

DENMARK

Most questions require a reply based on the following codification:

a. Yes, already done <input type="checkbox"/>	b. Yes, work is in progress <input type="checkbox"/>	c. We intend to work on this <input type="checkbox"/>	d. Position non determined <input type="checkbox"/>	e. No <input type="checkbox"/>
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Section I – Implementation and dissemination of the Recommendation

1. How would you assess the status of implementation of the Recommendation in your country?
Fully satisfactory ☒ Adequate ☐ Insufficient ☐ Absent ☐

Please explain your reply.

Most recommendations were already fulfilled in national law prior to the adoption of the Recommendation.

2. Has a review been carried out of existing legislative and other measures which could result directly or indirectly in sexual orientation or gender identity discrimination?
a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Please explain and, if appropriate, provide examples of any such measures found:

In 2012, a change of the Marriage Act made it possible for 2 persons of the same sex to marry each other instead of entering into a registered partnership. Following this, a survey was carried out aiming at making family law gender neutral. The findings in the rapport are under consideration.

Are there measures in place to redress any such discrimination?

- a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices:

3. Have legislative and other measures against discrimination on grounds of sexual orientation or gender identity been adopted and implemented since the adoption of CM Recommendation 2010(5) (including the possible establishment of national action plans, the inclusion of the Recommendation in existing plans, or the creation of cross-sectoral working groups for its implementation)?
a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

If appropriate, please provide examples of measures adopted or in preparation.

Reference is made to the information provided on the change of the Marriage Act (same sex marriage) in reply to question no. 2.

4. Are there measures in place to collect and analyse relevant data on discrimination on grounds of sexual orientation?
a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Are there measures in place to collect and analyse relevant data on discrimination on grounds of gender identity?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Are there measures in place to collect and analyse relevant data on hate crimes and hate-oriented incidents, where the sexual orientation or gender identity of the victim is reasonably suspected to have constituted a motive for the perpetrator?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices:

The Danish Security and Intelligence Service (PET) collects information about criminal acts presumably motivated by extremist opinions concerning the victim's sexual orientation or political, racial, national, ethnic or religious issues.

The purpose of the collection of data on hate crimes is to enable the Danish Security and Intelligence Service to assess if any signs may be detected of more organized and systematic criminal activity rooted in the victim's sexual orientation etc.

The collection of data by the Security and Intelligence Service is described in an instruction from 18 December 2001 and an instruction from 23 December 2008. Since 1 January 2009 the relevant data has been gathered by the Security and Intelligence Service directly from the police's electronic case handling system. Before this date, data was reported to the Security and Intelligence Service on a standard form filled out by the police districts.

The Security and Intelligence Service publishes annually a report about the data collected on hate crimes in the previous year. The reports are public and can be found on the internet on the following website: <http://www.pet.dk/Publikationer/RACI-indberetning.aspx> (the reports are available in Danish only).

Furthermore, various websites publish judgments on differential treatment on the labour market. Some of the websites are payment websites.

Also The Board of Equal Treatment publishes all its judgments on its website so it is possible to follow the development of practice. Access to the website is free of charge.

5. Do effective legal remedies for victims of sexual orientation or gender identity discrimination exist (including sanctions for infringements and adequate reparation for victims)?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If so, are there measures in place to raise awareness and facilitate access of victims to such remedies?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Victims of discrimination on the labour market on ground of gender and sexual orientation can be awarded compensation and dismissals can be set aside.

The Board of Equal Treatment (reference is made to the reply to question no. 36) makes a big effort to raise awareness about antidiscrimination in general. The secretariat for The Board of Equal Treatment regularly holds dialogue sessions with stakeholders, particularly organizations that have special insight into equality issues. The purpose of these meetings is to obtain knowledge about how the board can best communicate with citizens. Also the secretariat makes educational presentations for organisations and trade unions.

The Danish Institute of Human Rights (reference is made to the reply to question no. 36) promotes, monitor, and support equal treatment of women and men without discrimination on the basis of gender.

6. Which obstacles, if any, have been encountered in the implementation of the Recommendation?

7. Has the Recommendation, including its Appendix, been translated in all your national languages?

- a. ☐ b. ☐ c. ☐ d. ☐ e. ☒

8. Which steps have been taken to ensure dissemination of the Recommendation and its Appendix as widely as possible?

The Recommendation has been forwarded to relevant national authorities.

