



European Network of  
National Human Rights Institutions

# Implementing the Council of Europe Recommendation on National Human Rights Institutions: The State of Play

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**The situation in Denmark**



# Denmark Country Report

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## Overview

### Name of NHRI and mandate:

- The Danish Institute for Human Rights (DIHR)
- NHRI as well as: equality body, and NMM

### Sources:

- NHRI: [ENNHRI, State of the Rule of Law in Europe in 2022, Denmark Country Report](#)
- Sub-Committee on Accreditation (SCA): [SCA Report October 2018](#)
- CoE Independent Bodies: [ECRI Report on Denmark \(2022\)](#); [CPT Report on Denmark \(2019\)](#)

### Good practices and improvements:

- **CM Principle 1:** The Danish Institute for Human Rights is an A-Status institution in compliance with the Paris Principles.
- **CM Principle 4:** In line with the SCA (2018) to **ensure a broad, transparent and uniform selection process across all appointing entities**, 1) the DIHR Bylaws have been amended and 2) the appointing entities have adopted guidelines to better detail the process.

- **CM Principle 3: broad mandate:** the DIHR equality mandate has been extended in 2021 by the Danish Parliament to promote equal treatment of sexual orientation, gender identity, gender expression and sex characteristics.

### Key areas where improvement is needed:

- **CM Principle 13 on measures to protect and support NHRIs:** There are **no specific, formal measures established in order to protect and support the NHRI, heads of institution and staff against threats and harassment and any other forms of intimidation** (including SLAPP actions). The DIHR reports though that Rules of immunity are uncommon in Danish legal tradition. Thus, save for the royal and diplomatic immunity no other individuals are subject to special rules of immunity, including the judiciary and the ombudsman.
- **CM Principle 15 to facilitate cooperation with various levels of administration in Member States and other human rights actors:** the National Mechanism for Reporting and Follow-up is an Inter-Ministerial Human Rights Committee (IHRC) consisting of all ministries that deal with human rights issues. While the IHRC meets on occasion with civil society organisations and the NHRI, the DIHR notes that this can be strengthened.

## Specific findings per Principle

The tables below include data on the assessment of the implementation of each Principle (i.e. the individual parts) within the Recommendation from three sources: the National Human Rights Institutions, the Sub-Committee on Accreditation of GANHRI and the Council of Europe independent bodies. Overall, the findings are considered in four overall groups: the establishment of NHRIs; the strengthening of NHRIs; a safe and enabling environment for NHRIs; and cooperation with and support for NHRIs.

### I. Establishment of NHRIs

<p><b>Principle 1</b></p>	<p>Member States should ensure that <b>NHRIs are in place</b> and that they are <b>established, accredited and function in full compliance</b> with the Paris Principles.</p>
<p><b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b></p>	<p><i>SCA Report October 2018, p. 8</i></p> <p>The SCA recommends that the DIHR (Danish Institute for Human Rights) be re-accredited with A status.</p>
<p><b>Principle 2</b></p>	<p>Member States should provide a <b>firm legal basis</b> for NHRIs, preferably at the constitutional level, and/or in a law which defines the mandates and functions of such institutions, <b>guarantees their independence</b> and <b>provides</b> them with the <b>means necessary</b> to accomplish their functions effectively, both at national and international levels, bearing in mind existing standards and recommendations on NHRIs, in particular the Paris Principles and their interpretation developed by GANHRI's Sub-Committee on Accreditation.</p>

<b>Assessment of implementation by the NHRI</b>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 2</i></p> <p>The situation of the Danish NHRI in terms of its independence, effectiveness and regulatory framework is balanced. The Danish Institute for Human Rights does not have a constitutional basis. The Institute is established by law as an independent state institution under the Act on the Danish Institute of Human Rights.</p>
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## II. Strengthening of NHRIs

<p><b>Principle 3.1</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>monitor and analyse</b> the human rights situation in the country, <b>publish reports</b> on these findings and <b>address recommendations</b> to public authorities at national, regional and local levels and, when applicable, to private entities, and present an annual report to the relevant authorities, including before parliament, for its consideration</li> </ul>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>The Institute would like to highlight the new practice of being invited by the newly elected Legal Affairs Committee of the Parliament to provide a presentation of itself as the Danish NHRI<sup>1</sup>, in addition to its legislative mandated presentation of the annual report, cf. article 2(3).</p>
<p><b>Principle 3.2</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>freely address public opinion, raise public awareness</b> on human rights and <b>carry out education and training</b> programmes;</li> </ul>

