

# Denmark 2023 Human Rights Report

## Executive Summary

On December 7, the Danish Parliament passed a law criminalizing the burning of significant religious texts with a penalty of up to two years in prison. The law received criticism for limiting freedom of speech and expression.

There were no credible reports of significant human rights abuses.

The government had mechanisms in place to identify and punish officials who may have committed human rights abuses.

## Section 1. Respect for the Integrity of the Person

### a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports the government or its agents committed arbitrary or unlawful killings, including extrajudicial killings, during the year.

### b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses**

The constitution and law prohibited such practices, and there were no credible reports that government officials employed them.

On November 14, the Health Agency published a report stating that coercion continued to be utilized with 165 more such incidents for adults than in the previous reporting year. On November 24, the UN Committee against Torture published a report raising concerns regarding persistent use of coercion measures in psychiatric institutions. In August, the National Auditors also raised concerns regarding the extensive use of coercion in the psychiatric system.

#### **Prison and Detention Center Conditions**

Except for the extensive use of solitary confinement, no prison or detention center conditions raised human rights concerns.

On November 22, the UN Committee against Torture raised concerns regarding the government's plans to lease a prison facility in Kosovo. The committee noted moving third-country nationals outside the country to await deportation could have negative impacts on inmates' access to healthcare and family visits.

**Abusive Physical Conditions:** The law allowed a maximum of 14 days in

solitary confinement, except in special cases.

**Administration:** Authorities conducted investigations of credible allegations of mistreatment. There were no significant reports regarding prison or detention center conditions that raised human rights concerns.

On October 3, the European Court of Human Rights ruled the country had violated article 3 of the European Convention on Human Rights regarding prohibition of inhuman and degrading treatment. The case concerned the use of pepper spray against the applicant by two guards while held in an observational cell in prison in 2017. Additionally, the court found the investigation had not carefully addressed whether the legal procedural safeguards for the use of pepper spray complied with the convention. It therefore ruled authorities had failed to carry out an effective investigation into the applicant's allegations of ill-treatment.

**Independent Monitoring:** The parliamentary ombudsman also functioned as a prison ombudsman. The government permitted additional monitoring visits by independent human rights observers and media.

**Improvements:** In November, the Correctional Service presented new guidelines for staff to better accommodate gender minorities in the Danish correctional system. These guidelines included knowledge and tools to help correctional officers better protect gender minorities from harassment and discrimination.

## **d. Arbitrary Arrest or Detention**

The constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their arrest or detention in court. The government generally observed these requirements.

### **Arrest Procedures and Treatment of Detainees**

The law allowed police both to begin investigations and to make arrests on their own initiative based upon observed evidence or to enforce a court order following an indictment filed with the courts by public prosecutors.

The law mandated that citizens and documented migrants taken into custody appear before a judge within 24 hours. The judge could extend police custody for a further 72 hours. Authorities could hold irregular migrants up to 72 hours before bringing them before a judge or releasing them. In all cases the law required police to make every effort to limit detention time after arrest to fewer than 12 hours. A migrant generally was classified as irregular when the individual did not have the required authorization or documents for legal immigration. In addition, the Ministry of Immigration and Integration could suspend the requirement for a 72-hour case review if the volume of asylum requests exceeded the ability of the government to complete reviews within 72 hours. Authorities could extend detention beyond 72 hours to conduct additional research in cases where

the migrant's country of origin or identity could not be positively verified.

According to the European Committee for the Prevention of Torture, police could administratively detain a person who endangered public order, the safety of individuals, or public security for a period not exceeding six hours or, in the context of public gatherings and crowds, 12 hours.

Authorities generally respected the right of detainees to a prompt judicial determination and informed them promptly of charges against them. There was no bail system; judges decided either to release detainees on their own recognizance or to keep them in detention until trial. A judge could authorize detention prior to trial only when authorities charged the detainee with a violation that could result in a prison sentence of more than 18 months or when the judge determined the detainee would seek to impede the investigation of the case, be a flight risk, or be likely to commit a new offense. The standard period of pretrial custody was up to four weeks, but a court order could further extend custody in four-week increments.