Section II – Implementation of the specific provisions in the Appendix

I. Right to life, security and protection from violence

9. Are there measures in place to ensure an effective, prompt and impartial investigation into alleged cases of crimes and other incidents, where the sexual orientation or gender identity of the victim is reasonably suspected to have constituted a motive for the perpetrator?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

According to the Danish Criminal Code section 81 (6) it must generally be considered an aggravating circumstance that an offence is rooted in other persons' ethnic origin, religion, sexual orientation (including gender identity) etc., when the penalty for the offence is determined.

Guidelines in relation to section 81 (6) have been laid down in Instruction No. 2/2011 from the Director of Public Prosecutions. According to the guidelines police officers – when alleged offences are reported to and investigated by the police – must be aware of any circumstances in the specific case that indicate that the offence may have been committed in full or in part because of other persons' ethnic origin, religion, sexual orientation or the like. The guidelines contain examples of concrete hate crime indicators. The guidelines also state that the police in such cases is obliged to investigate this aspect of the case and that prosecutors are obliged to ensure that evidence concerning a possible hate motive is presented to the court and to ask for an increased sentence in such cases. Instruction No. 2/2011 from the Director of Public Prosecutions can be found on the internet on the following website: http://www.rigsadvokaten.dk/media/RM_2-2011.pdf (the instruction is available in Danish only).

10. Are there measures in place to ensure that a bias motive related to sexual orientation may be taken into account as an aggravating circumstance?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Are there measures in place to ensure that a bias motive related to gender identity may be taken into account as an aggravating circumstance?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Reference is made to the reply to question no. 9.

11. Are appropriate measures taken to ensure that victims and witnesses of sexual orientation- or gender identity-related hate crimes and incidents are encouraged to report them?

a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

In August 2010, the police district of Copenhagen together with the Danish Institute for Human Rights, the Municipality of Copenhagen and the Municipality of Frederiksberg launched a campaign called "Stop Hadforbrydelser" (stop hate crimes). The purpose of the campaign was to raise awareness about hate crimes and get victims and witnesses to report these types of crimes to the police.

The campaign included posters and stickers displayed in public places such as on busses and at the side of roads in August 2010. The campaign also included artwork with a hate crime theme being displayed in Copenhagen and a campaign on Facebook. Shops in the centre of Copenhagen and in the Copenhagen neighbourhood of Nørrebro were also invited to contribute to the campaign by displaying stickers on windows, front doors etc. The campaign also featured a website with information about how to report a hate crime to the police. The website had information about the different types of hate crimes, the hate crime offenders and the victims of hate crimes. The website also contained information in different languages about the victim's right to have an attorney appointed in case of a trial against the offender. In October 2012, The Ministry of Justice supported the continuance of the campaign. The new campaign consists of an outdoor campaign targeted at raising awareness and inciting people to report hate crimes. The campaign also involves an "information and campaign bus" which will make it possible to get out among the young people and engage in dialogue with both victims and perpetrators.

12. Do training programmes and procedures exist to ensure that the police, judiciary and prison officials possess the knowledge and skills to identify such crimes and incidents and provide victims and witnesses with adequate assistance and support?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Reference can be made to Instruction No. 2/2011, reference is made to the reply to question no. 9. Furthermore, in 2009 the police district of Copenhagen issued an informational folder and guidelines regarding the case handling and investigation in cases involving hate crimes. The purpose of this was to make sure that the police during the investigation of a possible hate crime remember to ask the victim and possible witnesses questions regarding the motive of the perpetrator. It should also be noted that starting in autumn 2011 a number of one-day seminars on hate crime were held in the police districts in Denmark. The seminars were developed by the Danish Security and Intelligence Service and the Danish Institute for Human Rights. The police and prosecution service attended the seminars, which addressed subjects such as human rights, identification and registration of hate crimes and guidelines concerning investigation and prosecution of hate crimes, including relevant legal provisions. Finally it should be mentioned that the Minister for Social Affairs and Integration and the Minister of Justice in March 2012 hosted a camp on hate crimes and intolerance. At the camp representatives from different parts of society took part in workshops on how locally to continue the efforts to prevent intolerance and hate crimes and to ensure that victims of hate crimes are receiving the necessary support.

