

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



Distr.
GENERAL

CERD/C/158/Add.8
30 November 1987

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Thirty-sixth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION
Eighth periodic reports of States parties due in 1987

Addendum

DENMARK */

[13 October 1987]

CONTENTS

	<u>Paragraphs</u>
PART I - INTRODUCTION AND GENERAL COMMENTS	1 - 8
PART II - INFORMATION RELATING TO ARTICLES 2 TO 7	9 - 42
Article 2	9 - 15
Article 3	16 - 31
Article 4	32 - 36
Article 6	37
Article 7	38 - 42

Annexes

- I. New Danish Investments, etc., in South Africa and Namibia.
- II. Act Prohibiting Trade with the Republic of South Africa and Namibia (Act No. 289 of 4 June 1986).
- III. Trade with the Republic of South Africa and Namibia.

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

- Initial report - CERD/C/R.50/Add.3 (CERD/C/SR.159);
- Second periodic report - CERD/C/R.77/Add.2 (CERD/C/SR.236);
- Third periodic report - CERD/C/R.98/Add.3 (CERD/C/SR.334);
- Fourth periodic report - CERD/C/48/Add.2 (CERD/C/SR.442-SR.443);
- Fifth periodic report - CERD/C/75/Add.5 (CERD/C/SR.540);
- Sixth periodic report - CERD/C/106/Add.9 (CERD/C/SR.664-SR.666);
- Seventh periodic report - CERD/C/131/Add.6 (CERD/C/SR.763-SR.765).

PART I - INTRODUCTION AND GENERAL COMMENTS

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

2. The report is concentrated on developments since the submission of the seventh periodic report in 1985 (CERD/C/131/Add.6).

3. 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 have been described in the previous periodic reports, especially the initial (CERD/C/R.50/Add.3) and the second periodic reports (CERD/C/48/Add.2) to which reference is made.

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

5. 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 and the seventh periodic reports (CERD/C/SR.650-SR.674, p. 182 and CERD/C/SR.765, p. 159).

6. As of 1 January 1986 the number of immigrants in Denmark was 116,949, equal to about 2.3 per cent of the total population. Of that total 48,701 came from the other Nordic countries or member States of the European Economic Community (EEC), 5,103 from the United States and Canada and 63,145 from other countries, including 20,408 from Turkey, 6,619 from Pakistan and 7,943 from Yugoslavia.

7. 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).

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

Annex I: Explanatory Note by the Ministry of Industry on the administration of Bill No. 243 of 6 June 1985 concerning prohibition of new Danish investments in South Africa and Namibia;

Annex II: Bill No. 289 of 4 June 1986 on Prohibition of Trade with South Africa and Namibia;

Annex III: Explanatory Note by the Ministry of Industry on the administration of Bill No. 289 concerning prohibition of trade with South Africa and Namibia.

PART II - INFORMATION RELATING TO ARTICLES 2 TO 7

Article 2

9. Reference is made to the discussion on Greenland and the Greenland population which took place at the 763rd and 765th meetings of the Commission (CERD/C/SR.763-SR.765) in connection with the seventh periodic report submitted by Denmark (CERD/C/131/Add.5).

10. For purposes of clarification, further details relating to the information on Greenland and its population which was provided in the sixth periodic report by Denmark:

Terminology

11. The population of Greenland is generally referred to as Greenlanders. The term Eskimo refers to the indigenous population of the country. As a result of intermarriage the vast majority of the population called Greenlanders is now of mixed Eskimo-Danish origin. However, many Greenlanders prefer to call themselves Inuits.

Ethnic origin

12. On 1 January 1986 the total population of Greenland was 53,406 of whom 44,053 were born in Greenland, according to the civil register. As pointed out previously, Danish citizens are not registered according to ethnic origin. Registration does not take into consideration the ethnic origin of the parents, and among those persons registered as born in Greenland are children of a variety of other nationalities.

13. In 1984, the taxable incomes of persons living in Greenland were as follows:

Income

1984 taxable income

Danish kroner	Persons registered as born in Greenland	Persons registered as born out of Greenland
1-49 999	10 967	503
50 000-99 999	5 972	470
100 000-149 999	2 691	880
150 000-199 999	1 260	1 398
200 000-399 999	1 452	2 520
400 000-and above	121	406
Total	22 463	6 177

14. In the period from 1980 to 1985 2,443 Greenlanders completed a professional education (not counting compulsory schooling), six of them in higher education and 141 as school teachers.

15. As of 31 December 1985, 6,168 persons were employed in the Greenland civil service. Of these, 3,858 are registered as born in Greenland.

Article 3

General remarks

Measures against South Africa

16. Denmark condemns all forms of racial discrimination, in particular South Africa's policy of apartheid which represents a unique system of institutionalized racism. Denmark has worked in all relevant international fora in order to translate its strong and unequivocal condemnation of the apartheid system in South Africa into concrete action.