Arrested persons had the right to unsupervised visits with an attorney from the time police took them to a police station. The government provided counsel for those who could not afford legal representation. Detainees had the right to inform their next of kin of their arrest, although authorities could deny this right if information regarding the detention could compromise the police investigation. Detainees had the right to medical treatment, and authorities generally respected this right. Consular access to

detainees was provided. Police could deny other forms of visitation, subject to a court appeal but generally did not do so.

### **e. Denial of Fair Public Trial**

The constitution and law provided for an independent judiciary, and the government generally respected judicial independence and impartiality.

#### **Trial Procedures**

The constitution provided for the right to a fair and public trial, and an independent judiciary generally enforced this right.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **f. Transnational Repression**

Not applicable.

### **g. Property Seizure and Restitution**

Not applicable.

### **h. Arbitrary or Unlawful Interference with Privacy, Family,**

## **Home, or Correspondence**

The constitution and law prohibited such actions and there were no reports that the government failed to respect these prohibitions.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The constitution and law provided for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for media members.

**Freedom of Expression:** The law prohibited any public speech or the dissemination of statements or other pronouncements that threatened, derided, or degraded a group because of gender, race, skin color, national or ethnic background, religion, or sexual orientation. Authorities could fine offenders or imprison them for up to two years.

The law criminalized the explicit condoning of incest, pedophilia, and polygamy and the incitement of terrorism, murder, or rape in connection with religious training. Punishment included an unspecified fine or

imprisonment of up to three years.

On December 7, the Danish Parliament approved legislation to ban the “improper treatment of scripture of significance to a recognized religious community.” The law prohibited such acts committed in public as well as the distribution of recordings of such acts committed in private. The law allowed for such acts if done as a minor part of a larger work of art. The legislation was a response to a series of Quran burnings staged in front of embassies of Muslim-majority countries throughout the year. The law included a punishment consisting of a fine or up to two years in prison. The legislation received criticism for limiting freedom of speech and expression.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content.

Human rights groups expressed concern regarding the expanded access to citizen databases and data mining conducted by the Danish Public Benefits Administration as part of the government effort to prevent welfare fraud. The judicial think tank Justitia, which focuses on human rights and fundamental freedom rights issues, called this expansion “systematic surveillance,” and maintained it was disproportionate to the scale of welfare fraud.



## **b. Freedoms of Peaceful Assembly and Association**

The constitution provided for the freedoms of peaceful assembly and association, and the government generally respected these rights.

## **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

## **d. Freedom of Movement and the Right to Leave the Country**

The law provided for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

**Exile:** Three Danish children remained in the Roj camp in northeast Syria with their mothers, who were stripped of their Danish citizenship and were thus ineligible for repatriation. After the Supreme Court reinstated one mother's Danish citizenship in March, the government offered to repatriate her and her two children, but she declined the offer. The second non-Danish mother was not offered repatriation and did not consent to her child being repatriated without her.

## e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

In 2022, the government drafted legislation to suspend asylum rules for persons fleeing Russia's invasion of Ukraine, so they would not have to be part of the asylum system. The law in Denmark and the Faroe Islands granted temporary residence permits for displaced persons from Ukraine who were either Ukrainian citizens or recognized as a refugee in Ukraine, along with their nuclear families.

In October, the General Court in Holbaek denied the prosecution's request to deny public access to a case involving the forced removal of a Somali woman who was refused asylum. Since 2016, cases of forced removal of Somali refugees have broadly not been open to the public due to a confidential repatriation agreement with the Somali government limiting public knowledge of the conditions, agreements, and legal certainty that apply to these cases. The General Court in Holbaek found the prosecution's argumentation based on the interests of "foreign powers" insufficient. The use of confidentiality in these cases was criticized for being excessive as well as being in breach of the Constitution and the European Convention on

Human Rights.

**Access to Asylum:** The law provided for the granting of asylum or refugee status, and the government had established a system for providing protection to refugees. The government limited the rights of persons with subsidiary or temporary protection to family reunification, restrictions not applied to persons recognized as refugees. For example, persons with subsidiary or temporary protection were required to wait at least three years before applying for family reunification for their spouse or cohabitating partner and minor children. In contrast, persons with refugee status could apply for family reunification at any time.

