**REPORTS ON DISCRIMINATION, SEGREGATION AND THE RIGHT TO ADEQUATE HOUSING**

QUESTIONNAIRE

**BASIC INFORMATION**

1. Name of Individual, Organization, Institution, Agency or State: The Danish Institute for Human Rights

Type of Entity\*

National Government or federal governmental ministry/agency

Inter-governmental organization or UN agency

Local or regional government, agency, representative or mayor

Association, tenant union or housing cooperative

NGO network, umbrella organization

Community-based NGO

Academia

Foundation

National human rights organization, ombudsperson

Real estate, urban planning or construction

Real estate investor or investment fund

Trade Union

Other:

2. Categorization of your Work

Please select one or more responses, as appropriate.

Public administration

Advocacy

Funding

Legal Assistance

Networking

Policy

Research

Technical Assistance

Training

N/A

Other:

3. City/Town: Copenhagen

4. State/Province: Capital Region of Denmark

5. Country (please indicate your region or “international” if focus of the work of your organization covers multiple countries): international

**HOUSING DISCRIMINATION**

7. What specific forms of de facto or legal discrimination or barriers towards equal enjoyment of the right to adequate housing do the following groups face in your country (please provide evidence with examples, studies, reports and relevant statistical information):

* People of African Descent, or Roma
* Racial, caste, ethnic, religious groups/minorities or other groups
* Migrants, foreigners, refugees, internally displaced persons
* Women, children or older persons
* Indigenous peoples
* Persons with disabilities
* LGBTQ persons
* Low income persons, including people living in poverty
* Residents of informal settlements; persons experiencing homelessness
* Other social groups, please specify

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8. Discrimination in housing can affect various dimensions of the right to adequate housing and other human rights. Could you provide more details regarding the specific areas in which housing discrimination is experienced? Below are examples of various forms of discrimination that can be experienced in relation to different dimensions of the right to adequate housing:

*Accessibility*

* Discrimination in relation to access to land, including water and natural resources essential for habitation;
* Discrimination in relation to housing for rental or for acquisition or in accessing public or social housing;
* Access to emergency and/or transitional housing after disaster, conflict related displacement or in case of homelessness, family or domestic violence;
* Accessibility of housing for persons with disabilities or older persons, including access to housing for independent living or to care homes;
* data collection or requirements to furnish certain certifications resulting in the exclusion of particular persons from accessing housing;

*Habitability*

* discrimination in relation to housing conditions, overcrowding or housing maintenance;
* Exposure to health risks within the home, including lack of ventilation, heating or insulation, exposure to fire or housing collapse risk, unhealthy building materials, or other unhealthy housing covered by the WHO Guidelines on housing and health;
* Exposure to other risks which render housing uninhabitable, including sexual or gender-based violence, interference with privacy and physical security in the home and neighbourhood;
* Discrimination in relation to housing renovation or permission of housing extension;

*Affordability*

* Discrimination in relation to access to public benefits related to housing;
* Lack of equal access to affordable housing;
* Discrimination in public and private housing financing;
* Discrimination related to housing and service costs, housing related fees, litigation or taxation;

*Security of tenure*

* Discrimination in relation to ownership or inheritance of housing and land and related natural resources including water including on the basis of a distinction between formal and informal tenure arrangements;
* Discrimination in relation to evictions, resettlement and compensation for loss or damage of housing, land or livelihoods;
* Differential treatment in land or title registration, permission of housing construction;

*Availability of services, materials, facilities and infrastructure*

* Discrimination in relation to access to work, schooling, health care or public benefits based on the residential address or related to a lack of an official address;
* Public transportation services and transportation costs;
* Provision of water, sanitation, energy, waste collection and other utility services; their quality or cost, including interruptions/blackouts including policies relating to disconnection from utility services;
* spatial disparities in access to health care, education, child care, cultural and recreational facilities;

*Location*

* Discrimination in relation to freedom of choice of the place of residency within the country, within a particular region or location;
* Discrimination based on place of residence or address, such as exclusion from invitation to job interviews or access to credit;
* Exposure to environmental health risks, such as external air quality, flooding, toxic ground exposure; noise; risk of landslides etc.;
* Living quality and physical security in the neighbourhood, including geographical disparities in policing and law enforcement;

*Cultural adequacy*

* Discrimination in relation to the recognition of culturally adequate dwellings as housing as well as equal access to public space;
* Prohibition of accessing, maintaining or constructing culturally adequate housing;
* Lack of recognition of mobile forms of residency.

