



INTERNATIONAL
CONVENTION
ON THE ELIMINATION
OF ALL FORMS OF
RACIAL DISCRIMINATION



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COMMITTEE ON THE ELIMINATION OF
RACIAL DISCRIMINATION
Twenty-fourth session

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

Fifth periodic reports of States Parties due in 1981

Addendum

DENMARK 1/

[26 June 1981]

Introduction

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.

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

General

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 four previous reports, especially the first (CERD/C/R.50/Add.3) and the second (CERD/C/R.77/Add.2) report, to which reference is made.

1/ For the previous reports submitted by the Government of Denmark and the summary records of the meetings of the Committee at which the 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.256);
- (3) Third periodic report - CERD/C/R.98/Add.3 (CERD/C/SR.334);
- (4) Fourth periodic report - CERD/C/40/Add.2 (CERD/C/SR.442-443).

2. No new legislation relating to racial discrimination has been enacted in Denmark since the fourth periodic report was submitted in March 1979.

3. As for the impact of the Convention on domestic law dealt with in section III, page 5 ff. of the fourth periodic report (CERD/C/40/Add.2) and commented on in paragraph 384 of the Report of the Committee, Official Records: Thirty-fourth session, Supplement No. 18 (A/34/18) it was stated that the Danish Government should submit to the Committee the text of the first section of the memorandum concerning Denmark's membership in the European Economic Community, which might give further information on the interpretation of domestic legislation and international treaties.

On this point it should be noted that the memorandum concerned is extremely comprehensive and deals mainly with constitutional problems relating to the accession of Denmark to the European Communities. In view of this and considering that an account of the essence of the memorandum in so far as regards the rules of Danish law relating to fulfilment of treaty commitments was presented in the fourth periodic report the Government of Denmark takes the liberty of referring thereto.

It should furthermore be noted that the Government of Denmark submitted a similar account in its first periodic report to the Committee on Human Rights concerning the implementation by Denmark of the provisions of the Covenant on Civil and Political Rights.

II. Information relating to each of the Articles in Part I (Articles 2-7) of the Convention

Article 2

On 17 January 1979 an advisory referendum was held in Greenland on the Greenland Home Rule Act (Act No. 577 of 29 November 1978).

The result of the referendum was as follows:

<u>No.</u> <u>entitled</u> <u>to vote</u>	<u>Yes</u>	<u>No</u>	<u>Blank</u>	<u>Otherwise</u> <u>invalid</u> <u>votes</u>	<u>Total</u> <u>votes</u> <u>cast</u>	<u>Turn-out</u>
28,889	12,754	4,703	507	236	18,202	63%

After the Act had thus been approved by 70 per cent of the voters participating in the referendum, it was brought into force with effect from 1 May 1979 by a special Act (Act No. 56 of 21 February 1979).

On the introduction of home rule the home rule authorities assumed responsibility for the administration of domestic Greenland affairs at central and local level. Effective from 1 January 1980 devolution took place with regard to direct and indirect taxes, primary school education, social welfare, a number of cultural activities, and ecclesiastical affairs. On 1 January 1981 home rule jurisdiction was extended to cover vocational training and assistance to Greenlanders in Denmark, fishing in the territory, including whaling and sealing, nature conservancy, agriculture and reindeer-breeding, town and country planning. Transfer to home rule of the production and sales activities of the Royal Greenland Trade Department and administration of the industrial support scheme is expected to take place not later than 1 January 1984.

As for the question whether the Government of Denmark by introducing home rule has complied with all her obligations under Article 2 of the Convention it should be noted that the home rule arrangement like all other special arrangements applicable to Greenland covers Greenland as a whole and not any specific population group.

Economic development of Greenland

In 1960, the Government of Denmark set up a committee to prepare a plan for the development of Greenland with the objective, among others, of improving the standard of living. This should be done by increasing personal incomes and raising the standard of public services such as education, health services and housing subsidies.

The development plan which was drawn up entailed a doubling of annual government investment in Greenland and a steep increase in current expenditure.

In 1975, an analysis was made of the economic measures adopted by the Government during the decade 1966-75. The analysis revealed that the investments made were in complete agreement with the economic level envisaged and that annual current expenditure was slightly higher than planned.

Unfortunately, the same period saw an almost disastrous decline in cod fishing for which the outlook had been very promising in the early 1960s. In the mid-1970s it became clear that personal incomes in Greenland could not be based solely on commercial activities and that for a long time ahead it would have to be based also on transfers of capital from Denmark.