13. Are there specific measures in place to ensure the safety and dignity of lesbian, gay, bisexual and transgender persons in prison or in other ways deprived of their liberty, in accordance with paragraph 4 of the Appendix to the Recommendation?

a. ☐ b. ☐ c. ☐ d. ☒ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

To ensure the safety and dignity of the persons referred to in the question, the Danish Prison and Probation Service follows the general rules laid down in the Act on Enforcement of Sentences. A prison sentence may be enforced in a special unit in state prisons if it is deemed necessary in order to protect the convicted offender against assaults. Furthermore the first requirement in the Programs of Principles for Prison and Probation work in Denmark is the respect of the individual person and generally accepted human rights, including protection against inhuman treatment and discrimination.

14. Have appropriate measures been taken to combat all forms of "hate speech" against lesbian, gay, bisexual or transgender persons, in accordance with Article 10 of the European Convention on Human Rights and with paragraph 6 of the Appendix to the Recommendation ?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Section 266 b of the Danish Criminal Code prohibits the dissemination of statements or other information by which a group of people is threatened, insulted or degraded on account of their race, colour, national or ethnic origin, religion, or sexual orientation. (In accordance with the preparatory work, the term "sexual orientation" is assumed to encompass gender identity.)

According to subsection 2 of Section 266 b, it shall be considered an aggravating circumstance if the conduct can be characterized as propaganda. Propaganda is understood as systematic, intensive or continuous efforts with a view to influencing opinion formation.

In 2011 the Director of Public Prosecutions issued new guidelines concerning the handling of cases of violation of section 266 b of the Criminal Code (Instruction No. 2/2011 replacing Instruction No. 9/2006 – a link to the Instruction can be found in the reply to question no. 9).

In order to ensure transparency and a uniform practice by the police and prosecution as to the application of section 266 b in cases concerning hate speech the new Instruction contains detailed guidelines supplemented with relevant case law as to when an act as a general rule should be considered a violation of section 266 b. New paragraphs discussing the freedom of expression relative to such cases as well as guidelines on the investigation and the sentence claimed in such cases have been inserted in the Instruction.

The reporting scheme of Instruction No. 9/2006 concerning violations of Section 266 b is continued in the new Instruction. Thus, all cases in which a charge for violation of Section 266 b has been preferred must be submitted to the Director of Public Prosecutions together with a recommendation on the question of prosecution. Thus, it is the Director of Public Prosecutions that determines whether or not to prosecute cases, where a charge has been preferred.

If no charge has been preferred and the Commissioner of Police finds that a report of an alleged violation of section 266 b should be dismissed or that there is no basis for continuing the investigation, the case must be submitted to the Regional Public Prosecutor together with a recommendation. Thus, it is for the Regional Public Prosecutor to determine whether or not a report of an alleged violation of section 266 b should be dismissed or the investigation discontinued. The Director of Public Prosecutions must be notified of the decision of the Regional Public Prosecutor.

The purpose of the reporting scheme is to ensure a uniform charging practice nationally and supervise the processing of cases.

If so, have specific measures been taken to raise awareness of public authorities/ institutions of their responsibility to refrain from statements which may reasonably be understood as legitimising hatred or discrimination against lesbian, gay, bisexual or transgender persons?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Reference is made to the reply to question no. 11.

II. Freedom of association

15. Are there measures in place to ensure that freedom of association (including access to public funding available for non-governmental organisations) can be enjoyed without discrimination on grounds of sexual orientation or gender identity?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If any, please provide examples of limitations or exceptions to the guarantees set out in Paragraphs 9 and 10 of the appendix to the Recommendation and indicate whether any measure to review or lift such limitations or exceptions is in preparation:

-
16. Are there specific measures in place to effectively protect defenders of human rights of lesbian, gay, bisexual and transgender persons against hostility and aggression, including when allegedly committed by state agents, in accordance with the Declaration of the Committee of Ministers on Council of Europe action to improve the protection of human rights defenders and promote their activities?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

The Danish Constitution guarantees freedom of expression for all and NGOs are not required to obtain clearance by any authorized state body prior to publications raising human rights issues etc. According to section 77 of the Danish Constitution anyone is entitled to publish his ideas in print, in writing and in speech, subject to the authority of the Courts. Censorship and other preventive measures may never be reintroduced. Section 78 of the Danish Constitution protects the forming of associations for lawful purposes. NGOs, as well as other organisations, automatically have legal personality when they are formed. The forming of a new NGO does not require prior permission.

