw up together with the other Nordic Governments a new Nordic plan of action aimed at phasing out trade relations with South Africa, thereby bringing to a halt the use of South African ports by Nordic shipping companies and preventing new investments in South Africa;

To urge all relevant international bodies to devote themselves to a more efficient implementation of the United Nations policy of sanctions against South Africa;

To adopt a substantial increase in the anti-apartheid appropriation in the next finance bill.

Annex IV

BILL No. L.194 ON PROHIBITION OF
NEW DANISH INVESTMENTS, ETC. IN
SOUTH AFRICA AND NAMIBIA
Unauthorized translation

1. (1) New investments of any nature in South Africa and Namibia, including investments in business activities, in stationary plant, buildings, machinery and operating equipment shall be prohibited, irrespective of the legal form of the making of the investment.

(2) Leasing contracts of any nature concerning machinery and operating equipment to be used in South Africa and Namibia shall not be entered into.

(3) The prohibitions in subsections (1) and (2) above shall also apply to Danish citizens who are staying or residing outside Denmark and to persons domiciled and enterprises resident in Denmark that have a controlling influence in an enterprise resident abroad.

(4) The prohibition in subsection (1) above shall not apply to investments which are made with a view to pursuing previous investments in business activities in South Africa and Namibia where the investments have been made in order to maintain commercially sound operation of the business. However, such investments shall not be made in order to expand previously established business activities.

(5) Persons domiciled and enterprises resident in Denmark that have a controlling influence in an enterprise in South Africa or Namibia shall forward information annually about the activities of these enterprises according to rules and regulations to be laid down by the Minister of Industry. The Minister of Industry shall forward reports annually on the observance of this Act to the Parliamentary Committee on Trade and Industry (Erhvervsudvalget) and to the Parliamentary Foreign Affairs Committee (Udenrigsudvalget).

2. (1) Any person, including members of the board of directors of enterprises, who is guilty of an offence under section (1) above shall be liable to a fine or to mitigated imprisonment.

(2) In case of offences committed by a public limited liability company, private company, co-operative society, etc., the fine may be imposed on the company or association as such.

3. (1) This Act shall come into operation the day after it has been published in the Danish law reports (Lovtidende).

(2) This Act may be wholly or partly repealed by ordinance.

Annex V

COMMENTS ON SPECIFIC QUESTIONS RAISED IN CONNECTION WITH THE
CONSIDERATION OF THE SIXTH PERIODIC REPORT
(CERD/C/106/Add.9)

1. In the summary records of the twenty-ninth session of the Committee on the Elimination of Racial Discrimination held at Headquarters, New York, from 5 to 23 March 1984 (cf. CERD/C/SR.650-SR.674) attention is drawn to issues of particular interest to members of the Committee. The Danish representative, in his reply to the Committee, gave information on some of the issues which had been raised in connection with the examination of the sixth periodic report and stated that further information would be provided in the seventh report.

2. This annex seeks to deal specifically with some of the questions raised by members of the Committee in connection with the consideration of the sixth report submitted by Denmark. The references are to paragraphs in the summary records (CERD/C/SR.650-674, pp. 187-201).

Paragraph 36

3. The provisions governing reunion of immigrant families are contained in section 9 of the Aliens Act (Act No. 226 of 8 June 1983) which provides:

"9.(1) Upon application made, a residence permit shall be issued to:

- (i) An alien who has previously been a Danish national;
- (ii) An alien who cohabits at a shared residence, either in marriage or in regular cohabitation of prolonged duration, with a person permanently resident in Denmark;
- (iii) An under-age child of a person permanently resident in Denmark or of that person's wife or husband, as the case may be, provided the child lives with the person having custody of it;
- (iv) A parent aged over 60 of a Danish or Nordic child or a child issued with a residence permit under sections 7 or 8; or
- (v) A parent aged over 60 of an alien issued with an open-ended residence permit. However, residence permits will generally be issued only if the applicant has no other child in his home country able to maintain him.

(2) Upon application made, a residence permit may be issued to other aliens, provided:

- (i) The alien, in cases not falling within subsection (12), is closely connected through relatives or in similar manner with a person permanently resident in Denmark;

- (ii) Significant employment or business considerations make it appropriate;
 - (iii) Exceptional reasons otherwise make it appropriate.
- (3) A residence permit under subsection (1)(iv)-(v) or subsection (2)(i) may be issued provided the person living in Denmark takes on himself the maintenance of the applicant.
- (4) A residence permit issued under subsections (1) or (2) must be obtained before entry. However, the Minister for Justice may lay down rules on instances in which application for a residence permit may be submitted in Denmark."

