



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

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Committee on the Elimination of Racial Discrimination

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**Consideration of reports submitted by States parties under
article 9 of the Convention**

**Concluding observations of the Committee on the Elimination of Racial
Discrimination: Denmark**

Addendum

**Information received from the Government of Denmark on the
implementation of the concluding observations***

[24 August 2011]

Introduction

1. In its concluding observations of 26 August 2010 (CERD/C/DNK/CO/18-19) following the submission of the eighteenth and nineteenth periodic reports of Denmark in July 2009 (CERD/C/DNK/18-19), the Committee on the Elimination of Racial Discrimination requested the Danish Government to within one year provide information on the way it has followed up on the Committee's recommendations contained in paragraphs 13, 15, 18 and 19.

2. The Danish Government is pleased to provide the following information.

**Reply to the recommendations contained in paragraph 13 of the
concluding observations (CERD/C/DNK/CO/18-19)**

3. It is directly stipulated in the Danish Aliens Act, cf. section 19 (8), that if a residence permit has been granted on the basis of marriage or marital cohabitation, and this basis is no

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation service.

longer present, the authorities must pay special regard as to whether the marriage or co-habitation has ended as a consequence of the alien concerned having been exposed to outrages, abuse or ill-treatment, etc., by the spouse.

4. In Denmark, all victims of domestic violence have access to support, legal aid and shelters.

5. Since 2002, administrative practice on the area has been that the alien must, to the authorities, substantiate the invoked abuse. Finding the invoked abuse substantiated, the authorities make an assessment of whether the abuse has been the cause of the cessation of co-habitation.

6. The Danish immigration authorities will then decide whether revocation or refusal must be assumed to be particularly burdensome owing to the alien's personal circumstances. This decision is made on the basis of a specific, individual assessment of the circumstances in each case.

7. According to administrative practice, a positive presumption is made of foreigners who have had approximately two years of residence in Denmark and who leave their spouse due to abuse before receiving a permanent residence permit because they in general are allowed to stay in Denmark.

8. However, there is a specific assessment of all cases, also cases where the residence in Denmark has been less than two years. The immigration authorities may in such cases refrain from confiscation of the residence permit.

9. Thus, Danish legislation ensures clear legal guarantees and administrative guidelines for the protection of immigrants who are victims of domestic violence with regard to their residence permits.

Reply to the recommendations contained in paragraph 15 of the concluding observations

10. The Danish Government would like to emphasize, that there is no Danish anti-ghettoization law which deals with ethnic groups' right to practice their culture etc. All Danish residents enjoy the right to freely practice their culture.

11. In the last two decades, a number of initiatives to combat residential segregation have been taken. The most recent initiative is a comprehensive Government strategy to combat residential segregation (i.e. "anti-ghettoization"). The strategy, which was published in October 2010, is mainly targeted at twenty-nine (29) residential areas that have been designated as particularly deprived.

12. The strategy contains thirty-two (32) proposals, most of which have been implemented or are in the process of implementation. None of the thirty-two (32) proposals deal with or affect the rights of ethnic groups to practice their culture.

13. The Danish Government is generally very concerned with problems caused by residential segregation. The Government is particularly concerned that residential segregation should not lead to a denial of opportunities and equal rights to socially marginalized persons living in deprived neighbourhoods and is on an on-going basis monitoring developments in this regard.

Reply to the recommendations contained in paragraph 18 of the concluding observations

14. The Board of Equal Treatment is set up in accordance with general principles of Danish administrative law. It is a general principle in Danish law that oral testimony – which is given under penalty of perjury – should only be given in court cases and not before an administrative board. The jurisdiction of specialized administrative boards to decide in disputes between private individuals – which normally is a matter for the ordinary courts – is therefore generally limited to cases which do not present doubts as regards the proof that can only be resolved by testimony. Administrative boards are a cost-free alternative to the ordinary courts for certain cases, but they cannot replace the courts in all cases. The Government finds that there are no compelling reasons for deviating from this general principle in relation to the Board of Equal Treatment.

15. There is a direct link between the abovementioned principle and the possibility for the Board's Secretariat to reject cases. The main purpose of the provision is to reject cases when proof cannot clearly be established on basis of a written procedure. Such cases must therefore be dealt with by the ordinary courts. The complainant can appeal the decision to reject the case to the Board and there is therefore no risk of usurping.

Reply to the recommendations contained in paragraph 19 of the concluding observations

16. The Danish Department of Prison and Probation Service compiles data on the ethnic composition of the population in Danish prisons. The compiled data is disaggregated by geographical origin and age of both immigrants and descendants of immigrants in Danish prisons and includes information on the ethnic composition of the prison population in various institutions (open prisons, secure prisons, detention facilities, pensions etc.)

17. Since 2004, the data has been assembled in an annual report and published on the web page of the Danish Prison and Probation Service (www.kriminalforsorgen.dk/Default.aspx?ID=71).

18. In addition, the Danish Prison Service compiles data on the composition of the Danish prison population based on nationality/citizenship. This data will be included in the annual report for 2010 which will be published in September 2011.

19. The Danish Government is hopeful that the Committee finds these explanatory remarks and comments useful in its continued work.