17. Have measures been taken to ensure that non-governmental organisations defending the of human rights of lesbian, gay, bisexual and transgender persons are appropriately consulted on the adoption and implementation of measures that may have an impact on the human rights of these persons?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

According to general practice the Danish Institute of Human Rights and relevant NGOs are consulted when new legislation is drafted. Thus, they may provide comments which will then form part of the law-making process. In cases of more extensive legislative reforms or legislation concerning important principles, new legislation may be prepared by preparatory committees, commissions, or working groups. In these cases affected parties – including relevant NGOs – are oftentimes represented on the committee etc.

III. Freedom of expression and peaceful assembly

18. Are there measures in place to ensure that freedom of expression, including freedom to receive and impart information on subjects dealing with sexual orientation or gender identity, can be enjoyed without discrimination on grounds of sexual orientation or gender identity?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Are there measures in place to ensure that freedom of peaceful assembly can be enjoyed without discrimination on grounds of sexual orientation or gender identity?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If specific limitations or exceptions regarding such freedoms are in place, please provide examples and indicate whether any measure to review or lift such measures is in preparation:

-
19. Do law enforcement authorities take appropriate measures to protect participants in peaceful demonstrations in favour of the human rights of lesbian, gay, bisexual and transgender persons?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Pursuant to section 7 of the Act on the Activities of the Police, the Police have a duty to protect the citizens' freedom to assemble. This includes participants in demonstrations in favour of the human rights of lesbian, gay, bisexual and transgender persons. The provision emphasises that the Police has a duty to defend the right to assembly as enshrined in the Constitution. In doing this, the Police have a duty to secure the peaceful execution of the demonstration with the necessary personnel and equipment. If unrest or riots occur, it is the principal task of the Police to secure restoration of law and order. Furthermore, it is the task of the Police, if possible, to prosecute the alleged perpetrators, who have violated the law, regardless of the nature of the expected punishment.

IV. Right to respect for private and family life

20. Have measures been taken to ensure that criminal law provisions which, because of their wording or scope, may lead to a discriminatory application with respect to sexual orientation or gender identity are either repealed, amended or applied in a manner which is compatible with the principle of non-discrimination?

a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Section 221 of the Danish Criminal Code prohibits the deceitful obtaining of sexual intercourse with a person who wrongly believes to be married to the obtainer or mistakes the obtainer for someone else. Due to historical reasons, the provision only applies to heterosexual inter-course as well as other heterosexual relations. The Government has recently presented a proposal for amendment of the Danish Criminal Code's provisions regarding sexual offences. The Government proposes, inter alia, to amend Section 221 in order to ensure that homosexual relations fall within the scope of the provision to the same extent as heterosexual relations.

21. Are there measures in place to ensure that personal data referring to a person's sexual orientation or gender identity are not collected, stored or otherwise used, except where this is necessary for the performance of specific, lawful and legitimate purposes, and that existing records that do not comply with this principle are destroyed?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please provide examples of exceptions to this principle, if any:

The Act on Processing of Personal Data is not applicable to the processing of data undertaken by a natural person with a view to exercise of purely personal activities and processing of data covered by the Act on information databases operated by the mass media. Section 7 (dealing with sensitive information) does also not apply to processing of data which take place exclusively for journalistic purposes or for the sole purpose of artistic or literary expression. Regarding data collection and health care an example of an exception is the collection of necessary personal data as a part of health care services. Such necessary data are stored in the National Patient Register (LPR) according to the principles on protection of personal data in the Act on Health Care and the Act on Processing of Personal Data.