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9. Are there any particular current laws, policies or practices in your country, region or town/community that contribute to or exacerbate discrimination in relation to the right to adequate housing?

In 2018, the Danish government introduced a set of legal amendments referred to as the “ghetto-plan”, which targets social housing areas.[[1]](#footnote-1)

The law differentiate between residential areas categorized as ”vulnerable areas” and “ghetto areas”. “Vulnerable areas” are defined as meeting two out of four criteria such as the rate of employment, the level of income and education among residents and the percentage of residents convicted of a criminal offense. “Ghetto areas” are defined by the same characteristics, but with the addition that more than 50 percent of the residents in the area are immigrants or descendants of immigrants from a non-Western country.

Thus, the requirements aimed at ghetto areas target and affect ethnic minorities to a large extent.

There is a requirement that the social housing associations in ghetto areas reduce the number of so-called ordinary family housing to a maximum of 40 percent by 2030 if a housing area has been categorized as a ghetto area for four years or more. The requirement has resulted in several terminations of leases of tenants to meet the requirement. In

addition, some social housing areas have terminated leases of residents with non-Western ethnic background to avoid characterisation as a ghetto area.[[2]](#footnote-2) The government’s plan on social housing initiatives has been criticized for discriminating based on ethnicity and there are to the Institute’s knowledge - at the moment - three court cases pending before the Eastern High Court concerning this. According to the Government the non-western tenants-criterion is added because earlier initiatives targeting the vulnerable areas suggested that a high concentration of non-western tenants is a challenge to the transformation of mono-tenure social housing estates into mixed tenure communities, since it can pose an integrational issue in addition to the socio-economic issues.

It should be noted that the Danish government has proposed new political initiatives concerning social housing areas. The government proposes a new terminology removing the term “ghetto” from laws and regulation and replacing it with the term “parallel societies”. Additionally, the government wants to reduce the share of residents that are immigrants or descendants of immigrants with a non-Western origin in all residential areas in Denmark, so that in 10 years they will not exceed 30 percent of the total number of residents. The aim is to foster mixed housing areas when it comes to the residents.[[3]](#footnote-3)

10. Can you explain exemptions in national law that allow (certain) public, private or religious housing providers to give preferential or exclusive access to housing to members of a particular group, for example based on membership, employment contract, public service, age, disability, civil status, sex, gender, religion, income or other criteria?

The Act on Social Housing allows municipalities and social housing associations to enter into agreements and give members of certain groups prior claim to the waiting list for vacant social housing (called “flexible rental”).[[4]](#footnote-4) Flexible rental can be used to ensure a more varied composition of residents in a residential area or to accommodate certain groups of housing seekers as elderly or young people, families with children and commuters.

However, municipalities must not assign social housing in a ghetto area to persons who are receiving certain social benefits, recently released or non-nationals of Switzerland, the European Union or the European Economic Area, unless it is impossible to assign the person to another social housing area.[[5]](#footnote-5)

As part of the “ghetto-plan” housing associations are now also required to reject assigning rental homes located in an area that has been categorized as a ghetto area for the last 4 years to a person, when he/she and his/her spouse or long-term partner are receiving certain integration benefits[[6]](#footnote-6), educational benefits or cash benefits.[[7]](#footnote-7)

In March 2021 the government has proposed expanding these rules to also include sub-rentals and housing exchanges in social housing areas.[[8]](#footnote-8)

11. In case there may be differential treatment of particular groups in relation to housing, please explain why such treatment could be justifiable according to international human rights standards - for example positive measures benefiting a particular group to overcome systematic discrimination or disadvantage-or if it would amount to discrimination?

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**SPATIAL AND RESIDENTIAL SEGREGATION**

12. What forms of spatial segregation along racial, caste, ethnicity, religion, nationality, migration status, heritage, economic status/income or other social grounds can be observed in urban and urban-rural contexts in your country?

