



**NATIONAL ACTIVITY REPORT DENMARK
ANTI-DISCRIMINATION AND DIVERSITY TRAINING**

The Danish Institute for Human Rights

May 2008



The contents of this publication do not necessarily reflect the opinion or position of the European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities. Neither the European Commission nor any person acting on its behalf is responsible for the use which might be made of the information in this publication.

This project and publication has been commissioned by the European Commission under the framework of the European Community Action Programme to combat discrimination (2001-2006). This programme was established to support the effective implementation of new EU anti-discrimination legislation. The six-year Programme targets all stakeholders who can help shape the development of appropriate and effective anti-discrimination legislation and policies, across the EU-25, EFTA and EU candidate countries.

The training manuals used in the anti-discrimination seminars and the diversity management seminar can be downloaded from the European Commission website:

http://ec.europa.eu/employment_social/fundamental_rights/public/pubst_en.htm#train

The Anti-discrimination and Diversity training project was managed by Human European Consultancy (humanconsultancy.com) in consortium with the Migration Policy Group (www.migpolgroup.com) and the International Society for Diversity Management – idm (www.idm-diversity.org).

The national activities were carried out by The Danish Institute for Human Rights www.humanrights.dk

I. Table of contents

I. Table of contents 3

II. Introduction 4

 a) National activities anti-discrimination seminar 5

 b) Mapping exercise: NGOs/Trade Unions working to combat discrimination 16

 c) National legislation in the field of anti-discrimination..... 27

 d) Funding opportunities in the field of anti-discrimination..... 37

IV. Diversity Management seminar 41

Annexes 46

The role of trade unions combating discrimination..... 46

II. Introduction

The Danish Institute for Human Rights (DIHR) is an independent, national human rights institution modelled in accordance with the UN Paris Principles. The Institute, which was established by statute in 2002, carries on the mandate vested in the Danish Centre for Human Rights in 1987. This encompasses research, education and the implementation of national and international programmes. The Institute is part of the Danish Centre for International Studies and Human Rights (DCISM), which also includes a sister institute, the Danish Institute of International Studies (DIIS).

The chief objective of the DIHR is to promote and develop knowledge about human rights on a national, regional and international basis predicated on the belief that human rights are universal, mutually interdependent and interrelated. The Institute believes that societies must be based on the rule of law, where the state protects and confers obligations on the individual while safeguarding the most disadvantaged and marginalized groups in society.

The Institute cooperates with organisations and public authorities in Denmark, with academic institutions and humanitarian organisations in other countries, as well as with the Council of Europe, the EU, the OSCE, the UN, the World Bank and a range of international donors. DIHR employs about 100 staff and in 2006 had an annual budget of €12 million.¹

DIHR was the coordinator for the Anti-discrimination and Diversity Management seminar held in Denmark during March and April.

The Diversity Management seminar was conducted on March 14, 2008 in the Auditorium at the DIHR. The target group for the seminar was the private companies as well as public institutions and we focused on people in manager positions as well as people working with human resources. A great number of participants worked in municipalities in various areas of Denmark, another group of participants worked as managers of home care services, some had a background in language centres, and a group worked at different government departments etc. There were initially 47 participants registered to the seminar but only 34 participants were present on the day of the seminar.

The Anti-discrimination seminar was initially organized as two seminars for two days each to be held on the 10th and 11th April and again on the 14th and 15th April. Because of the small number of participants signed up to participate in both seminars DIHR decided after conferring with Human European Consultancy and Migration Policy Group to merge the two seminars and the seminar was conducted on the 14th and 15th April 2008. The seminar was conducted in the Auditorium at the DIHR.

The seminar was held in a large Auditorium in the buildings of DIHR. Additionally two separate meeting rooms were also used for the group work during the seminar.

The participants consisted of representatives from NGO's and trade unions. Although 43 persons signed up as participant, on the day the participants consisted of 34 participants, 2 handicap assistants, 6 trainers, 3 students and Peter Hann, who observed the seminar for the two days.