22. Are appropriate measures available to guarantee full legal recognition of a person's gender reassignment in all areas of life in accordance with the provisions of paragraph 21 of the appendix to the Recommendation?

a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Have prior requirements for legal recognition of a gender reassignment been reviewed in order to remove any abusive requirements?

- a. ☐ b. ☒ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Requirements for legal recognition of a gender reassignment were not reviewed after the adoption of the Recommendation.

However, persons who on the basis of a gender reassignment surgery have been awarded a new personal identification number will be given a corresponding gender designation in their passports. Furthermore, pursuant to section 5 (5) of the Danish executive order on passports a person who has not undergone gender reassignment surgery may be authorized to mark the gender as X (unspecified) in the passport if he or she is considered by the Sexological Clinic of the Danish Rigshospital to be transsexual or completely comparable to transsexual.

Furthermore, the Danish government has decided to establish a working group with a view to assess the possibilities of granting transsexuals a right to legal gender reassignment without gender reassignment surgery (castration). The working group is expected to finish its work by the end of 2013.

23. Once gender reassignment has been completed and legally recognised, is the right of a transgender person to marry a person of the sex opposite to their reassigned sex effectively guaranteed?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Reference is made to the information on the change of the Marriage Act (same sex marriage), provided in reply to question no. 2.

24. Where national legislation recognises registered same-sex partnerships, are their legal status, rights and obligations equivalent to those of heterosexual couples in a comparable situation?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If national legislation does not recognise nor confer rights to registered same-sex partnerships and unmarried couples, has the possibility been considered to provide same-sex couples with legal or other means to address the practical problems related to this fact in their lives?

- a. ☐ b. ☐ c. ☐ d. ☐ e. ☐

Please provide examples:

25. Are there measures in place to ensure that decisions regarding parental responsibility and adoption of a child are taken primarily in the child's best interest, as well as without discrimination based on sexual orientation or gender identity?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

According to Danish legislation, all decision on parental responsibility and adoption are taken in the child's best interest. Legally, it is not permitted to take the sexual orientation or gender identity of a party into consideration.

V. Employment

26. Does legislation prohibit discrimination in employment in the public and private sector on grounds of sexual orientation?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Does legislation prohibit discrimination in employment in the public and private sector on grounds of gender identity?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If so, are there measures in place concerning in particular:

Access to employment

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Promotion, dismissals, pay and other working conditions

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Prevention and punishment of harassment

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Protection of privacy of transgender persons

(in accordance with paragraph 30 of the Appendix to the Recommendation)

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

In Denmark the prohibition against discrimination on the basis of sexual orientation is specified by the Act on prohibition against discrimination on the labour market.
The act forbids direct and indirect discrimination and applies in connection with employment, dismissal, reassignment, promotion and in regard to pay and working conditions.
The Act on Equal Treatment between men and women and the Act on Equal Pay to men and women prohibits discrimination on the basis of gender.

Discrimination of transgender persons is in Denmark considered as discrimination based on gender. As concerns the privacy of transgender individuals in context of employment (e.g. irrelevant disclosure of their gender history or their former name) protection is provided by the Personal Data Protection Act.

VI. Education

27. Are there appropriate legislative and other measures, addressed to educational staff and pupils, to ensure that the right to education can be effectively enjoyed without discrimination on grounds of sexual orientation or gender identity, taking into due account the over-riding interests of the child and the rights of parents regarding education of their children?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If so, are there measures in place concerning in particular:

i) Anti-discrimination training or support and teaching aids

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

ii) Information, protection and support for pupils and students

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

iii) Objective information on sexual orientation and gender identity in school curricula ?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

iv) School equality and safety policies and action plans

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

The curriculum and binding learning objectives in the subjects of Health and sexual education as well as other subjects in lower and secondary education reflects tolerance, empathy and pluralism in terms of for example:

- sexual orientation, race and religion
- political opinion
- family patterns
- social status

VII. Health

28. Are there appropriate measures in place to ensure that the highest attainable standard of health can be effectively enjoyed without discrimination on grounds of sexual orientation or gender identity, in accordance with the provisions of Paragraph 33 of the Appendix to the Recommendation?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

