

Secretariat of the Human Rights Council Advisory Committee
c/o Ms. Meena Ramkaun
hradvisorycommittee@ohchr.org

WILDERS PLADS 8K
DK-1403 COPENHAGEN K
TELEFON +45 3269 8888
MOBIL (+45) 32698888
DERA@HUMANRIGHTS.DK
HUMANRIGHTS.DK

J. NR. 540.10/30502/DERA

QUESTIONNAIRE ON LOCAL GOVERNMENT AND HUMAN RIGHTS

11. APRIL 2014

1. How is local government organised in your country? Please describe the existing legal framework for the organisation, functioning, competences and financial resources of local government in your country.

Denmark is divided into five regions, which contain 98 municipalities. Each municipality is led by a municipal council, elected for four years. The number of politicians in the council is an uneven number between 9 and 31, depending on the size of the municipality.

The framework for the organisation, functioning and competence of the municipalities is laid down in Act on the administration of the municipalities.¹

All Danes and citizens of the EU, Norway and Iceland living in Denmark above the age of 18 years can vote or run in the municipal elections.²

Each council elects a chairman among its members – the mayor. It is the mayor's duty to prepare, call and chair all meetings of the local council, and also to prepare a draft agenda. The mayor is also the chief executive of the local administration, and in that capacity he or she must ensure that decisions by the local council are executed.³

Act on the administration of the municipalities determines that the municipality council must set up a finance committee, which is to be responsible for the immediate administration of municipal tasks. The mayor is the chairman of the

¹ Law on the administration of the Municipalities no. 186 of 19 February 2014 (Bekendtgørelse af lov om kommunernes styrelse). Available in Danish at: <https://www.retsinformation.dk/Forms/r0710.aspx?id=161763>

² Act on Municipality and Regional Elections no. 127 of 11 February 2013 § 1 (Bekendtgørelse af lov om kommunale og regionale valg). Available in Danish at: www.retsinformation.dk/Forms/r0710.aspx?id=144947

³ Act on Municipality and Regional Elections no. 127 of 11 February 2013 (Bekendtgørelse af lov om kommunale og regionale valg). Available in Danish at: www.retsinformation.dk/Forms/r0710.aspx?id=144947

finance committee and the members are elected from the municipality council members. The committee must have an odd number and cannot exceed half of the total members of the municipal council. ⁴

Every municipality has an administration that serves the municipal council and the committees. Normally, the administration has several departments, e.g. a technical department, a social and health services department, a finance department and an education and culture department.⁵

Denmark has the following administrative-territorial structure as of 1.1.2007:⁶

Level 1	The state	
Level 2	Regions	Municipalities

There is no system of subordination between the regions and the municipalities, as they possess different tasks and responsibilities.

The Danish Constitution section 82 stipulates: “The right of municipalities to manage their own affairs independently, under State supervision, shall be laid down by statute.”

The primary revenue of the local authority comes from income tax and real property tax. The level of the local tax varies from municipality to municipality. In addition, the local authorities receive an annual block grant from the Government.⁷

Local Government Denmark (LGDK) is the interest group and member authority of Danish municipalities. It is voluntary to be a member of LGDK, but nevertheless all 98 municipalities are members. The mission of LGDK is to safeguard common interests of the municipalities, assist the individual municipality with consultancy services and in addition ensure that the local authorities are provided with up-to-date and relevant information.⁸

⁴ Law on the administration of the Municipalities no. 186 of 19 February 2014 § 18 (Bekendtgørelse af lov om kommunernes styrelse). Available in Danish at: <https://www.retsinformation.dk/Forms/r0710.aspx?id=161763>

⁵ 'Political Organisation in the Municipalities' Local government Denmark (KL), available in English at: www.kl.dk/English/Municipal-Responsibilities/Political-Organisation-in-the-Municipalities/

⁶ The Danish Local Government System', Produced by Local Government Denmark (LGDK), February 2009. Available in English at: www.kl.dk/ImageVault/Images/id_38221/ImageVaultHandler.aspx

⁷ 'Municipal Responsibilities', Local government Denmark (KL), available in English at: www.kl.dk/English/Municipal-Responsibilities.

⁸ 'Local Government Denmark', Local government Denmark (KL), available in English at: www.kl.dk/English/

2. Is local government in your country required by legislation to promote and protect human rights? Please describe how local government in your country is involved in the implementation of human rights obligations.

The local authorities forms part of the Danish state and is therefore also obligated to act in conformity with and observe Denmark's human rights obligations. Denmark is a party to the Vienna Convention on Law of Treaties from 1969 and ratified the Convention in 1980⁹, which states that a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty.

Respect for human rights is a concern that the Administration/local authorities are obliged to take into consideration. In exercising discretion, the Administration must ensure that the outcome of the assessment takes human rights into consideration. In a case about permission for placing posters along public roads where the Ministry for Traffic expressed that only considerations regarding traffic problems should be taken into consideration the Danish Parliamentary Ombudsman stated in connection to the case that the Administration must consider e.g. the freedom of expression when exercising its discretion.¹⁰

3. Is there any cooperation between local government and the central government in your country regarding the implementation of human rights at local level? If yes, please describe the existing cooperation framework.

Local Government Denmark (LGDK) has informed the Danish Institute for Human Rights (DIHR) on the question on cooperation between local government and the central government regarding the implementation of human rights at local level that there are no cooperation between Local Government Denmark (LGDK) and the central government. However, Local Government Denmark (LGDK) does refer to LGDK's participation in an expert committee established by the Ministry of Justice to draft a report concerning the consequences of incorporating seven of the UN core human rights conventions, ratification of additional optional protocols concerning individual complaints to UN human rights committees and ratification of Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms. The expert committee is expected to deliver a report in 2014 with recommendation on whether or not to incorporate and ratify further human rights instruments. Based

⁹ Executive order no. 34 of 29 April 1980 enacting the ratification of the Vienna Convention on Law of Treaties 1969. Available in Danish at: www.retsinformation.dk/Forms/R0710.aspx?id=70746.