**Refoulement:** In March, the Refugee Appeals Board upheld a government decision that considered Latakia in Syria to be safe for return, having previously decided Damascus and its surrounding governate were safe for return and putting asylum claims of Syrians from those regions at risk. The government did not forcibly return rejected asylum seekers to Syria in part because Denmark did not have diplomatic relations with Syria. The government also acknowledged most Syrian asylum seekers from these regions were still entitled to asylum based on individual circumstances, including length of time in Denmark. In 2022, the Refugee Appeals Board reversed all but 33 rejections for Syrian asylum seekers.

In October, the Council of Europe's Commissioner for Human Rights released a report expressing concern that the government's plan to transfer

asylum seekers to Rwanda risked violating legal obligations that include the 1951 UN Refugee Convention.

**Access to Basic Services:** The law allowed municipalities to accommodate refugees only in temporary housing.

**Durable Solutions:** The parliament continued to approve funding for up to 500 resettlement places per year. The government's policy encouraged repatriation of refugees rather than their integration into society. The state provided financial assistance to refugees or asylum seekers who chose to return home. It paid for their travel and provided a small sum of money to help them resettle in their homeland. The government provided similar financial incentives to nonrefugee or non-asylum-seeking residents who chose to return to their homelands.

**Temporary Protection:** In 2022, the government provided temporary protection to approximately 50 individuals who may not have qualified as refugees.

## **f. Status and Treatment of Internally Displaced Persons**

Not applicable.

## **g. Stateless Persons**

According to UNHCR, as of June 2022, 11,644 stateless persons lived in the

country. Stateless persons could apply for citizenship if they had lived in the country for at least eight years.

## **Section 3. Freedom to Participate in the Political Process**

The constitution and laws provided citizens, including residents of Greenland and the Faroe Islands, the ability to choose their governments in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

### **Elections and Political Participation**

**Abuses or Irregularities in Recent Elections:** The most recent national elections in Denmark, Greenland, and the Faroe Islands were widely reported to be fair and free of abuses and irregularities.

### **Participation of Women and Members of Marginalized or Vulnerable**

**Groups:** In August, a study published by Analyze Denmark found persons with disabilities had lower turnout in Danish elections. One in four persons surveyed said polling stations or postal voting stations were not accessible to them, and almost as many found the information provided prior to voting insufficient to assist them in planning their election participation.

## **Section 4. Corruption in Government**

The law provided criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were no reports of government corruption.

## **Section 5. Governmental Posture Towards**

### **International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights**

A variety of domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials were cooperative and responsive to the views of these groups.

**Government Human Rights Bodies:** The parliamentary ombudsman investigated complaints regarding national and local public authorities and any decisions authorities made regarding the treatment of citizens and their cases. The parliamentary ombudsman could independently inspect prisons, detention centers, and psychiatric hospitals. A European ombudsman monitored the country's compliance with EU basic rights, a consumers' ombudsman investigated complaints related to discriminatory marketing, and two royal ombudsmen provided liaison between the Danish central government and those in the Faroe Islands and Greenland.

## Section 6. Discrimination and Societal Abuses

### Women

**Rape and Domestic Violence:** Danish law criminalized rape of a person, regardless of gender, including spousal rape and domestic violence.

Penalties for rape included imprisonment for up to 12 years for aggravated circumstances and up to six years for domestic violence.

Greenlandic law criminalized rape. Greenland's Criminal Code did not specify minimum and maximum penalties, and sentences were decided by the court on a case-by-case basis. The law was applied equally regardless of the marital relationship of the offender and the survivor. The law provided that sentencing be based on the severity of the case as well as an individual evaluation of the offender. Sentencing was typically between 12 and 18 months. Denmark and Greenland both had consent-based rape legislation.

Faroese law criminalized rape with penalties of up to 12 years' imprisonment. The law considered nonconsensual sex with a person in a "helpless state" to be sexual abuse rather than rape. In certain instances, it also reduced the penalty for rape and sexual violence within marriage.