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13. What impacts do these forms of spatial and residential segregation have on affected communities? Please point to indicators such as rates of poverty, un-employment and under-employment; prevalence rates of malnutrition; disparities in access to services and facilities (such as access to schooling, health care or other public benefits); disparities in access to infrastructure (lack of and/or poor quality provision of water, sanitation, transportation, energy, waste collection and other utility services); rates of exposure to environmental health risks (poor air quality, flooding, toxic ground exposure, etc).

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14. Have any particular historical or current laws, policies or practices in your country, region or town/community caused or exacerbated segregation?

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15. In your view, what factors (current or historical) are the principal *drivers* of spatial and residential segregation in urban and urban-rural contexts in your country?

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16. Are there examples in your country of where spatial and residential clustering has been a result of voluntary choices of residence by members of particular groups?

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17. The preservation of cultural identity, the right to self-determination of indigenous peoples and the protection of minority rights are examples of grounds for which groups may choose to live separately. Can you comment on how these forms spatial/territorial separation are evidenced in your country, if these communities they are subject to discrimination and suffer adverse consequences from spatial segregation such as through disparities in access to services, infrastructure, living conditions, etc.?

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18. In your view, are certain forms of observed residential separation/voluntary clustering compatible with human rights law and if so why? (for example to protect rights of minorities or to respect the freedom of choice of individuals to decide with whom to live together).

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19. Are there any laws or policies requiring certain individuals (and their families) to live in particular housing provided to them or in a particular geographical area (e.g. asylum seekers, migrants, IDPs, refugees, ethnic, religious, linguistic or other minorities, indigenous peoples, persons with disabilities, public service and military personnel)?

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20. In your view, what are the principal *barriers* to diminishing spatial, including residential segregation?

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**MEASURES AND GOOD PRACTICES TO CURB DISCRIMINATION AND REDUCE SEGREGATION**

21. What laws, policies or measures exist at national or local level to prevent or prohibit discrimination in relation to the right to adequate housing?

The Act on Ethnic Equal Treatment is a civil law prohibiting direct and indirect discrimination regarding access to housing.[[9]](#footnote-9) The Act on prohibition against discrimination on grounds of disability[[10]](#footnote-10) and the Act on Equal opportunities[[11]](#footnote-11) between women and men prohibits direct and indirect all discrimination based on disability or gender, including in relation to access to housing.

22. Have your State, regional or local Government adopted any positive measures, such as measures of affirmative action, to reduce discrimination, segregation or structural inequality in relation to housing? To what extent have such initiatives been successful to address housing discrimination and segregation?

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23. Have any particular laws, policies or measures been implemented to limit or reduce residential segregation? To what extent have such policies raised human rights concerns?

As mentioned above under question no. 9, the overall aim of the “ghetto-plan” from 2018 was to combat parallel societies and to foster mixed housing areas in relation to residents. However, the ghetto-plan has been criticized for discrimination based on ethnicity and to the Institute’s knowledge there are – at the moment – three court cases pending concerning this question.

24. What is the role of the media, as well as other non- governmental organizations, of religious and governmental institutions, in fostering a climate that reduces or exacerbates discrimination in relation to housing and segregation?

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25. Which institutional mechanisms exist to report, redress and monitor cases of discrimination or segregation in relation to the right to adequate housing and how effective have they been to address discrimination?

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26. In your view, what are the principal barriers to seek justice for discrimination/segregation in relation to the right to adequate housing?

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27. Can you specify how individuals and groups subject to structural discrimination or experiencing segregation can submit complaints to administrative, non-judicial or judicial bodies to seek relief? Please share any leading cases that have been decided by your courts or other agencies in this respect.

Persons who feel they have been discriminated against can file a complaint at the Equal Treatment Board *(Ligebehandlingsnævnet)*. The Equal Treatment Board is a quasi-judicial board with judges who handle and decide on complaints regarding discrimination, including complaints on discrimination on the grounds of race and ethnic origin, gender and disability. It is free of charge to file a complaint, however there is currently a waiting time of approximately 6-9 months. The Board of Equal Treatment can award compensation if it finds that discrimination has occurred.