¹ www.humanrights.dk/about+us

III. Anti-discrimination seminar

a) National activities anti-discrimination seminar

Design of the training

The seminar was held in Copenhagen on the 14th and 15th April 2008 in the Auditorium at DIHR and in two separate meeting rooms.

DIHR announced the seminar on its webpage www.humanrights.dk and sent electronic invitations to nearly all existing Danish trade unions as well as the well-known NGO's representing the six discrimination grounds.

The different aspects of the seminar program were set up in such a way that it gave the participants an introduction to national anti-discrimination legislation as well as EU anti-discrimination directives, an introduction to the legislation as an active tool, examples of non-legislative tools as well as create a platform with possibility to share experiences, etc.

On the day of the seminar the participants received a name tag on the arrival to the seminar. They also received the blue training manual: "Combating Discrimination – a training manual" translated into Danish.

Additional material put in the training manual were as follows:

- Copy of the chapter prepared by DIHR on "Discrimination in the national context".
- A correction sheet for the information in the folder, e.g. number of EU member states, etc.
- Copy of EU council's directive on ethnic equal treatment and the framework directive.
- Copy of the Danish Ethnic Equal Treatments Act and the Act on prohibition against differential treatment on the labour market.
- Information about the "Ice breaker" exercises for the two days.
- Information about the three group work exercises for the two days.
- Seminar evaluation questionnaire.

The participants also received a folder with the EU and the "For diversity Against Discrimination" logo which had following materials in it:

- a yellow pen with the "For diversity Against Discrimination" logo.
- a writing pad with the "For diversity Against Discrimination" logo.
- The program for the seminar.
- The participants list.
- A list for the four groups each participant was signed to.

Main facilitator and trainer

Huriye Aydemir Varisli, Head of section, DIHR

Trainers

Nanna Margrethe Krusaa, Head of section, DIHR

Annelise Rasmussen, Consultant, 3F

Peter Breum, Attorney, Elmer & Partner

Pernille Bischoff, Head of section, Copenhagen municipality citizen service

Unfortunately Caroline Osander could not attend due to travelling in connection with another EU project on mapping Homophobia in Europe.

International observer

The international trainer: Due to her schedule unfortunately Nicola Dandridge could not attend the seminar. Instead Peter Hann attended as observer for the two days seminar.

Preparation of the seminar

All the trainers participated in the training of trainers two days seminar conducted by Nicola Dandridge on the 7th and 8th of April in the Fisher meeting room at DIHR. The first day of the training the subjects on the program were an introduction to effective training methods, an introduction of the EU directives and application in Denmark and group work. The second day the main subject on the program was an introduction to non-legal tools to combat discrimination and effective training techniques. Finally the program for the seminar was outlined with the assistance of Nicola Dandridge. All the trainers agreed on the program for the seminar and tasks were handed out to each trainer.

The training was a very good experience and gave the trainers the needed knowledge and skills to conduct the two days seminar.

During the training sessions the trainers were served croissant, tee and coffee on the mornings and sandwiches, soda, fruit and cake for lunch.

The facilitator was to plan and conduct the final preparations for the seminar such as sending the seminar program to participants, compiling additional material needed for the seminar folders, practical matters such as name tags, technical support during the seminar, food and beverages.

All the participants were e-mailed the program on the 10th April as announced earlier to them in the invitation.

Participants who were coming from outside of Copenhagen received information about hotel accommodations and transport possibilities.

All the preparation, material to be used during the seminar, power points and technical support, logistic, translation, practical arrangements, ordering of food and beverages, for the seminar was conducted by the main facilitator and two other staff members from DIHR. During the seminar three DIHR staff members carried out the task of serving food and beverages as well as handling other practical matters.