The government effectively prosecuted individuals accused of rape.

Under Danish law, a man who was the survivor of domestic violence was not afforded the same opportunities for help as a woman. While the law

provided women the right to be admitted to a women's crisis center, men could only be admitted to shelters or male centers as "functional homeless." The law did not apply to the Faroe Islands and Greenland. The Greenland Police acknowledged that instances of domestic violence were higher in Greenland than in other Nordic countries. Local authorities believed domestic violence cases were vastly underreported, in part as many smaller Greenlandic towns lacked a permanent law enforcement presence.

**Discrimination:** The law provided the same legal status and rights for women as men, and those laws were generally respected.

The law prohibited employment discrimination, and the government generally enforced these laws effectively. Penalties for violations included fines and imprisonment and were generally commensurate with those related to civil rights. Penalties were regularly applied against violators.

Danish gender equality law did not apply to Greenland or the Faroe Islands. Greenland law prohibited gender discrimination in the labor market. The government of Greenland had an Equality Council, with a mandate restricted to gender equality, and the council was "not obliged to work at the request of citizens but can assess whether an issue requires its attention." If a complaint concerned discrimination by a public authority, citizens could complain to the parliamentary ombudsman.

**Reproductive Rights:** There were no reports of coerced abortion or



involuntary sterilization on the part of government authorities.

In May, the Ministry of Health announced that a team of researchers led by Ilisimatusarfik's Center for Arctic Welfare in Greenland and the Center for Public Health in Greenland at the University of Southern Denmark would investigate the intrauterine device (IUD) case in which Greenlandic Inuit women and girls had IUDs inserted, many without consent, from the 1960s to 1991. On October 1, 67 Greenlandic women sued the Danish government for damages of Danish krone 300,000 (\$42,500) each as they were among the affected women.

Women over the age of 18 had the right to an abortion prior to the end of the 12th week of pregnancy. If a woman was younger than age 18 and unmarried, permission for the abortion had to be obtained from parents or guardians. In exceptional cases, women younger than 18 could be exempted from needing parental consent. The government provided access to sexual and reproductive health services for survivors of sexual violence.

Emergency contraception was available as part of clinical management of rape, including postexposure prophylaxis.

In the Faroe Islands, abortions could only be legally carried out if one of four criteria were met, as assessed by a general practitioner: (1) There was serious danger to the mother's life or health; (2) the pregnancy was caused by rape or incest; (3) there was a risk the fetus suffered from a serious and

incurable or physical illness; or (4) the mother was deemed unfit to care for her child.

## **Systemic Racial or Ethnic Violence and Discrimination**

The law prohibited discrimination and harassment based on race, skin color, or ethnic origin; religion or faith; or national or social origin.

In August, the Danish Institute for Human Rights (DIHR) concluded Denmark's existing legislation did not sufficiently protect Roma from discrimination and marginalization and called the national strategy for inclusion of Roma "unspecified and unambitious."

In April, DIHR launched a "Discrimination Line," where individuals who believed they had been subject to discrimination based on age, religion, disability, race, ethnic origin, sexuality, gender, gender expression, gender identity, or gender characteristics could report the incident.

In February, the DIHR criticized police for often failing to properly register hate crimes, handling them instead as normal crimes. The DIHR maintained that, as a result of the practice, victims often did not receive appropriate services within the judicial system.

## **Indigenous Peoples**

The law protected the rights of the Indigenous Inuit inhabitants of Greenland, who represented a majority of the Greenlandic population and

were Danish citizens. Through Greenland's elected, internally autonomous government, they participated in decisions affecting their lands, culture, traditions, and the exploitation of energy, minerals, and other natural resources. Greenlanders also voted in kingdom-wide elections.

In February, UN Special Rapporteur on the Rights of Indigenous Peoples Cali Tzay called on the governments of Denmark and Greenland to “address the negative impact of colonial legacy that translates into structural systematic racial discrimination against the Inuit People as a key measure to tackle past injustices and create a more inclusive society.” Tzay highlighted the IUD case and the high rates of domestic violence and sexual abuse against children.