17. The objective of Denmark's policy vis-à-vis South Africa is to contribute to a complete and peaceful elimination of the apartheid system and the institution of equal and democratic rights for all South Africans. Denmark holds the view that increased international pressure on and isolation of the apartheid régime in South Africa are urgently needed to bring about a peaceful dismantling of the apartheid system. Denmark considers mandatory sanctions adopted by the Security Council to be the most effective means. However, in the absence of such sanctions Denmark, together with other countries and unilaterally, implemented a number of concrete measures.

International measures

18. Denmark attaches great importance to strict observance of Security Council resolution 418 (1977) on the arms embargo against South Africa, which has been given effect of law in Denmark by Royal Decree. Following investigations into alleged violations of the Royal Decree by Danish ships the Government decided to widen the scope of application of the Decree. An amendment to that end 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. By amendment of the Royal Decree in July 1986 confiscation of the haul from activities in violation of the embargo was made mandatory.

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

20. Denmark is among the sponsors of the General Assembly resolutions on concerted international action for the elimination of apartheid, founded on the Joint Nordic Programme of Action and introduced by the Nordic countries together with certain African and other Western countries.

Measures adopted by Denmark and its EC partners

21. Within the framework of the European Political Co-operation Denmark and the other member States of the European Community decided in December 1985 to harmonize their attitudes on a series of restrictive measures against

South Africa. At the same time they adopted a number of positive measures meant to support the victims of the apartheid policy as well as South Africa's neighbouring countries. The financial and material assistance of the 12 member States of the European Community to the victims of apartheid has been further increased following the meeting of the European Council in June 1986. In the absence of any significant progress towards the abolition of apartheid, the Twelve decided in September 1986 to impose a ban on new investments and on imports of iron, steel and gold coins from South Africa.

22. The Twelve decided in November 1985 to revise and strengthen the EC Code of Conduct of 1977 for companies with subsidiaries, branches or diplomatic missions/consular posts in South Africa. For Denmark, the revised Code is applicable to six companies. It is the considered opinion of the Danish Government that the six companies observe the guidelines laid down in the Code.

Measures adopted by Denmark and the other Nordic countries

23. In October 1985 Denmark, together with the other Nordic countries, adopted a new and strengthened Joint Nordic Programme of Action against South Africa. The Programme contains a number of restrictive measures in the economic and other fields as well as a number of measures aimed at alleviating the adverse effects of the apartheid system on individuals as well as on South Africa's neighbouring countries.

Sports, culture, science

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

Sports;

Cultural arrangements;

Trade promotion arrangements;

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

Unilateral measures

New investments

25. According to Act No. 243 of 6 June 1985 new Danish investments of any nature in South Africa and Namibia and entry into contracts for leasing of equipment are prohibited (annex I).

Coal imports

26. On 22 May 1986 the Danish Parliament enacted a bill prohibiting importation of coal from South Africa and Namibia. The prohibition has been effective as from 30 November 1986.

General trade

27. According to Act No. 289 of 4 June 1986 all trade in goods and services between Denmark and South Africa and Namibia has been prohibited as from 15 December 1986 (annex II and III).

Oil

28. The ban on trade in general applies also to conveyance of mineral oil and mineral oil products in Danish vessels.

SAS flights to South Africa

29. After denouncing the air transport agreement SAS decided to terminate all flights to and from South Africa effective from 1 September 1985. The ban on trade in general applies also to services, arrangements of flights to and from and accommodation in South Africa. SAS has also decided to close down the sales office in Johannesburg.

Development assistance

30. The Joint Nordic Programme of Action adopted in 1978 calls for increased Nordic support of refugees, liberation movements, victims of apartheid, etc. Since then Danish humanitarian and educational support to the oppressed people of southern Africa has been increased from Danish kroner 15 million to 65 million annually (amount recorded for 1986). Pursuant to parliamentary resolution of 14 March 1985 this specific assistance was once again increased substantially.

31. Furthermore, Denmark provides 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-operation Conference (SADOC).

Article 4

Judicial measures

32. Since the preparation of the seventh periodic report, Danish law courts have heard two cases concerning violation of section 266 b of the Criminal Code and two cases concerning violation of the Act of 9 June 1971 prohibiting discrimination on account of race, etc.

33. In the two cases concerning violation of section 266 b of the Criminal Code the accused admitted having made insulting and degrading remarks about a group of persons because of their national and ethnic origin. Both were imposed 10 daily fines of Danish kroner 50 or, alternatively, 10 days of mitigated imprisonment.

34. In one of the cases concerning violation of the Act prohibiting racial discrimination, the accused was convicted of having refused to clean clothes for an Iranian refugee because of his ethnic origin. He was imposed a fine of Danish kroner 500 or, alternatively, four days of mitigated imprisonment.

35. In the other case, the accused was found guilty of having made a waiter in his restaurant refuse to wait on a person because he (the latter) was a refugee, and of having made a doorman refuse admittance to the restaurant of a person, also on the ground that the person concerned was a refugee/asylum seeker. The accused was let off with a caution.

36. During the period under review the Parliamentary Ombudsman and the Consumer Ombudsman did not have before them any cases giving rise to censure of racial discrimination under the provisions of article 4.

Article 6

37. Reference is made to the information submitted re: article 4.

Article 7

38. The following comments are submitted as a supplement to the information previously provided concerning measures taken with respect to observance of the provisions of article 7 regarding cultural activities and information.

