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**Response from Denmark to OHCHR questionnaire: Independent expert on protection against violence and discrimination based on sexual orientation and gender identity**

*Question 1: What are the current efforts by States to increase their knowledge of the LGBT population?*

Answer:

Collection of data related to LGBTI persons is a priority for Denmark. Recent steps have been taken to improve such data in a national context, and further initiatives are to be implemented in the coming years. The purpose is to enhance knowledge of the situation of LGBTI persons and thereby allow for better informed and evidence based initiatives to promote security, well-being and equal opportunities for LGBTI persons.

Government initiated nation-wide studies that will be conducted in the period 2018-2021 include studies of 1) well-being and living conditions for LGBTI persons, 2) barriers to openness at the workplace, 3) challenges and stigma in relation to “coming out" as an LGBTI person, 4) living conditions of intersex persons, 5) barriers to LGBTI people in sports associations and the extent of homophobia and transphobia, and 6) a preliminary study on monitoring the well-being of LGBTI pupils.

*Question 2: What kinds of data can be collected by government to understand the nature and extent of violence (e.g. through statistics on LGBT-phobic hate crimes and hate speech), discrimination, and disparities in health, education, labour, civic participation, and other important areas?*

Answer:

Please consult the answer to questions 1 for examples of data that is being collected to better understand the nature of discrimination etc.

Furthermore, in 2018, for the first time, the national annual health and morbidity survey included data on the incidence of violence in gay, lesbian and bisexual relationships.

In 2019 it is expected that the national victim survey questionnaire will be expanded by adding a question that sheds more light on the motives behind acts of violence committed against LGBTI people.

The National Research Centre for the Working Environment intends to address discrimination/harassment due to sexual orientation in its next national survey ‘Arbejdsmiljø og Helbred’ (Working Environment and Health) aimed at more than 50,000 employees in 2020.

The Danish Working Environment Authority hosts a register of accidents at work and a register of work-related diseases.

In Denmark employers are legally obliged to report all accidents at work to the Working Environment Authority when the accident causes at least one day of absence. The obligation to report an accident includes incidents where the employee (victim) has been exposed to and injured by physical violence, threats of violence or experiences traumatic situations.

Violence is registered in the notification as the immediate cause of the accident. Data on the deeper causes (e.g. the reason for violence) is not collected as a part of the European ESAW methodology for statistics on accidents at work used in the registration.

In Denmark physicians and dentists are legally obliged to report all confirmed or suspected work-related diseases to the Danish Working Environment Authority. The obligation to report work-related diseases include (suspected) diseases caused by threats of violence and bullying. Parallel to the accident at work register, the reason for a threat of violence or bullying is not registered.

Potentially, the register of accidents at work and the register of work-related diseases can be adjusted to allow for a more precise and detailed registration of work accidents caused by violence and of work-related diseases caused by threats of violence and bullying. However, The Danish Working Environment Authority assess that even with such adjustments, the two registers will significantly underestimate the number of relevant cases.

First, accidents at work that do not result in at least one day of work absence or a disease will not be reported. Second, evidence suggests that there is a underreporting of accidents at work and work-related diseases. With these weaknesses in mind, an assessment of the extent of violence and discrimination at work based on sexual orientation and gender identity will probably be accomplished better through surveys.

*Question 3: What safeguards are in place, and what safeguards are needed, to protect the human rights of individuals providing personal data as well as individuals collecting such data?*

Answer:

In Danish national registers, data is anonymized and handled with utmost care in accordance with the EU General Data Protection Regulation (GDPR). So is data collected by other non-governmental stakeholders.

*Question 4: What are the risks associated with the collection and management of data on sexual orientation and gender identity and initiatives to overcome those?*

Answer:

Data collection in Denmark happens in accordance with the EU General Data Protection Regulation (GDPR).

*Question 5: Are there circumstances where data collection is ill-advised, such as in countries that criminalize same-sex behaviour or where particular government agencies have demonstrated a cause for concern regarding their treatment of issues related to sexual orientation and gender identity?*

Answer:

No. Data collection in Denmark happens in accordance with the EU General Data Protection Regulation (GDPR).

*Question 6: When States engage in data gathering activity, to what extent is civil society able to meaningfully participate in the design and implementation of these programs? This question includes the following:*

*a. Do states have policies that guide the process of civil society participation national statistical programs and other State efforts to increase knowledge about LGBT populations?*

*b. Does civil society have the capacity, in terms of expertise and technical knowledge, to meaningfully participate in State efforts to gather data?*

*c. What constitutes meaningful participation in this area?*

Answer:

Civil society organisations and other relevant actors, e.g. trade unions, is often consulted and included in developing new initiatives, for example in order to ensure that studies are conducted taking into account that LGBTI persons are not necessarily used to or comfortable with being open to questions regarding sexuality and gender identity

In Denmark the work environment policy is traditionally developed with input from employer and workers’ organisations. Consequently, these parties will also be consulted in the planning and design of the work environment survey and in possible further developments of the registration of work accidents and work-related diseases.

The Danish Ministry of Culture is continuously in contact with Danish sports organizations about the welfare and inclusion of LGBTI-individuals in sports.

Furthermore, all the studies mentioned in the answer to questions 1 are conducted in dialogue with the relevant civil society organizations.

*Question 7: Does the lack of a global classification scheme carry risks that data will not be useful for international comparisons or will not actually reflect the identities and lived realities of local population.*

Answer:

A global classification scheme improves the likelihood of meaningful international comparisons. However, in the case of LGBTI-related data collection, due to vastly different perceptions and lived experiences of local populations, national classification schemes carry the chance of better reflecting those lived experiences.

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