On September 28, Tzay presented his full report to the UN Human Rights Council. The report highlighted several areas in which Inuit Greenlanders face discrimination or unequal treatment in Denmark and Greenland. The report also highlighted insufficient consideration for Inuit Greenlanders in Denmark in areas such as education, housing, and law, as information on these areas often were not available in Greenland.

In September, MIO, the National Advocacy Center working for Children's Rights in Greenland, published a report on the state of healthcare treatment for children in Greenland. The report was based on eight cases from 2021 to 2023 of children receiving insufficient care in Greenland, resulting in the death of the child in two cases. MIO concluded that children in Greenland

did not always have access to the healthcare to which they were entitled under article 24 of the UN Convention on the Rights of the Child. According to the report, the Greenlandic healthcare system failed to take sufficiently parents' concerns for their children's health seriously, potentially due to a lack of competence on the area of healthcare treatment for children. Additionally, guidelines regarding the treatment of children from the Greenlandic healthcare system were unavailable to the public, preventing parents from knowing to which standard of treatment their children were entitled.

## Children

**Birth Registration:** In February, 26 Greenlanders sued the Danish state for having violated their human rights when they were deemed legally fatherless by Danish law as the children of unmarried Greenlandic women and Danish fathers born between 1948 and 1972 and thus ineligible to know or inherit from their biological fathers. In August, Copenhagen City Court approved DIHR intervention in the case to support the legally fatherless. DIHR concluded the plaintiffs were subjected to discrimination both because of their origin as Greenlanders and their status as children born out of wedlock.

**Child Abuse:** Child abuse, including corporal punishment, was illegal and punishable by up to three years in prison in Denmark. The National Police

and Public Prosecutor's Office actively investigated child abuse cases.

**Child, Early, and Forced Marriage:** The legal minimum age for marriage was 18 and was effectively enforced by the government.

**Sexual Exploitation of Children:** The law prohibited the commercial sexual exploitation of children and child pornography. Penalties for the distribution of child pornography included up to a six-year prison sentence. The government generally enforced these laws. The minimum age for consensual sexual activity was 15 in Denmark and the Faroe Islands. The law in Greenland prohibited sexual relations with children younger than age 15; the court determined the penalties for perpetrators.

Commercial sex was not criminalized, but the law prohibited the purchase of sexual services from a person younger than 18. Penalties for inciting child sex trafficking included up to a four-year prison sentence.

## **Antisemitism**

The Jewish Community in Denmark (Det Jødiske Samfund i Danmark) estimated between 6,000 and 8,000 Jews lived in the country, mostly in the Copenhagen area.

The Jewish Community in Denmark reported a significant rise in threats against Jewish individuals in the country after the October attacks by Hamas in Israel. These threats, which included death threats, reportedly caused

one member of the Jewish community in Denmark to go into hiding out of fear for their safety. The Security and Intelligence Service increased attention to the safety of Israeli, Jewish, and Palestinian interests and activities in the country.

For further information on incidents in Denmark of antisemitism, whether or not those incidents were motivated by religion, and for reporting on the ability of Jews to exercise freedom of religion or belief, please see the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics**

**Criminalization:** No laws criminalized consensual same-sex sexual conduct between adults.

**Violence and Harassment:** Police and other government agents did not incite, perpetrate, condone, or tolerate violence against lesbian, gay,

bisexual, transexual, queer, or intersex (LGBTQI+) individuals, or those reporting on such abuse. In 2021, the latest year for which there were police statistics available, Denmark had a 29 percent increase in hate crimes targeting LGBTQI+ persons, from 79 cases in 2020 to 102 cases in 2021. In January, a Ministry of Justice survey found 2,000-3,000 persons aged 16-74 each year experienced violence based on their sexual orientation or gender identity.

**Discrimination:** Danish and Faroese law prohibited discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics and recognized LGBTQI+ individuals, couples, and their families. The government enforced such laws. Protections against discrimination based on sexual orientation and gender identity or expression did not extend to Greenland.

**Availability of Legal Gender Recognition:** The law allowed individuals older than 18 to self-determine their own gender identity without requirements for medical or psychiatric intervention. The law also allowed transgender individuals to adopt a name that corresponded to their gender identity.