<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>The Institute has founded 'The Human Rights Alliance' with Amnesty International, Mino Denmark, the Danish Youth Council, the Danish Youth Bureau and Roskilde Festival. Whereby, over 40 civil society organizations, associations, educational institutions and festivals work to enhance the knowledge of human rights amongst the youth and younger generations.</p>
<p><b>Principle 3.3</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>fully address all alleged human rights violations</b> by all administrative authorities, other relevant State entities and, when applicable, private entities</li> </ul>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>As a good practice, the Institute notes that in 2021, the Danish Parliament expanded the Institutes' equality mandate to promote equal treatment of sexual orientation, gender identity, gender expression and sex characteristics, cf. article 2 (2).</p>
<p><b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b></p>	<p><i>SCA Report October 2018, p. 8</i></p> <p>The SCA notes that section 2 of the Act provides the DIHR with a mandate to both promote and protect human rights, and that, in its application, the DIHR has provided details about a wide range of activities it undertakes that would be considered to be protection functions.</p>

	<p>The SCA encourages the DIHR to continue to interpret its protection mandate in a broad manner and to conduct a range of protection actions, including monitoring, enquiring, investigating, and reporting.</p>
<p><b>Assessment of implementation by CoE independent bodies</b></p>	<p><i>ECRI Report on Denmark, 2022, pp. 9-10 (para.9)</i></p> <p>The Danish Institute for Human Rights (DIHR) is a multi-mandate institution, which through its equality mandate promotes equal treatment of all persons without discrimination on grounds of gender, "race" or ethnic origin. Although the Act on the Institute for Human Rights only covers three grounds of discrimination, the DIHR declares on its website that the principle of equal treatment and non-discrimination is a cornerstone of human rights advocacy and that it frequently in its work applies a horizontal perspective, meaning that it addresses all grounds for discrimination in any domain, taking into account gender, age, disability, sexual orientation, religion and faith, ethnicity and "race". The DIHR can take up cases about discrimination on its own initiative or, since 2016, bring a discrimination complaint on behalf of an individual to the Board of Equal Treatment if the case is about a matter of principle or of general public interest.</p>



<p><b>Principle 3.4</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- have <b>unfettered access to all relevant premises</b>, including places of deprivation of liberty, and to all relevant individuals, in order to be able to carry out a credible examination of all issues covered by their mandate and to all relevant information, subject to possible restrictions stemming from the protection of other rights and legitimate interests and with due respect for the confidentiality of information obtained;</li> </ul>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>The Institute is free to conduct inquiries and investigate all human rights related matters. The Institute, specifically, conducts inspections pursuant to OPCAT together with the Ombudsman and the Danish Institute Against Torture (Dignity).</p>

<p><b>Principle 3.5</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>monitor existing and draft policies and legislation</b> with human rights implications before, during and after their adoption in order to <b>advise</b> the State about the impact of such policies and legislation on human rights and on the activities of human rights defenders, including by <b>making relevant and concrete recommendations</b>.</li> </ul>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p.6</i></p> <p>The Institute participates in legislative processes and other policy measures via a range of avenues, including public consultation, in-depth reports, contact with decision makers and stakeholders as well as through strategic litigation in selected matters of principle. The Institute also responds to governmental policies in order to advise the State on the human rights impact.</p>
<p><b>Principle 3.6</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>contribute to an effective justice system</b> for all, through awareness-raising measures and facilitating access to rights and remedies and, as applicable, by providing legal assistance, being a party before the courts or, when applicable, receiving individual complaints;</li> </ul>

<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p.2</i></p> <p>It has a mandate to contribute to access to justice for individuals, including through monitoring, reporting, analyses, awareness raising etc. The Institute does not have a general mandate to handle complaints made by individuals. The Institute is expressly mandated to assist victims of discrimination and provides overall guidance to citizens. Moreover, the Institute has the power to intervene before the courts.</p>
<p><b>Assessment of implementation by CoE independent bodies</b></p>	<p><i>ECRI Report on Denmark, 2022, p. 10 (Para.10)</i></p> <p>The DIHR also has the possibility to intervene as a third party in litigation cases, as manifested by its proactive role as a third party in support of the plaintiffs in a litigation concerning evictions of “non-westerners” in the Mjølnerparken, a neighbourhood of Copenhagen.</p>
<p><b>Principle 3.7</b></p>	<p>Member States should ensure that the <b>mandate</b> given to NHRIs to protect and promote human rights is as <b>broad as possible and in full compliance</b> with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> <li>- <b>encourage the signature, ratification of and accession</b> to international human rights treaties and <b>contribute to the effective implementation</b> of such treaties, as well as related judgments, decisions and recommendations as well as to <b>monitor States’ compliance with them.</b></li> </ul>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information Provided by the NHRI in 2023</i></p> <p>While the Institute recognises the silence of a specific mandate in the Institute Act in this regard, the Institute continues to work within its existing mandate (as per article 2, section 1 (3) in the Act) to</p>