4. The provisions governing the issue of work permits to family members of immigrants are contained in sections 13 and 14 of the Aliens Act which provide:

- "13.(1) An alien shall have been issued with a work permit to be allowed to take paid or unpaid employment; to undertake independent gainful activity; and to render services with or without consideration in Denmark. A work permit is required also for employment aboard a Danish ship or aircraft which, as part of liner traffic or otherwise regularly calls at Danish ports or airports.
- (2) The Minister for Justice shall lay down more detailed provisions on the extent to which a work permit shall be required for work within Danish territorial waters or the Danish Continental Shelf.

- 14.(1) The aliens listed in this section shall not require work permits:
- (i) Nationals of another Nordic country, cf. section 1;
 - (ii) Aliens falling within the EEC rules, cf. sections 2 and 6;
and
 - (iii) Aliens issued with an open-ended residence permit.
- (2) The Minister for Justice may order that other aliens shall not require work permits."

5. Issue of open-ended residence permits, cf. section 14, (1)(iii) of the Act, is governed by the provisions of section 11 (1) and (2) which provides:

- "11.(1) Residence permits are issued for permanent or for temporary stay in Denmark. Residence permits may be issued for limited periods of time.
- (2) Where a residence permit is issued for the purpose of permanent stay, its validity cannot extend beyond five years from the date when the alien lawfully settled in Denmark. Such residence permit issued for the purpose of permanent stay may be renewed upon application made, except where the provisions of section 19 give cause for its revocation."

6. Supplementary to section 11 (2) of the Act, the following provisions were laid down in sections 30 to 35 of the Aliens Order (Ministry of Justice Order No. 19 of 18 January 1984):

"30.(1) Aliens as listed herein shall not require a work permit:

1. The aliens referred to in sections 7, 8 and 14 (1) of the Aliens Act.

2. Persons employed with foreign diplomatic or consular missions or with organizations or institutions falling within the Danish International Organizations, etc. (Rights and Immunities) Act, and assistants employed in the private households of such persons.

3. Personnel of foreign trains and motor vehicles in international traffic.

(2) Aliens as listed herein shall not require a work permit for a period of three months reckoned from the date of entry into Denmark:

1. Scientists and lecturers in respect of teaching and similar activity for which they have been invited.

2. Artists - apart from artistes, restaurant musicians and the like - and professional athletes.

3. Representatives touring Denmark on business for foreign firms or companies that have no permanent office in Denmark.

4. Fitters and electricians, technical consultants, and instructors entering Denmark for the purpose of mounting, inspecting, or repairing plant and equipment, etc., or for the purpose of instructing persons in the use of plant and equipment.

5. Persons employed in private households of aliens visiting Denmark for up to three months.

31.(1) Work permits shall be granted to the aliens referred to in section 9 (1)(1)-(3) of the Aliens Act, cf. however paragraph (2) of this article.

(2) Relatives of such aliens as are issued with a five-year residence permit under section 9 (1)(2)((3) of the Aliens Act shall be granted work permits only after two years' permanent stay in Denmark. However, this provision shall not apply to relatives of the aliens referred to in sections 7 and 9 of the Aliens Act.

(3) A work permit may further be granted to the aliens referred to in section 9 (2)(1) and (3) of the Aliens Act.

32. A foreign student as referred to in article 24 of this Order may be granted a work permit entitling him to employment in the months of June, July, and August. After 18 months' stay in Denmark he may be granted a work permit entitling him to employment in part-time work for up to 15 hours per week.
33. A work permit shall be granted to aliens other than those referred to in articles 31 and 32 of this Order only where appropriate for significant employment and industrial reasons.
- 34.(1) An alien granted a work permit by virtue of article 31 of this Order shall be issued with an unconditional work permit.
- (2) An alien granted a work permit by virtue of a provision other than the provisions of article 31 of this Order shall be issued with a work permit for employment at a specified job and/or with a specified employer. The Directorate for Aliens may amend the work permit for employment at another job and/or with another employer.
- (3) Work permits as referred to in paragraph (2) of this article may stipulate other conditions, cf. section 16 of the Aliens Act.
35. A work permit shall be valid for the same period as the alien's residence permit, except where the work permit stipulates otherwise.

Paragraphs 12, 37, and 54

7. With regard to applications for refugee status, reference is made to section 7 of the Aliens Act which provides:

- "7.(1) Upon application made, a residence permit shall be issued to an alien who is in Denmark or at the Danish International boundary, provided:
- (i) The alien falls within the provisions of the Convention relating to the Status of Refugees, 28 July 1951; or
- (ii) For reasons similar to those listed in the Convention or for other weighty reason, the alien ought not to be required to return to his home country.
- (2) Issue of a residence permit as referred to in subsection (1) may be refused if the alien has already obtained protection in another country or, because of a prolonged stay or close relatives living there or other like circumstance, the alien is more closely related to another country where he must be deemed to be able to obtain protection.
- (3) Subsection (1) shall apply correspondingly to an alien who is not in Denmark or at the Danish international boundary, if, because of the alien's previous prolonged stay in Denmark, of close relatives living in Denmark, or of some other relationship, Denmark must be deemed to be the country nearest to affording protection to that alien."