In 1980 prices, annual capital transfers from Denmark to Greenland are at present of the order of Dkr. 1.4 billion, corresponding to Dkr. 35,000 per capita of the indigenous population. The capital transfers are distributed fairly equally over three areas: current block grants to home rule and local government administration. The aforementioned amount includes various EC subsidies towards current expenditure and investment totalling some Dkr. 100 million per annum.

The capital transfers are not intended, however, in all respects to transform the Greenland society into a copy of the Danish society, but today the service level of several public sectors in Greenland is up to Danish standards.

The following information is submitted regarding the Faroe Islands in reply to the question raised in paragraph 385 of the Committee's Report (Official Record Thirty-fourth Session, Supplement No. 10 (A/34/18)):

The gap which previously existed between the levels of economic development in Denmark and the Faroe Islands has been substantially narrowed in recent years. In 1978, per capita GNP was Dkr. 51,300 in the Faroe Islands and Dkr. 61,600 in Denmark proper.

Since the introduction of home rule in 1948, Denmark has contributed financially to the economic and social development of the Faroe Islands. In addition, the Faroe Islands are included in a large number of Danish support schemes under which various kinds of grants and government loans are provided for commercial and industrial purposes. Moreover, the Faroe Islands have since 1972 been covered by a Regional Development Act under which the Faroe Islands, over the period 1972-79, received just under Dkr. 50 million in the form of interest-subsidized government loans for expansion of trade and industry.

Article 3

In its first periodic report, the Government of Denmark submitted information as to the law amendments which were required for compliance with the provisions of the Convention.

Since then there has been no need for additional legislative, judicial, administrative or other measures on the part of Denmark to comply with the provisions of Article 3 relating to condemnation of racial segregation and apartheid, etc. (Such discrimination is unlawful).

Article 4

To further illustrate the rules of Danish law relating to dissolution of associations pursuing illegal purposes it should be noted that subsections (1) and (2) of section 73 of the Constitution - which were reproduced in the fourth Danish report - are assumed to provide direct authority for dissolution of such associations. As regards associations employing violence or aiming at attaining their object by violence, instigation to violence or by similar punishable influence on dissenters, subsection (2) of section 73 of the Constitution imposes on the public prosecutor and, in the last resort on the government, a direct obligation to institute proceedings with a view to dissolution of such associations. In other instances, decisions to institute proceedings are taken in conformity with the general provisions of the Administration of Justice Act.

Pursuant to subsection (1) of section 73, citizens are entitled, without prior permission, to form associations for any lawful purpose. This provision rules out, among other things, that any person can be held legally responsible for merely having formed an association. On the other hand, there is nothing in the provision to prevent that persons are held legally responsible for offences they commit or try to commit in connection with their membership or other affiliation with such an association, including violations of section 266(b) of the Penal Code or the Racial Discrimination Act. If an association has been dissolved, either provisionally by administrative decision or definitively by judgment, any person who subsequently participates in continued activities of the association or joins it as a member may, however, for that reason alone, be held legally responsible under section 132(a) of the Penal Code. This also applies for example to leaders who continue to take part in the activities of an association after it has been provisionally or definitively dissolved and, under subsection (1) of section 23 of the Penal Code, to any person who by instigation, advice or action contributed at that stage to the continuation of the association. From this provision must follow for example that any person having contributed financially to the association will be liable to punishment.

Article 5

With regard to aliens living in Denmark reference is made to Part VI, page 11, of the fourth Danish report. In addition to the information therein submitted it should be noted that the Ministry of Social Affairs is considering to amend the provisions of Danish pension laws relating to build-up period, citizenship and residence.

With reference to the information regarding the National Assistance Act submitted on page 11 of the fourth Danish report it should be noted that the correct title of the Act is the Social Assistance Act and that the first sentence of the relevant paragraph in the report should be amended to read: Under the Social Assistance Act, every person who is staying lawfully in Denmark is entitled to assistance under the Act to the extent that he meets the requirements set out in the individual provisions thereof.

In reply to the Committee's question regarding measures to facilitate the return of migrants to their countries of origin (paragraph 307, Official Records, Thirty-fourth Session, Supplement No. 18 (A/34/18)) it should be noted that an alien, if he is still a citizen of or has special ties to his country of origin, or if he is secured permanent employment in that country is eligible for a removal allowance.