	<p>advise Parliament, including on the ratification to international human rights instruments. The Institute continuously contributes to the effective implementation, including through its monitoring and advocacy activities. The Institute has recently <a href="#">advised Parliament</a><sup>1</sup> on the ratification to the Convention on Enforced Disappearances, and <a href="#">actively advocates</a> for the ratification of other international human rights instruments and their implementation.</p> <p><sup>1</sup> <i>Danish Institute for Human Rights, Annual report to Parliament 2020, page 14 (In Danish)</i></p>
<p><b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b></p>	<p><i>SCA Report October 2018, p. 8</i></p> <p>Further, the SCA notes that the DIHR is not explicitly mandated with responsibility to encourage ratification or accession to international human rights instruments. While acknowledging the activities the DIHR undertakes in this regard in practice, the SCA encourages the DIHR to advocate for amendments to its enabling law to make this mandate explicit.</p>
<p><b>Principle 4</b></p>	<p>The process of <b>selection and appointment of the leadership of a NHRI</b> should be competence based, transparent and participatory, in order to guarantee the independence and pluralist representation of these institutions. It should also be based on clear, predetermined, objective and publicly accessible criteria.</p> <p>The duration of the appointment should be clearly set out in the founding legislation, so that the leadership posts of the NHRI do not stay vacant for any significant period of time.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>Pursuant to the SCA recommendations, the grounds for dismissal were adjusted in the Institute's Bylaws in January 2020.</p>

	<p>In October 2020, the Human Rights Council of Greenland adopted new guidelines for the selection process of the board member appointed by the Human Rights Council of Greenland.</p>
<p><b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b></p>	<p><i>SCA Report October 2018, p. 8</i></p> <p>The SCA notes that, in response to its previous recommendation to ensure a broad, transparent and uniform selection process across all appointing entities, 1) the DIHR has amended its Bylaws and 2) the appointing entities have adopted guidelines to better detail the process.</p> <p>The SCA notes that the Human Rights Council of Greenland has not yet adopted a similar guideline. It encourages the DIHR to advocate for the adoption by the Council of a guideline or similar binding administrative instrument to regulate the selection process.</p>
<p><b>Principle 5</b></p>	<p>To ensure <b>independence</b>, the enabling legislation of a NHRI should contain an <b>objective dismissal process for the NHRI leadership</b>, with clearly defined terms in a constitutional or legislative text. The dismissal process should be fair and ensure objectivity and impartiality and should be confined to only those actions which impact adversely on the capacity of the leaders of NHRIs to fulfil their mandate.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>Pursuant to the SCA recommendation, the Institute is currently awaiting the ministerial approval of the Minister of Foreign Affairs to provide the encouraged greater precision in the Bylaws.</p>

<p><b>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</b></p>	<p><i>SCA Report October 2018, p. 9</i></p> <p>In accordance with the Bylaws of the DIHR, members of the Board of Directors can be dismissed where they lack the personal and professional integrity to continue to serve on the Board of Directors. The SCA appreciates that the DIHR has indicated that there is a relevant body of Danish jurisprudence that clarifies “personal and professional integrity”. Nonetheless, and in the interests of clarity and consistency, the SCA encourages the DIHR to provide greater precision in its Bylaws or in another binding administrative guideline on the scope of this ground.</p>
<p><b>Principle 6</b></p>	<p>Member States should provide NHRIs with <b>adequate, sufficient and sustainable resources to allow them to carry out their mandate</b>, including to engage with all relevant stakeholders in a fully independent manner and freely determine their priorities and activities.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>The Institute considers its core functions are adequately funded. The Institute is generally consulted by authorities before budgetary or legislative decisions are made.</p>
<p><b>Principle 7</b></p>	<p>NHRIs should have the <b>authority to determine their staffing profile and recruit their own staff</b>, as well as <b>sufficient resources</b> available, in order to fulfil their mandate, so as to permit the employment and retention of staff and to ensure that they receive adequate training.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p>

	<p>The Institute has the authority to determine its own staffing profile and recruitment.</p>
<p><b>Principle 8</b></p>	<p>Member States should ensure that NHRIs enjoy <b>adequate access to information and to policy makers and legislators</b>, including timely consultations on the human rights implications of draft legislation and policy strategies.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>The Institute notes that in general consultations on the human rights implications of draft legislation and policy strategies are timely. Occasionally, the Institute would note, in its response to public consultations, that the four-week requirement pertaining to the public consultation process has not been met.</p>
<p><b>Principle 9</b></p>	<p>Member States should <b>implement the recommendations of NHRIs</b> and are encouraged:</p> <ul style="list-style-type: none"> <li>- to make it a legal obligation for all addressees of NHRI recommendations to provide a reasoned reply within an appropriate time frame,</li> <li>- to develop processes to facilitate effective follow-up of NHRI recommendations, in a timely fashion and</li> <li>- include information thereon in their relevant documents and reports.</li> </ul>