8. The ban on immigration which was introduced in Denmark in 1973 does not apply to refugees.

9. Persons accorded refugee status in Denmark are automatically issued with residence permits and are not required to hold work permits for taking up employment in Denmark, cf. section 30 (1) of the Aliens Order, reproduced in comments on paragraph 36.

10. Persons holding refugee status are protected to a wider extent than other aliens against expulsion, cf. section 22 of the Aliens Act which is worded as follows:

"22. An alien who for the purpose of permanent stay has lawfully lived in Denmark for more than the immediately preceding 7 years, and an alien issued with a residence permit under sections 7 or 8 may be expelled only if:

- (i) Expulsion is deemed necessary for reasons of national security;
- (ii) The alien has repeatedly committed serious criminal offences;
- (iii) The alien is sentenced unconditionally to a minimum of six years' imprisonment or other custodial penalty and the alien, because of the sentence and the nature and seriousness of the crime ought not to stay on in Denmark."

Paragraph 38

11. Danish law relating to the International Convention on the Elimination of All Forms of Racial Discrimination, i.e. Act No. 288 of 9 June 1971 amending the Civil Penal Code and Act No. 299 of the same date Prohibiting Discrimination on Account of Race, etc., was promulgated in the Lovtidende (Legal Gazette) in accordance with the Publication of Legal and Ministerial Gazette Act of 25 June 1970 as subsequently amended. Section 266b of the Criminal Code which was incorporated in the first-mentioned Act has been retained in subsequent Consolidated Acts, most recently Act No. 527 of 1 November 1981.

Paragraphs 5, 15, 16 and 54

12. Section 78 of the Constitution provides:

"78. (1) Citizens shall, without prior permission, be free to form associations for any lawful purpose.

(2) Associations employing violence, or aiming at attaining their object by violence, by instigation of violence, or by exerting similar punishable influence on persons holding other views, shall be dissolved by court judgement.

(3) No association shall be dissolved by any government measure, but an association may be temporarily prohibited, provided that proceedings for its dissolution shall then be instituted immediately.

(4) Cases relating to the dissolution of political associations may, without special permission, be brought before the Supreme Court of Justice of the Realm.

(5) The legal effects of dissolution shall be determined by statute".

13. In Danish law, an association is unlawful if it seeks to attain its object by violence, by the instigation of violence, or by similar punishable action. Under section 266b of the Criminal Code it is unlawful, in public or with the intention of dissemination to a wider circle, to make statements by which a group of persons is intimidated, insulted or degraded on account of race, colour, national or ethnic origin, or belief. Decisions as to whether the objects of an association may be considered to be in conflict with the provision will depend on a judgement of each case on its merits.

14. As far as the Ministry of Justice is aware no actions have been brought in Denmark for dissolution of an association because of verbal racial discrimination.

Paragraphs 11 and 34

15. In the 1981 local elections, 51,888 votes, equal to 1.36 per cent of the electorate, were cast by immigrants. Three immigrants were elected.

Paragraphs 48 and 56

16. The right of immigrants to vote in elections to the Copenhagen City Council, to other local government councils, and to county councils was most recently laid down by Order No. 139 issued by the Ministry of the Interior on 26 March 1985, section 1 of which provides that non-Danish citizens shall have the right to vote provided that they have been permanently resident in the Realm during the three years prior to the election.

17. With specific reference to paragraph 56 it should be noted that the right to vote in local elections is not determined by the period during which an immigrant has been resident in a specific local government district. The determinant criterion is that the immigrant satisfies the requirement of three years' permanent residence in Denmark for the three years prior to the election. An immigrant satisfying this requirement has the right to vote in the local government district of which he is a resident.

Paragraph 66

18. Members of the populations of Greenland and the Faroe Islands resident in Denmark are not counted as immigrants in Denmark, and do not appear in the statistics as such.

Paragraph 78

19. It is sought in various ways to facilitate the process of integration of immigrants in Denmark.

20. Recognizing that it is not sufficient only to ensure legal protection of immigrants, the Ministry of the Interior has established co-operation with the organizations of immigrants in order that they may contribute information about, among other things, the actual problems of immigrants in Denmark. At the government level the co-operation takes place within two bodies: the Executive Committee of Immigrants, which is composed of representatives of all existing immigrants' organizations and the Immigration Council, which is composed of 14 members elected by the immigrants' organizations.

21. These bodies are entrusted with the task of safeguarding the interests of immigrants in Denmark and advising the Government on questions of immigration policy. Contact between the two organs and the Government is established via the Ministry of the Interior.