Article 6

In further elucidation of the rules governing enforcement of the provisions of the Marketing Act it should be noted that pursuant to subsection (1) of section 16 of the Act, the Consumer Ombudsman is empowered to bring a civil suit for an injunction against acts in violation of, inter alia, sections 1 and 2 of the Act, which are reproduced in the fourth Danish report. If, on the other hand, the Ombudsman finds that a person in violating the Marketing Act has committed an indictable offence he is empowered under section 4 of the Executive Order of the Ministry of the Interior defining his mandate, to request the public prosecutor to institute proceedings.

In connection with his request for institution of proceedings, the Ombudsman may recommend that it be left to him to present the charge in court.

According to information received from the Public Prosecutor, two cases of circumvention of section 266(b) of the Penal Code have been heard in Danish courts since the submission of the fourth Danish report:

- (1) The author of a letter to the editor of a local paper was punished for stating that "foreign workers ruin the lives of our young people by selling drugs to them for personal gain".
- (2) A person was punished for having written in a newspaper article: "There are about 50,000 foreign workers in Denmark. They live in large settlements. Most of them do little work or none at all. Being unemployed they live on industrious and skilled Danish workers while through immigration and begetting children they multiply like rats". He was also punished for having said in an interview to a daily paper that foreign workers "enter the country, many of them illegally, in patent leather shoes and jackets with hashis, drugs and prostitution in their wake. They sponge on our social system and are about to ruin the country. The Moslems are preparing for usurping power. They can't be bothered to learn Danish and they are dishonest." The editor of the paper carrying the first-mentioned article was punished as being responsible for the article under the Press Act and, as such, guilty of circumvention of section 266(b) of the Penal Code.

Since the preparation of the fourth Danish report the Consumer Ombudsman has received two communications about racial discrimination in advertising. In response to these communications he stated the opinion that advertisements presenting a ludicrous, stereotype or vulgar image of aliens are inconsistent with the principles of decent marketing practice.

Article 7 (paragraph 391 of the Committee's aforementioned report)

Most educational activities in Denmark in the field of obligatory school education, youth education and adult education come within the purview of local governments. Only teachers' training and advanced education in other fields are provided and financed by central government. Local self-government has attained autonomy to such a degree that there is no central registration of individual initiatives. As a result, documentary evidence of observance of the provisions of the Convention can be provided only indirectly.

Attitudes and changes of heart are traceable only in the public debate. And information as to the subjects dealt with in education is reflected only indirectly in the attendance of teachers' courses and in lending or purchases of educational material on specific subjects and in information disseminated through the mass media.

A few campaigns can, however, be followed at first hand. As a case in point it may be mentioned that many schools all over the country, in observance of the International Children's Year in 1979, staged educational programmes on children of other countries, other cultures, human rights and development assistance work in order to encourage understanding among school children of other nations, races and cultures.

In Denmark there is a large number of associations of people of foreign nationality. Most of them are national associations of aliens resident in Denmark and many of them have established youth groups which, in contrast to the associations as such, are entitled to grant of subsidies on the same terms as Danish youth associations and interest groups.

Also, in observance of the International Children's Year the local authorities of Copenhagen staged a comprehensive programme in which immigrant children of 20 nations gave performances to audiences of their Danish school friends and playmates of songs and dances of their countries of origin.

Danish grammar schools and the institutions preparing students for admission to higher education promote tolerance towards minority groups of every kind. Wherever relevant they take up problems of discrimination. Moreover they provide equal opportunities for all ethnic minority groups in the country to undergo free education, and to ensure equal opportunities for them to gain access to higher education, all in the conviction that their presence in everyday school life is an important factor in promoting tolerance in practice.

Foreign religions and other philosophies of life are subjects that are integrated in primary school education. In addition, the Government supports instruction on other cultures by:

- (1) recommending instruction on these subjects in guidelines for curriculae;
- (2) providing opportunities for dissemination in mass media of knowledge of other cultures, other nations, and minority groups. TV and radio programmes, informatory and entertaining books available at public and school libraries serve the purposes of preventing prejudice through information;
- (3) organizing teachers' courses and granting leave of absence for teachers to attend cultural meetings in an indirect effort to combat racial prejudice.

*/ Attached follows as annex 1: Foreigners by selected nationalities.