39. To the knowledge of the Danish school authorities there has been no instance of discrimination in the school sector. Nor has any action been brought under the Racial Discrimination Act.

40. The Danish Youth Council has continued and intensified its campaigns concerning the apartheid régime in South Africa. The Council maintains close contact with the African National Congress (ANC), the largest liberation movement in South Africa.

41. Through the National Federation of High School Pupils (Operation Day's Work) and the Danish Youth Council, financial support continues to be channelled to the ANC school in Monqoro.

42. The Danish sports organizations, in collaboration with the Ministry of Cultural Affairs, has been in charge of the establishment of a research and development fund whose objective is to promote participation of refugees and immigrant workers in the work of the sports associations.

Annex I

NEW DANISH INVESTMENTS, ETC., IN
SOUTH AFRICA AND NAMIBIA

On 6 June 1985 the Folketing (Parliament) passed Act No. 243 prohibiting new Danish investments, etc., in South Africa and Namibia. The Act, which entered into force in June 1985, prohibits new Danish investments of any kind in South Africa and Namibia and entry into agreements on renting of machinery and working plant in South Africa and Namibia.

Excepted from the general prohibition laid down in the Act are only investments made with a view to continuing previous investments in business activities in South Africa and maintaining commercially sound operation of the business. However, such investments must not entail expansion of already established activities.

Pursuant to the Act it is incumbent on persons and enterprises domiciled in Denmark and having controlling influence on enterprises in South Africa and Namibia to report annually on the activities of such enterprises.

In pursuance of the Act, the Ministry of Industry issued Executive Order No. 455 of 21 October 1985 on reporting of information concerning business activities in South Africa and Namibia. The Executive Order provides that the reports to be submitted for business enterprises established in South Africa and/or Namibia, shall contain detailed information about business objectives, form of activities pursued and size of capital, and furthermore on investments, output and average number of employees during the last completed calendar year. Information shall also be submitted as to whether agreements have been entered into for renting of machinery and working plant.

The information reported offers no ground to assume that the Danish enterprises concerned have failed to observe the Act prohibiting new Danish investments in South Africa and Namibia. The Danish authorities are not in possession of information giving ground to assume that other Danish enterprises have not observed the Act.

According to the reports received, the activities of Danish enterprises in South Africa are of limited and decreasing extent. It is expected that this trend will continue in the coming years.

Annex II

ACT PROHIBITING TRADE WITH THE REPUBLIC
OF SOUTH AFRICA AND NAMIBIA
(Act No. 289 of 4 June 1986)

1. (1) Importation into Denmark of any kind of goods and services of which the country of origin is the Republic of South Africa or Namibia, and exportation of goods and services to the Republic of South Africa or Namibia shall be prohibited.

(2) The provision of subsection (1) of this Act shall not comprise:

1. Importation and exportation of goods and services of non-commercial nature;
2. Exportation of products for purely medical purposes;
3. Coal within the scope of applicability of the Act prohibiting importation of coal from the Republic of South Africa and Namibia.

(3) The Minister of the Interior may determine, subject to prior consultation with the Parliamentary Foreign Relations Committee, to grant dispensation from the prohibition imposed in pursuance of subsection (1). Dispensation may be granted for a period of up to two years.

(4) With a view to phasing out imports and exports as referred to in subsection (1) importation and exportation of goods and services of any kind may, however, take place until 15 December 1986.

2. The prohibition of trade with the Republic of South Africa and Namibia shall also apply to carriage in Danish-owned ships of mineral oil and mineral oil products to and from the Republic of South Africa and Namibia.

3. (1) Any person (including members of the board of directors of enterprises) violating sections 1 and 2 shall be liable to a fine or to mitigated imprisonment.

(2) In the event of violation of sections 1 and 2 by a limited liability company, co-operative society or private company, etc., a fine may be imposed on the company as such.

(3) In the event of violation of sections 1 and 2 by a local government authority or a local government community a fine may be imposed on the local government authority or the local government community as such.

(1) This Act shall enter into force on 15 June 1986.

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

Annex III

TRADE WITH THE REPUBLIC OF SOUTH AFRICA AND NAMIBIA
Unauthorized translation

On 4 June 1986 the Folketing (Parliament) passed Act No. 289 prohibiting trade with the Republic of South Africa and Namibia.

Pursuant to the Act, importation into Denmark of any kind of goods and services of South African or Namibian origin, and exportation from Denmark of any kind of goods and services from Denmark to the Republic of South Africa and Namibia must not take place after 15 December 1986. The general prohibition of trade does not apply to imports and exports of a non-commercial character, including humanitarian relief work and exports of products serving purely medical purposes. In addition, the Act provides that following consultation with the Parliamentary Foreign Affairs Committee, dispensation from the prohibition may be granted for a period of up to two years. The admission to dispensation has been used in only very few cases, and dispensations cannot be prolonged.

The prohibition against trade with the Republic of South Africa and Namibia covers also conveyance to and from the Republic of South Africa and Namibia in Danish-owned ships of mineral oil and mineral oil products.