Gender-affirming treatments and procedures were not available in Greenland, and residents had to travel to Denmark to seek appropriate treatment.

**Involuntary or Coercive Medical or Psychological Practices:** There were no

Danish laws that explicitly banned so-called conversion therapy practices. Any violence or threat of violence carried out as part of a conversion therapy, however, was considered a criminal offense under Danish Criminal Code. There were no reports of surgeries performed on nonconsenting intersex adults or children.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:**

There were no laws or other restrictions on individuals speaking or media reporting on LGBTQI+ matters, on the ability of LGBTQI+ individuals to assemble in public or private or to form associations, or on the ability of LGBTQI+ organizations to legally register or convene events.

**Persons with Disabilities**

The law prohibited discrimination against and harassment of persons with physical, sensory, intellectual, or mental disabilities. It also mandated access by persons with disabilities to government buildings, education, employment, information, and communications. The government enforced these provisions.

The law provided that most children with disabilities be able to attend mainstream classes with nondisabled peers through secondary school.

Criminal acts motivated by prejudice against a victim's disability were included on the list of hate crimes.



The law prohibiting discrimination on the grounds of disability provided reasonable accommodations for children with disabilities in daycare, public and private primary schools, and independent schools. The law also included the right to appeal to the Equal Treatment Board, which made it possible to be awarded compensation.

The country maintained a system of guardianship for persons considered incapable of managing their own affairs due to psychosocial or mental disabilities. Persons under guardianship who did not possess legal capacity had the right to vote in local and regional elections as well as in elections to the European Parliament, but not in national elections.

Greenlandic law did not provide protection against discrimination for persons with disabilities. Greenland had a national advocacy organization, Tilioq, responsible for promoting the rights and interests of persons with disabilities. According to NGOs, persons with disabilities in Greenland continued to lack adequate access to counseling, trained professionals, and proper learning materials in schools and faced discrimination and prejudice. In August, following an investigation into the case of a woman with multiple disabilities who was sexually assaulted at her care facility and had a child, Tilioq called on the government to institute guidelines to protect persons with disabilities in housing units and day-care facilities against sexual assault.

MEGD (Faroese Disability Organizations) was the national disability umbrella

organization of the Faroe Islands, overseeing 24 member organizations. The Faroese government consulted MEGD on all bills involving persons with disabilities to ensure laws and policies complied with the UN Convention on the Rights of Persons with Disabilities.

On September 11, Minister of Social Affairs and Housing Pernille Rosenkrantz-Theil apologized on behalf of the Danish government for the many abuses suffered by individuals in the custody of Saer-og Åndssvageforsorgen, the institution tasked with caring for individuals in Denmark with physical and mental disabilities, from 1933 to 1980. The Ministry of Social Affairs and the Interior started an investigation into the alleged abuses in 2019, which concluded in March 2022. The investigation revealed that individuals in the care of Saer-og Åndssvageforsorgen had suffered physical abuses, neglect, forced confinement, and forced sterilizations. On November 20, the Minister of Social Affairs and Housing attended the installation of a memorial stone for these individuals.

On November 16, the Council of Europe's commissioner for human rights published a report noting that persons with disabilities continued to face obstacles in almost all areas of life, including education, employment, and freedom from discrimination and violence.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective**

## Bargaining

The law stated all workers could form or join independent unions. The right to strike was a part of the “Danish Model,” which determined that participating parties in the labor market, including employer associations and trade unions, negotiated collective agreements that determined the terms and conditions applicable to employees. The law did not specifically protect nor prohibit the right to strike except for certain essential services. The government was legally allowed to intervene in strikes after a certain amount of time if parties had not reached an agreement. The Danish Model provided for the right to collective bargaining but did not provide nonresident foreign workers on Danish ships the right to participate in the country’s collective bargaining agreements. It allowed unions to conduct their activities without interference, prohibited antiunion discrimination, and provided for reinstatement of workers fired for union activity.

