



**Organization for Security and Co-operation in
Europe
Office for Democratic Institutions and Human Rights**

**Information Submitted to the
Office of the United Nations High Commissioner for
Human Rights
as a Stakeholder in the
Universal Periodic Review of Denmark**



Warsaw, 15 October 2020

**OSCE/ODIHR Submission of Information about an OSCE Participating State or
Partner for Co-operation under Consideration in the Universal Periodic Review Process**

Participating State: Denmark

UPR Working Group Session and Date of Review: 38th Session, 3 – 21 May-2021

Background

1. Denmark has been a participating State in the former Conference for Security and Co-operation in Europe (CSCE) and the present Organization for Security and Co-operation in Europe (OSCE) since 1973 and has thus undertaken and recently reaffirmed a wide range of political commitments in the “human dimension” of security as outlined in relevant OSCE-Documents.¹

2. The OSCE Office for Democratic Institutions and Human Rights (ODIHR) has been mandated by OSCE participating States, including Denmark, to assist them in implementing their human dimension commitments. ODIHR assistance includes election observation and assessment activities as well as monitoring and providing assessments, advice and recommendations relating to implementation of commitments in the fields of human rights, democracy, tolerance and non-discrimination, and the situation of Roma and Sinti in the OSCE-Area.

3. The present submission provides publicly available country-specific information that may assist participants in the Universal Periodic Review process in assessing the situation in Denmark and its implementation of past recommendations, as well as to formulate new recommendations that may be relevant to enhancing the enjoyment of human rights and fundamental freedoms in Denmark.

Election-related activities

ODIHR has not observed elections in the country before. Most recently, ODIHR sent a Needs Assessment Mission (NAM) for the 2019 general elections and recommended deployment of Election Expert Team (EET), subject to the availability of resources.

General Elections, 5 June 2019

4. In anticipation of an official invitation to observe the parliamentary elections in Denmark, to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to observe the 5 June 2019 parliamentary elections, and in accordance with its mandate, ODIHR undertook a Needs Assessment Mission (NAM) to Denmark from 25 to 29 March. The full report is available at https://www.osce.org/files/f/documents/4/d/419231_0.pdf

5. The ODIHR NAM report concluded that “interlocutors expressed confidence in the management of the parliamentary elections and highlighted the country’s strong tradition of and participation in democratic elections. Despite the high level of decentralization in administering the elections, they stressed the impartial and professional approach of the various authorities. Isolated concern was raised related to potential foreign influence in various aspects of the elections and that an external review of possible implications and responses could be beneficial. In addition, given that the campaign will be primarily run through online and social media, ODIHR NAM interlocutors noted that an assessment of how these aspects would influence the electoral process could benefit from review.

6. In recent years, minimal changes have been introduced to the electoral legal framework and overall ODIHR NAM interlocutors noted that it was conducive to holding democratic

elections. However, specific reference was noted on the need for further regulation of campaign and party finance to enhance transparency and accountability. Therefore, based on the assessments noted in this report and that ODIHR has not previously observed elections in Denmark, the ODIHR NAM recommends deploying an Election Expert Team (EET) for the 2019 parliamentary elections, subject to the availability of resources, to review the work of election administration with a focus on its electronic management tools, to follow the campaign with an emphasis on digital outreach, and to review the regulatory framework for campaign and party finance.”

Tolerance and non-discrimination issues

7. ODIHR’s 2020 report “OSCE Human Dimension Commitments and State Responses to the COVID-19 Pandemic” found that, as the coronavirus is widely considered to have spread from China to other countries, in some participating States, including Denmark, intolerance and discrimination was significantly directed towards people perceived to be of Asian descent in the early phase of the pandemic. Individuals perceived to be of Asian descent were targeted in hate incidents, including instances of serious attacks. Refugees and migrants were also blamed for the spread of COVID-19 in Denmark and elsewhere. ODIHR’s recommendations to Denmark include:

- Uphold existing commitments and international obligations on tolerance and non-discrimination.²
- Condemn any form of discrimination and hate crime and abstain from any statement or action that exacerbates vulnerabilities.
- Ensure that any measures and restrictions imposed due to the emergency situation are created and applied in a non-discriminatory manner, as prescribed by relevant international standards. Working together with civil society organizations and minority communities in this process is crucial.
- Respond swiftly to hate crimes, to record and investigate them so that the perpetrators can be brought to justice and adequate penalties imposed. Assess and improve relevant mechanisms for hate crime recording and data collection.
- Enhance law enforcement and justice sector capacities to recognize and effectively investigate hate crimes and to ensure that specialized training, focused on hate crime victims and their needs, is provided for officials and civil society organizations within the victim support structures. Enact policies, through inter-agency co-operation, to address hate crimes in a comprehensive manner.
- Support victims as they report their experiences, assess the existing current victim support system, and ensure the availability of all necessary psychological, social and legal support for victims, including through close co-operation with civil society. Ensure that the consequences of the current pandemic, including the economic crisis, do not affect the State’s capacities to provide support to victims of hate including through appropriate funding to non-state actors and civil society organizations.
- Prevent new outbursts of hate crime against racialized minorities by undertaking pre-emptive and proactive steps for awareness-raising and addressing hate crime when easing physical distancing restrictions.
- Design and implement recovery assistance in a non-discriminatory manner, with the participation of underrepresented groups affected by discrimination.
- Celebrate and harness the strength of diversity within the participating State, as a means of overcoming current and forthcoming social and economic challenges of the pandemic.
- Consider repealing bans or restrictions on face covering typically used by Muslim women, the Muslim call to prayer, or requiring mandatory handshakes in some formal contexts, in the light of the changes caused by the pandemic which proved these bans and obligations

unfounded.

¹ OSCE Office for Democratic Institutions and Human Rights, *Compendium of OSCE Human Dimension Commitments: Volume 1, Thematic Compilation (third edition)*, <http://www.osce.org/odihr/elections/76894> and *Compendium of OSCE Human Dimension Commitments: Volume 2, Chronological Compilation (third edition)*, 2011, <http://www.osce.org/odihr/76895>; OSCE Summit Meeting, Astana 2010, *Astana Commemorative Declaration: Toward a Security Community*, 3 December 2010, <http://www.osce.org/cio/74985?download=true>

² OSCE participating States have committed to strongly condemn racial and ethnic hatred, xenophobia, discrimination, anti-Semitism and intolerance against Muslims, Christians and other religions, and have committed to address these phenomena in all their forms (Copenhagen Document, 1990). Since 2003, the OSCE participating States have established a normative framework of OSCE Ministerial Council (MC) decisions to reflect their commitments to address these phenomena: MC Decisions 4/03, 12/04, 10/05, 13/06, 10/07 and 9/09. Additionally, a number of OSCE human dimension commitments recognize the vital importance of participating States' realization of their binding human rights obligations under international treaties, such as the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).