¹⁰ Statement by the Danish Parliamentary Ombudsman 1977, statement FoB 1977 435.

on the committee's recommendations the Danish government will consider future steps.¹¹

4. Do you have human rights protection mechanisms at the local level in your country (e.g. ombudspersons, human rights commissions, mediators, etc.)?

'Copenhagen Citizens' Counsellor' was the country's first citizen counselling institution. Several municipalities have since established similar functions, and today (2012) does 21 municipalities have a citizen counselling institution.¹²

'Copenhagen Citizens' Counsellor' has existed since 2004 and was established by the Municipal Council to create an independent ombudsman function in Copenhagen.

5. What initiatives have been taken to include human rights mainstreaming in local administration and public services?

The World Conference on Human Rights (1993) encouraged the individual states to draw up a human rights action plan in order to strengthen national protection and development of human rights. As part of the UN Universal Periodic Review of Denmark in 2011, it was recommended that the country develop and implement a national human rights action plan to create the framework for a systematic and comprehensive effort in the area.

The efforts to promote and protect human rights in Denmark are decentralised and involve a large number of ministries and other public authorities. There is no centralised coordination, implementation action plan or follow-up on international recommendations. Thus, the human rights mainstreaming in the municipalities and in the Administration lacks streamlining.

The Danish Institute for Human Rights (DIHR) recommended in its 2013 Status Report that Denmark prepare a national, interministerial action plan for human rights that follows up on such issues as international human rights recommendations (Human Rights Action Plan).¹³

6. What is the role of civil society in the planning and implementation of activities for the protection and promotion of human rights at local level in your country?

¹¹ Email sent from Local Government Denmark (LGDK) to the Danish Institute for Human Rights on 26 March 2014.

¹² Annual report 2012 by the Copenhagen Citizens' Counsellor', available in Danish at: www.kk.dk/da/borger/borgerraadgiveren/borgerraadgiverens-beretning.

¹³ Please see The Danish Institute for Human Rights Status Report 2013 Summary. Available in English at: www.menneskeret.dk.

Denmark has a very strong tradition for volunteer organisations and 43 per cent of the Danes do some kind of volunteer work. Denmark has a strong civil society and a tradition for making volunteer organisations of all sorts. ¹⁴ The civil society therefore plays a vital role in the implementation and promotion of human rights both nationwide and at local level.

7. What is the role and programme of your organization for promotion and protection of human rights at local level or in enhancing local governance for human rights?

The Danish Institute for Human Rights (DIHR) implements human rights programmes in partnership with state institutions and civil society organizations in Denmark and internationally. DIHR support a number of organizations in their work to promote human rights. It is the aim of the Institute to make the projects sustainable and nationally anchored.

The work is rights based and rooted in the human rights obligations held by Denmark. Among other things, DIHR contributes with knowledge, concepts and analyses and forms part of various networks. DIHR selects different focus areas and works strategically with these in various ways.

An example of a local level initiative for the promotion and protection of human rights established by DIHR is a campaign called “Branded” (*Stemplet*). In 2013, DIHR, in cooperation with the municipality of Copenhagen (*Københavns Kommune*), organised the campaign called “Branded” (*Stemplet*), which sought to raise awareness about discrimination in the nightlife. The campaign has taken out advertisements in buses and trains as well as in various public venues. As part of the campaign, a website¹⁵ has been launched where people can report on discrimination that they have witnessed or experienced in the nightlife. If they choose to do so, they can receive guidance from the institute regarding options to pursue legal action.¹⁶

The website, an addition to the usual recourse of filing a complaint with the police, also seeks to reach out to those who, for one reason or another, choose not to contact the police. The reports on the website are anonymous and are used as a statistical foundation for analysing the situation with regards to discrimination in the nightlife in Copenhagen.

¹⁴ ‘Volunteer work in Denmark’, Denmark.dk – the Official Website of Denmark. Available in English at: <http://denmark.dk/en/practical-info/work-in-denmark/volunteer-work-in-denmark/>

¹⁵ <http://sigfranu.dk/stemplet/>, Stemplet-website (Danish only). Further information about the Stemplet-project and the related SigFraNu-project (Say No Now) in English at: <http://sigfranu.dk/index.php/english>.

¹⁶ The Danish Institute for Human Rights’ Contribution to FRANET, Annual Report 2013, page 50.

8. What are the main challenges faced by local government in your country in the promotion and protection of human rights?

It is the view of DIHR that there is a need for a national human rights action plan in order to streamline the promotion and protection of human rights in the local governments and the Administration.

9. Please provide any best practices with regard to the above-mentioned issues.

In 2008 was a development project launched: "The municipality and Civil Society". The purpose of the project was to test the extent to which new ways to share responsibilities between the municipality and civil society can help to increase the quality of local government tasks. The 2011 evaluation report on the projects published by the Ministry of Social Affairs shows that there is an untapped potential - both in terms of new areas for closer interaction and in relation to the involvement of new groups of volunteers.¹⁷

Best Regards,

CHRISTOFFER BADSE
HEAD OF MONITORING DEPARTMENT

¹⁷ 'Project The municipality and Civil Society – evaluation report', published by the Danish Ministry of Social Affairs, 2011. Available in Danish at:
www.sm.dk/data/Lists/Publikationer/Attachments/512/Projekt-kommune-og-civilsamfund.pdf.