<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 2</i></p> <p>The addressees of the Danish NHRI's recommendations are not legally obliged to provide a reply. The Danish Institute for Human Rights finds, however, that state actors tend to take recommendations from the Institute into thorough consideration.</p> <p><i>Information Provided by the NHRI in 2023</i></p> <p>Following public consultations, the relevant ministry provides a reasoned reply to recommendations. Both this and the public consultation responses are presented to Parliament.</p>
<p><b>Principle 10</b></p>	<p>When member States grant NHRIs <b>additional competences</b> to perform functions foreseen by international conventions in the field of human rights, such as the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Convention on the Rights of Persons with Disabilities, the NHRI should <b>have access to sufficient resources to develop the capacity to effectively discharge its functions</b>, including having appropriately qualified and trained staff.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>In 2023, the Institute was specifically tasked to examine the efforts to combat human trafficking. This task was accompanied by an additional DKK 1 million covering the time period of 2024-2025.</p>
<p><b>Assessment of implementation by CoE independent bodies</b></p>	<p><i>ECRI Report on Denmark, 2022, p. 10 (Para.11)</i></p> <p>ECRI is pleased to note that as of 14 May 2021, the mandate of the DIHR covers Greenland as well, although the extension of the DIHR mandate did not come with an increased budget, except that in</p>



	2021 DIHR was awarded a one-off lump sum of 14 000 000 DKK (about € 1.9 million) in extra funding, explicitly earmarked for Greenland.
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### III. Safe and Enabling Environment

<b>Principle 11</b>	Member States should ensure that NHRIs can <b>operate independently</b> , in an environment which is conducive to them carrying out their mandate in an effective manner and in a climate of <b>impartiality, integrity, transparency and fairness</b> .
<b>Assessment of implementation by the NHRI</b>	<i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 2</i> The institution is bound by legislation on e.g. access to information, public archives, financial accountability and transparency, but the Government has no power of instruction over the institution concerning its strategic priorities, choice of actions, analyses etc.
<b>Principle 12</b>	Member States should <b>foster awareness</b> and the co-operation of all relevant public authorities in relation to the mandate, independence and role of NHRIs, including through training and awareness-raising activities.
<b>Assessment of implementation by the NHRI</b>	<i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 2</i> In general, the relevant state authorities have good awareness of the Danish NHRI's mandate, independence and its role.

<p><b>Principle 13</b></p>	<p>Member States should take all measures necessary <b>to protect and support NHRIs</b> against threats and harassment and any other forms of intimidation, including through ensuring <b>functional immunity</b>. Any cases of alleged reprisals or intimidation against NHRIs, their membership and staff, or against those who co-operate or seek to co-operate with them, should be promptly and thoroughly investigated and the perpetrators brought to justice.</p>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p.3</i></p> <p>There are no specific, formal measures established in order to protect and support the NHRI, heads of institution and staff against threats and harassment and any other forms of intimidation (including SLAPP actions). Rules of immunity are uncommon in Danish legal tradition and only apply to members of Parliament and of the royal family.</p>
<p><b>Principle 14</b></p>	<p>Member States should ensure that <b>confidential information collected</b> by NHRIs in the context of their mandate is <b>privileged and is not unduly made public</b>.</p>
<p><i>No Information</i></p>	

#### IV. Co-operation and support

<p><b>Principle 15</b></p>	<p>Member States should <b>take effective measures to enable NHRIs to communicate and co-operate</b> with, in addition to the various levels of administration in the member States, in particular:</p> <ul style="list-style-type: none"> <li>a. counterpart institutions, where appropriate through networking and exchange of information and practices, as well as through regular meetings such as those taking place within the framework of ENNHRI and GANHRI;</li> <li>b. civil society stakeholders, in particular non-governmental organisations and human rights defenders, who should enjoy easy and safe access to NHRIs as part of an enabling environment;</li> <li>c. other human rights structures, including regional, local and/or specialised institutions, notably Ombudsman institutions and equality bodies and their respective networks, where appropriate through jointly organised activities;</li> <li>d. international and regional organisations working in related or similar fields.</li> </ul>
<p><b>Assessment of implementation by the NHRI</b></p>	<p><i>Information provided by the NHRI in 2023</i></p> <p>In Denmark, the National Mechanism for Reporting and Follow-up is an Inter-Ministerial Human Rights Committee (IHRC) consisting of all ministries that deal with human rights issues. The IHRC meets four to five times per year. The mandate of the IHRC is to coordinate the UN national reporting and follow-up, as well as the work in the Human Rights Council. The Ministry of Foreign Affairs is the chair and serves as a secretariat of the committee. The committee only meets on an ad-</p>

	<p>hoc basis with the NHRI and civil society organizations. The Institute considers that further measures could be taken in order to strengthen this mechanism.</p>
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