In Denmark, men and women, children and adults, have equal access to prevention, treatment, care and support. The Danish government has focus on lesbian, gay, bisexual and transgender persons in health prevention and health promotion policies. The Danish Health and Medicines Authority advises and produces recommendations to municipalities on good practices in the fields of health care services, prevention and health promotion. The Authority has launched new recommendations concerning tobacco, alcohol, physical inactivity, mental health and sexual health. These so-called “prevention-packages” are targeted at municipalities. The recommendations describe in detail which health promoting and preventive measures municipalities should implement in the coming 10 years. The recommendations are non-binding because the government does not have the legal basis to instruct the municipalities in these matters. The prevention-package regarding sexual health focuses on how municipalities can ensure that adolescents, ethnic minority groups, and vulnerable groups such as lesbian, gay and transgender persons get the necessary advice, information and treatment.

Further, as regards sexually transmitted diseases such as HIV/AIDS the Danish policy is based on the principles that there should be no compulsion and that anonymity must be preserved. Open, direct, and honest information is available, which is intended to enable the individual to refer freely to the health authorities. Furthermore, an important element in the Danish AIDS policy is to avoid any form of discrimination. Also information and motivation are very important elements in the AIDS policy. At the same time, the Government ensures economic support to voluntary associations working with prevention and health promotion regarding HIV/AIDS and gives economic support to voluntary associations campaigns and school materials containing information about healthy sexuality and protection against sexually transmitted diseases. Gender reassignment services are part of the public health care system, classified as a highly specialized treatment. The National Board of Health is currently adjusting the guidance on the treatment of persons with gender identity problems aiming to improve the treatments and the scheme further.

29. Has homosexuality been removed from the national classification of diseases?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

30. Are there measures in place to ensure that transgender persons have effective access to appropriate gender reassignment services?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If there are limitations to the costs covered by health insurance for gender reassignment, please explain:

Costs of offered gender reassignment services are unlimited. Much medicine bought on prescription in Denmark comes with general reimbursement, including hormones as a part of gender reassignment. The

general conditions for the reimbursement must be met for this medicine as well as for other medicine, which means that part of the expenses for medicine cannot be reimbursed.

VIII. Housing

31. Are measures taken to ensure access to adequate housing can be effectively and equally enjoyed by all persons, without discrimination on grounds of sexual orientation or gender identity, that protection is provided against discriminatory evictions, and that equal rights are guaranteed in respect of ownership of land and other property,?
- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

The possibility for housing in terms of owning your home, renting on the private housing market or renting in the system for social housing is equal to all citizens. The social housing dwellings are owned by (non-profit) housing associations. Everyone can be placed on a waiting list, which the housing associations is obliged to use when assigning tenants to flats. Besides the waiting lists, the local authorities have a municipal allotment right for a certain percentage of the vacant flats in the social housing. The general legislation on tenancy provides protection against groundless eviction.

32. With respect to the risk of homelessness faced by lesbian, gay, bisexual and transgender persons, in particular young persons and children, are measures taken to ensure that the relevant social services are provided without discrimination on grounds of sexual orientation or gender identity?
- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

One fifth of the total housing stock is social housing owned by (non-profit) housing associations, where everyone can be placed on a waiting list, which the housing associations is obliged to use when assigning tenants to flats. Besides the waiting lists, the local authorities have a municipal allotment right for a certain percentage of the vacant flats in the social housing, which is used to help people in need of housing.

IX. Sports

33. Have measures (including awareness-raising measures) been taken to tackle discrimination on grounds of sexual orientation or gender identity (including the use of discriminatory insults) in sports and in connection with sports events?
- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

The National Olympic Committee and Sports Confederation of Denmark has issued an ethical codex for all athletes, trainers, officials, leaders, supporters etc. involved with sports and sports events in Denmark. This codex emphasizes equal treatment of all, regardless of gender, race, ethnic, political or sexual orientation.