ANNEX 1

FOREIGNERS BY SELECTED NATIONALITIES

EUROPE

	1975	1976	1977	1978	1979	1980
Belgium	254	259	260	260	266	271
France	1 853	1 772	1 728	1 729	1 775	1 734
United Kingdom	7 950	7 628	8 011	8 588	9 109	9 361
Netherlands	1 625	1 573	1 568	1 614	1 639	1 555
Ireland	768	631	622	645	721	853
Italy	1 717	1 668	1 704	1 732	1 855	1 729
Luxembourg	10	10	13	13	14	9
Fed. Rep. of Germany	9 629	9 608	9 580	9 588	9 630	8 700
Greece	769	76	683	652	636	572
EEC total	24 575	23 225	24 169	24 828	25 645	24 784
Finland	2 359	2 073	2 039	2 121	2 207	2 201
Iceland	1 919	1 901	2 012	2 247	2 447	2 611
Norway	10 287	9 919	10 086	10 055	10 150	10 030
Sweden	7 380	7 203	7 282	7 463	7 676	7 726
Nordic countries total	21 945	21 096	21 419	21 886	22 480	22 568
Albania	6	6	1	1	0	0
Bulgaria	71	76	64	64	61	51
Poland	1 456	1 391	1 298	1 176	1 089	970
Rumania	59	59	57	57	54	49
USSR	151	159	150	161	169	206
Czechoslovakia	465	388	258	191	164	129
Hungary	367	331	284	251	225	204
GDR	39	43	56	70	91	83
Eastern Europe total	2 614	2 453	2 168	1 979	1 853	1 697

	1975	1976	1977	1978	1979	1980
Cyprus	33	35	37	45	44	46
Yugoslavia	6 392	6 396	6 434	6 674	6 966	7 126
Lichtenstein	1	1	1	1	1	1
Malta	6	7	10	7	7	7
Portugal	327	313	288	285	284	245
Switzerland	1 144	1 130	1 180	1 230	1 295	1 226
Spain	1 159	1 184	1 173	1 171	1 163	1 048
Turkey	8 129	7 857	8 628	10 299	11 989	14 086
Austria	893	905	904	892	868	793
Other Europe total	18 589	17 836	18 655	20 612	22 607	24 583
EUROPE total	67 723	64 610	66 411	69 305	72 585	73 632
AFRICA						
Somalia	77	81	98	97	105	102
Algeria	278	292	318	322	344	305
Ghana	162	141	159	160	173	150
Morocco	1 292	1 404	1 486	1 638	1 797	1 943
Nigeria	127	125	113	96	92	87
South Africa	113	102	116	131	149	159
Sudan	101	102	91	99	105	105
Tunisia	128	124	128	128	141	154
Egypt	978	832	741	667	640	560
Other Africa	440	430	451	467	509	547
AFRICA total	3 696	3 633	3 701	3 805	4 055	4 112
AMERICA						
Canada	976	926	886	826	856	825
USA	5 901	5 375	4 839	4 602	4 502	4 271
Argentina	136	127	120	141	132	170
Brazil	126	124	130	130	145	129
Chile	419	547	735	767	801	900
Other America	444	423	403	435	447	445
AMERICA total	8 002	7 522	7 113	6 901	6 883	6 740

ASIA AND OCEANIA

	1975	1976	1977	1978	1979	1980
Ceylon	154	172	181	184	186	181
India	980	978	1 030	1 028	1 084	1 048
Iraq	92	88	73	80	104	102
Iran	232	212	195	224	246	215
Israel	839	800	792	783	746	634
Japan	832	739	650	585	572	568
Jordan	552	575	624	621	636	678
China	173	180	168	162	161	212
Lebanon	210	268	287	235	216	156
Pakistan	4 982	5 178	5 400	5 557	5 933	6 400
Philippines	473	512	535	586	666	784
Singapore	110	109	111	116	119	105
Rep. of Korea	672	502	534	622	702	379
Syria	164	186	160	150	150	120
Thailand	310	315	309	320	342	353
Socialist Rep. of Vietnam	25	138	331	392	421	1 286
Australia	405	399	421	426	424	406
New Zealand	111	110	109	127	132	135
Other Asia	356	373	420	448	464	431
ASIA and OCEANIA total	11 672	11 834	12 330	12 636	13 304	14 193
Uncertain or undeclared	2 358	2 605	2 100	1 770	1 430	1 086
TOTAL	93 931	90 204	91 655	94 417	98 257	99 763
TOTAL POPULATION	5 054 410	5 065 313	5 079 879	5 096 959	5 111 534	5 122 065