

**The following appendix does not form part of ECRI's analysis and proposals concerning the situation in Denmark.**

## APPENDIX

ECRI wishes to point out that the analysis contained in its second report on Denmark, is dated 16 June 2000, and that any subsequent development is not taken into account.

In accordance with ECRI's country-by-country procedure, a national liaison officer was nominated by the authorities of Denmark to engage in a process of confidential dialogue with ECRI on its draft text on Denmark and a number of her comments were taken into account by ECRI, and integrated into the report.

However, following this dialogue, the national liaison officer expressly requested that the following observations on the part of the authorities of Denmark be reproduced as an appendix to ECRI's report.

### **OBSERVATIONS PROVIDED BY THE AUTHORITIES OF DENMARK CONCERNING ECRI'S REPORT ON DENMARK**

***“Re para. 30***

***The Danish Government wishes to point out the following:***

*Pursuant to Section 67 of the Danish Constitution on religious liberty, any religious community has the right to construct or establish buildings for the worship of the community without permission from the Danish State. A planned building must not be contrary to the regulations of the plan and building legislation. Only proposals for construction of church buildings to be used by the established church must be approved by the Ministry of Ecclesiastical Affairs.*

*The Ministry of Ecclesiastical Affairs is not aware that in some places in Denmark and due to administrative barriers, Muslims cannot use their own burial service. Section 11(3) of Act no. 346 of 26 June 1975 on burial and cremation stipulates that in connection with burial of Muslims at the cemeteries of the established church with a Muslim priest, agreement must be made with the cemetery committee concerning the course of the funeral. However, according to Section 15 of the Act, it is possible for the cemetery committee to leave part of the cemetery to be used by religious communities outside the established church if permission has been obtained from the Minister of Ecclesiastical Affairs. There are Muslim cemetery sections in e.g. Copenhagen, Århus and Odense.*

*According to Section 16(2) of the Act, the Minister of Ecclesiastical Affairs may permit religious communities outside the established church to establish their own graveyards. The present legislation thus makes it possible to found Muslim graveyards. In October 2000 the Minister for Ecclesiastical Affairs ordered an inquiry on whether the State owns a piece of land in Greater Copenhagen which can be sold*

*to the Muslims with a view to establishing a graveyard, and what possibilities the planning legislation gives the Minister for Environment and Energy.*

*On 13 October 2000 the National Forest and Nature Agency stated that it would be possible for the Agency to make such a piece of land available. At present the Agency is going through its land holdings and subsequently health inspections will be carried out, preservation regulations, if any, will be revoked and compliance with the provisions of the planning legislation will be ensured.*

**Re para. 42**

*The Danish authorities are asked to re-examine Article 4 of the Act on the Prohibition against Discrimination on the Labour Market concerning ethnic monitoring in the workplace. Even if monitoring of the workplace is an invaluable tool, it also has its disadvantages. So far the Danish Government has not wished to single out ethnic minorities at the workplace. But this question is currently being considered.*

*A guide to the Discrimination Act has been published in March 2000 and has been forwarded to ECRI for information.*

*Although the Ministry of Labour does not find that a national register should be set up on a voluntary basis, it is today possible to follow the labour market situation etc. of ethnic minorities at a rather detailed level.*

*Statistics Denmark has set up a register of immigrants and descendants which makes it possible to illustrate whether a person is an immigrant or is a descendant of immigrants and all persons can be referred to a country of origin.*

*These data can be combined with all administrative registers. However, for considerations of confidentiality it will not be possible to obtain data from the registers where it would be possible for the public to identify individual persons.*

*The above-mentioned register is based on the following definitions:*

**Immigrant:**

*An immigrant is defined as a person born abroad whose parents are both (or one of them if there is no available information on the other parent) foreign citizens or were both born abroad. If there is no available information on either of the parents and the person was born abroad, the person is also defined as an immigrant.*

**Descendant:**

*A descendant is defined as a person born in Denmark whose parents (or one of them if there is no available information on the other parent) are either immigrants or descendants with foreign citizenship. If there is no available information on either of the parents and the person in question is a foreign citizen the person is also defined as a descendant.*

*Statistics Denmark has since 1994 published information about the labour market attachment of foreign citizens and in 1999 Statistics Denmark started published labour market data for immigrants and descendants, including foreign citizens.*

***Re para. 47-48***

*ECRI states that some local authorities are unlawfully refusing to let to immigrants and that Denmark should generally take steps to prevent discrimination in the housing market.*

*The Danish Ministry of Housing and Urban Affairs does not accept that immigrants (or others) are unlawfully rejected as tenants. The Ministry monitors the local authorities' administration of the letting rules and has in many cases asked local authorities for reports on their administration.*

*If there is unlawful rejection, the Ministry will intervene, as it did, for example, in a case in Høje-Taastrup Municipality. The Ministry reported the case to the Supervisory Council, which ordered the local authority to change its practice.*

*The Ministry regularly reminds local authorities and housing organisations that there must be no discrimination in the housing sector. It does this, for example, in connection with the tabling of bills, issuance of guidelines, etc.”*