X. Right to seek asylum

34. In cases where your country has an international obligation in this respect, may a well-founded fear of persecution based on sexual orientation or gender identity be recognised as a valid ground for the granting of refugee status and asylum under your national law?
- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

According to section 7 (1) of the Danish Aliens Act a residence permit will be issued to an alien upon application if the alien falls within the provisions of the Convention relating to the Status of Refugees (28 July 1951). Pursuant to section 7 (2) of the Danish Aliens Act a residence permit will be issued upon application if the alien risks the death penalty or being subjected to torture or inhuman or degrading treatment or punishment in case of return to his country of origin. An application as referred to in the first sentence hereof is also considered an application for a residence permit under subsection (1). Cases concerning granting of refugee status or asylum in accordance with section 7 (1) and section 7 (2) of the Danish Aliens Act are subject to a concrete and individual assessment of each applicant's motive for seeking asylum combined with the background knowledge on the general situation in the country of origin. It is broadly accepted that cases where the motive for seeking asylum is based on gender or sexual orientation fall within the meaning of section 7 (1) and section 7 (2) of the Danish Aliens Act.

35. Does your country ensure that asylum seekers are not sent to a country where their life or freedom would be threatened because of their sexual orientation or gender identity?
- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Please indicate the measures and, if appropriate, provide examples of good practices in this area:

Reference is made to the reply to question no. 34.

XI. National Human Rights Structures

36. Are National Human Rights Structures (equality bodies, ombudsperson, and national human rights institutions) clearly mandated to address discrimination on grounds of sexual orientation?
- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

Are National Human Rights Structures (equality bodies, ombudsperson, and national human rights institutions) clearly mandated to address discrimination on grounds of gender identity?

- a. ☒ b. ☐ c. ☐ d. ☐ e. ☐

If so please explain and indicate in particular, if appropriate, what possibilities of intervention are included in their mandate, including in particular with respect to discrimination on multiple grounds:

In Denmark the prohibition against discrimination on the basis of race, colour, religion or belief, political opinion, sexual orientation, age, disability or national, social or ethnic origin, is specified by the Act on prohibition against discrimination on the labour market.

The Act on Equal Treatment between men and women and the Act on Equal Pay to men and women prohibits discrimination on the basis of gender. Discrimination of transgender persons is in Denmark considered as discrimination based on gender.

In 2009 an administrative Board of Equal Treatment was established. The board handles complaints concerning discrimination both outside (gender and ethnic origin) and on (gender, race, colour, religion or belief, political opinion, sexual orientation, age, disability or national, social or ethnic origin) the labour market. The Board may award compensation and set aside dismissals to the extent provided for by the acts covered by the board.

The decisions made by the board cannot be appealed against to any other administrative authority. Once the Board has made a decision about a complaint, either party may bring the matter before the courts. Where the decisions made by the Board are not observed, the Board shall, at the complainant's request and on his or her behalf, bring the matter before the courts.

Bringing a case before the Board of Equal Treatment is free of charge. It is also free of charge for the complainant, when the board, at the complainant's request, brings the matter before the court.

The Danish Institute of Human Rights (DIHR) has in March 2011 been appointed equality body in relation to gender. This means that DIHR is mandated to promote, evaluate, monitor, and support equal treatment of women and men without discrimination on the basis of gender. The mandate includes giving assistance to victims of discrimination to have their complaints dealt with, initiating independent analyses on discrimination and publishing reports and making recommendations on issues relating to discrimination.

XII. Discrimination on multiple grounds

37. Are there measures in place to ensure that the provisions of national law prohibiting or preventing discrimination also protect against discrimination on multiple grounds, including on grounds of sexual orientation or gender identity?

a. ☐ b. ☐ c. ☐ d. ☒ e. ☐

The Danish legislation does not contain a specific provision about discrimination on multiple grounds, but the Board of Equal Treatment has reviewed some cases concerning multiple discrimination and has in these cases assessed whether the use of the single criteria constituted a violation.

Section III - Follow-up

38. Which measures by the Council of Europe would you recommend to ensure that member states are guided in their national legislation and practice by the principles set out in the Recommendation and in its Appendix ?

The Council of Europe should publish the analysis of the responses to this questionnaire including the responses regarding best practices. This could provide valuable information and inspiration for member states.

39. Should the Council of Europe continue examining periodically the implementation of this Recommendation? If so, should such examination in future concentrate on specific issues, and which specific issues would you recommend examining in that case?

This thorough examination is sufficient to monitor the implementation of the Recommendation.

40. Are there any issues on which the Recommendation and its Appendix should be revised or completed? If so, please indicate them.