A case can also be brought before the national courts. As mentioned above, there are to the Institute’s knowledge currently three cases pending before the Eastern High Court regarding the “ghetto-plan” from 2018. There are also a number of cases pending before the Equal Treatment Board regarding the same piece of legislation. However, the cases have all been postponed, awaiting the result of the cases pending before the High Court.

**DATA ON DISCRIMINATION IN HOUSING AND SPATIAL/RESIDENTIAL SEGREGATION**

28. Is any data on housing disparities, housing discrimination and spatial segregation collected and publicly available? If so where can it be accessed? Are there any practical or legal barriers to collect and share such information in your country?

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29. Can you kindly share any studies or surveys by local, regional or national Governments or by other institutions to understand better housing disparities, housing discrimination and spatial segregation and how it can be addressed (e.g. title and link, or kindly submit document).

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30. Can you provide information and statistics related to complaints related to housing discrimination, how they have been investigated and settled, and information on cases in which private or public actors have been compelled successfully to end such discrimination or been fined or sanctioned for non-compliance?

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1. Bill no. 38 of 22 November 2018 on the Act on amendments to the Act on social housing with more, the Act on renting social housing and the Act on rental housing (Lovforslag L 38 af 22. november 2018 om ændring af lov om almene boliger m.v., lov om leje af almene boliger og lov om leje). Available in Danish at: <https://www.ft.dk/samling/20181/lovforslag/L38/som_vedtaget.htm>. [↑](#footnote-ref-1)
2. See for instance daily newspaper SN.dk, The Danish Institute for Human Rights file complaint over discrimination in ghetto area (Institut for Menneskerettigheder klager over discrimination i ghetto), 30 June 2020. Available in Danish at: <https://sn.dk/Helsingoer/Institut-for-Menneskerettigheder-klager-over-diskrimination-i-ghetto-/artikel/1333690>. [↑](#footnote-ref-2)
3. Press release by the Ministry of the Interior and Housing on initiatives to combat parallel societies (Indenrigs- og Boligministeriet, Nyt udspil skal forebygge parallelsamfund), 17 March 2021. Available in Danish at:

   <https://im.dk/nyheder/nyhedsarkiv/2021/mar/nyt-udspil-skal-forebygge-parallelsamfund>. [↑](#footnote-ref-3)
4. The Act on social housing with more (Lov om almene boliger m.v.), article 60. [↑](#footnote-ref-4)
5. The Act on social housing with more (Lov om almene boliger m.v.), article 59, paragraph 6 and 7. [↑](#footnote-ref-5)
6. Consolidation act no. 981 of 23 September 2018 on law on an active social policy (Lovbekendtgørelse nr. 981 af 23. September 2019, om aktiv socialpolitik), article 11. Available in Danish at: <https://www.retsinformation.dk/eli/lta/2019/981#K4>. The ”integration benefit” is now called the ”self-supportand home journey benefit” or “the transition benefit”, see act no. 74 of 27 February 2019 on amendments to the act on foreigners, the act on integration, the act on repatriation and other laws (Lov nr. 174 af 27. februar 2019 om ændring af udlændingeloven, integrationsloven, repatrieringsloven og forskellige andre love). Available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=207366>. [↑](#footnote-ref-6)
7. The Act on social housing with more (Lov om almene boliger m.v.), article 51 c. [↑](#footnote-ref-7)
8. Press release by the Ministry of the Interior and Housing on initiatives to combat parallel societies (Indenrigs- og Boligministeriet, Nyt udspil skal forebygge parallelsamfund), 17 March 2021. Available in Danish at:

   <https://im.dk/nyheder/nyhedsarkiv/2021/mar/nyt-udspil-skal-forebygge-parallelsamfund>. [↑](#footnote-ref-8)
9. The Act on Ethnic Equal Treatment (Lov om etnisk ligebehandling), article 2, paragraph 1. [↑](#footnote-ref-9)
10. The Act on prohibition against discrimination on grounds of disability (Lov om forbud mod forskelsbehandling på grund af handicap). [↑](#footnote-ref-10)
11. The Act on Equal opportunities between women and men (Lov om ligestilling af kvinder og mænd). [↑](#footnote-ref-11)