The government effectively enforced the law and penalties were regularly applied against violators. Resources, inspections, and remediation including supporting regulations were adequate. Penalties were commensurate with similar violations. Breaches of collective agreement were typically referred to industrial arbitration tribunals to decide whether a breach took place. If the parties agreed, the Labor Court could deal with cases that would otherwise be subject to industrial arbitration. The court determined penalties on the facts of the case and with due regard to the degree that the

breach of agreement was excusable.

Employers and the government generally respected freedom of association and the right to collective bargaining. Annual collective bargaining agreements covered members of the workforce associated with unions and indirectly affected the wages and working conditions of nonunion employees.

## **b. Prohibition of Forced or Compulsory Labor**

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

## **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibited all the worst forms of child labor, and the government effectively enforced the law. Penalties were regularly applied against violators of labor regulations and were commensurate with those for analogous serious crimes. The minimum legal age for full-time employment was 15. The law set a minimum age of 13 for part-time employment and limited school-age children to less strenuous tasks. The law limited work hours and set occupational health and safety restrictions for children, and the government effectively enforced these laws. Children could not operate heavy machinery or handle toxic substances, including harsh detergents.

Children could only carry out “light work” that was the equivalent of lifting no more than 26.4 pounds from the ground and 52.8 pounds from waist height. For children working in jobs where there was a higher risk of robbery, such as a snack bar, kiosk, bakery, or gas station, a coworker older than 18 had to be present between the hours of 6 p.m. and 6 a.m. on weekdays and 2 p.m. and 6 a.m. on weekends.

There were no confirmed reports during the year of the worst forms of child labor.

#### **d. Discrimination (see section 6)**

#### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The law did not mandate a national minimum wage. Unions and employer associations negotiated minimum wages in collective bargaining agreements that were more than the estimate for the poverty income level. The law required equal pay for equal work.

Workers in Denmark generally worked a 37.5-hour week established by contract rather than law. Workers received premium pay for overtime if covered by a collective agreement, and there was no compulsory overtime.

Greenland and the Faroe Islands had similar work conditions, except in both cases collective bargaining agreements set the standard work week at 40 hours.

**Occupational Safety and Health:** The law prescribed conditions of work, including appropriate safety and health standards. Occupational safety and health (OSH) standards were appropriate for the main industries in the country. The Ministry of Employment was responsible for the framework and rules regarding working conditions, health and safety, industrial injuries, financial support, and disability allowances. Workers could remove themselves from situations they believed endangered their health or safety without jeopardy to their employment, and authorities effectively protected employees in these situations.

**Wage, Hour, and OSH Enforcement:** The Danish Working Environment Authority (DWEA) was responsible for the enforcement of wage and hour laws. The number of inspectors was sufficient to enforce compliance, and inspectors had the authority to make unannounced inspections and initiate sanctions. The government effectively enforced wage and hour laws, and penalties for violations were commensurate with those for similar crimes. Vulnerable groups generally included migrant and seasonal laborers, as well as young workers. These groups often worked in the agricultural and service sectors.

Authorities effectively enforced compliance with labor regulations. The same inspectors with authority over minimum wage and hours conducted occupational safety and health inspections. Standards were enforced effectively for wage, hours and occupational safety and health in all sectors,

including the informal economy, which was estimated at 15.2 percent, representing approximately \$53 billion at GDP purchasing power parity levels. Penalties for safety and health violations, for both employees and employers, were commensurate with those for similar violations. DWEA could settle cases subject only to fines without trial. Penalties were regularly applied against violators.

DWEA was responsible for enforcing health and safety rules and regulations. This was carried out through inspection visits as well as guidance to companies and their internal safety organizations. DWEA's scope applied to all industrial sectors except for work carried out in the employer's private household, exclusively by members of the employer's family, and by military personnel. The Danish Energy Agency was responsible for supervision of offshore energy installations, the Maritime Authority was responsible for supervision of shipping, and the Civil Aviation Administration was responsible for supervision in the aviation sector.

DWEA had authority to report violations to police or the courts if an employer failed to make required improvements by the deadline set by the DWEA. Court decisions regarding violations were released to the public and showed past fines imposed against noncompliant companies or court-ordered reinstatement of employment.