Paragraph 33

22. Information is given below regarding the demographic composition of the Faroe Islands.

23. The population registered as of 31 December 1984 is 45,464.

24. In the census taken on 22 September 1977, the population was registered according to place of birth:

Total population	41,969
of whom, born in the Faroe Islands	39,540
of whom, born in Denmark	1,828
of whom, born in Greenland	105
of whom, born in foreign countries	496

25. The information provided in the sixth periodic report on levels of income and education relates to the population in general.

Paragraph 64

26. In the opinion of the local authorities of the Faroe Islands the disparity between the levels of economic development in Denmark and the Faroe Islands has been further reduced.

27. The following figures on average taxable income may serve, in some measure, to illustrate the level of economic development in the Faroe Islands:

<u>Tax year</u>	<u>Average taxable income, DKr</u>
1979/80	51,331
1980/81	53,834
1981/82	63,081
1982/83	70,952
1983/84	78,958
1985	93,867

28. The Racial Discrimination Act, Act No. 289 of 9 June 1971, has entered into force in the Faroe Islands.

Paragraph 79

29. On 1 October 1984 a new Social Pensions Act entered into force. Previously, pensions were paid only to Danish citizens, refugees and women who were or had most recently been married to a Danish citizen. Payment of pension to other aliens was subject to special agreement.

30. Under the new Act pensions are paid to non-Danish citizens who have been permanently resident in Denmark for at least 10 years between the ages of 15 and 67. Of these 10 years, at least five shall be within the period immediately preceding the award of the pension.

31. The terms under which refugees are eligible for award of pension have also been improved. As a general rule, the amount of the pension paid depends on the period of residence in Denmark between the ages of 15 and 67. However, with respect to refugees it has now been laid down that for a refugee who does not receive a pension from his country of origin or from countries in which he has stayed as a refugee, periods of residence in these countries shall count on a par with periods of residence in Denmark in the calculation of the Danish pension as long as the refugee remains resident in Denmark.

Paragraph 52

32. The negotiations concerning technical adaptations to the EEC regulations governing social security of migrant workers have not yet been completed with respect to Greenland.

Paragraphs 10, 52, and 72

33. In the 1972 referendum on Denmark's accession to the European Communities, the Greenland population voted in favour of entry by a majority of 2 to 1. In a further referendum held in 1982, after the introduction of Home Rule in Greenland in 1979, a majority of 52 per cent voted in favour of and 46 per cent against withdrawal. The majority represented 1,500 persons.

34. In 1984 negotiations were held on a set of agreements relating to Greenland's withdrawal:

Treaties on amendments of the treaty establishing the European Economic Co-operation, the treaty establishing EURATOM and the Treaty and Protocol establishing the European Coal and Steel Community;

A fisheries agreement between EEC on the one hand, and Denmark and the Home Rule Government of Greenland on the other, and an appurtenant protocol.

35. By the amendment of the EEC Treaty, Greenland was accorded overseas countries and territories (OCT) status in line with other overseas countries and territories attached to EEC, with the proviso that duty-free access to EEC markets of fishery products of Greenland origin was contingent on satisfactory access for EEC members, within the framework of the fisheries agreement, to the Greenland fishing zones. The fisheries agreement and the appurtenant protocol regulates EEC access to Greenland fishing zones and establishes, in that context, guaranteed minimum quotas for EEC, and financial compensation from EEC for access to fishing. The compensation, which amounts

to Dkr 26.5 million annually, shall be paid also in the event that Greenland, for biological reasons is unable to fulfil its commitments towards EEC members.

36. The amount to be paid in compensation corresponds roughly to the subsidies previously provided by EEC and will thus contribute to a stable development of the Greenland economy. The agreement concluded with EEC is of crucial importance to Greenland because fishing and fish processing industries are key elements in the private sector of the Greenland economy, employing 25 per cent of available manpower and producing 40 per cent of the gross national product.

37. After completion of the national ratification procedures of member States, Greenland withdrew from the European Communities on 1 February 1985.

38. The international administration of Greenland's other biological resources is taken care of either through Denmark's membership of international organizations (e.g. the International Whaling Commission (IWC) or through Denmark's separate membership, on behalf of Greenland and the Faroe Islands, of the North Atlantic Salmon Conservation Organization (NASCO), the Northwest Atlantic Fisheries Organization (NAFO), and the North East Atlantic Fisheries Commission (NEAFC).

39. The mineral resources are administered in accordance with the principles of equality, joint decision-making and practical co-operation between Denmark and Greenland (cf. CERD/C/106/Add.9, appendix I, article by Isi Foighel on Home Rule in Greenland, p. 7 ff).

40. On 1 January 1985, Greenland Home Rule took over the production and export activities of the Royal Greenland Trade Department and is expected to take over the remaining part of the activities of the Department on 1 January 1986.