Carrying out the seminars

The program for the seminar days were as follows:

Program for Monday 14th April

9.30-10.0	Registration and breakfast
10.0	Welcoming and introduction by head of section Huriye Aydemir Varisli, DIHR
10.20	Introduction to the EU directives and national anti-discrimination legislation, by Attorney Peter Breum, Elmer & Partner
11.00	Introduction to group work and presentation of Code of Conduct, by head of section Huriye Aydemir Varisli, DIHR
11.10	Break

11.20	Group work 1: Identifying discrimination in the Danish society, by Peter Breum, Pernille Bischoff, Huriye Aydemir Varisli, Nanna Margrethe Krusaa and Annelise Rasmussen.
12.20	Debriefing in plenum, by head of section Pernille Bischoff, the municipality of Copenhagen citizens advise service
13.00	LUNCH
13.30	Debriefing summary, by head of section Nanna Margrethe Krusaa, DIHR
13.35	Group work 2: Identifying the law as an active tool (plenum), by consultant Annelise Rasmussen, 3F.
13.45	Debriefing in plenum, by consultant Annelise Rasmussen, 3F.
14.25	Discussion in plenum in the light of the Anti-Discrimination legislation, by Attorney Peter Breum, Elmer & Partners and Nanna Margrethe Krusaa, DIHR.
15.0	Closure

Program Tuesday 15th April

9.00	Welcoming and breakfast
9.30	Summary of Monday's group work, by head of section Huriye Aydemir Varisli, DIHR
9.40	Introduction to non-legislative tools in the fight against Discrimination, by head of section Pernille Bischoff, the municipality of Copenhagen citizens advise service
10.0	Information regarding group work, by head of section Huriye Aydemir Varisli, DIHR
10.05	Group work 3: Identification of useful non-legislative tools in the fight against Discrimination. (plenum), by Pernille Bischoff, Huriye Aydemir Varisli, Nanna Margrethe Krusaa and Annelise Rasmussen.
11.05	BREAK
11.20	Debriefing in plenum, by head of section Nanna Margrethe Krusaa, DIHR
12.0	Completion of Evaluation form.
12.20	Open discussion in plenum, by Peter Breum, Pernille Bischoff, Huriye Aydemir Varisli, Nanna Margrethe Krusaa and Annelise Rasmussen.
13.0	Rounding off the Seminar, by head of section Huriye Aydemir Varisli, DIHR
13.05	LUNCH

Content of the session on Monday

1. Registration and breakfast (croissant, coffee and tea).
2. Presentation of the trainers and the main objectives of the seminar by Huriye Aydemir Varisli. The participants were informed that the seminar would consist of group work and that the participants would be the main drive force for the seminar, as the group work as well as the plenary discussions would take outset in the experiences of the NGO's and trade unions as well as there needs and expectations, which for each participant required and active participation in both group work as well as plenary discussions. Practical information such as:
 - Toilets and handicap toilets.
 - Areas for smokers.
 - Parking possibilities
 - Transport and hotel reimbursements

3. A short presentation was made by Peter Hann about the EU program.
4. Presentation of the EU directives and national anti-discrimination legislation by Peter Breum with power point slides.
5. Presentation of the group work, information about the different groups and that each group consisted of representatives from NGO's and trade unions and information about the group rooms were given by Huriye Aydemir Varisli. The participants were told that each group had been assigned a group room (two of the groups had separate meeting rooms and two of the groups were to be at the plenary room were group tables, etc. were organized for them at each corner of the plenary room). The participants were informed to write down their finding on flip charts available at the group rooms and appoint a member of the group to present their findings in plenum. The first group exercise consisted of identifying discrimination in the Danish society in the areas of race and ethnic origin, sexual orientation, age, disability, gender, religion or belief, multiple discrimination and other.
6. A short break was held, were the participants were shown to their group rooms and coffee, tee, cookies and fruit were served for them.
7. The groups started the group work with an "ice breaker" where they each had to use two minutes talking to the person sitting next to them and present that person to the rest of the group. The groups then discussed and wrote down examples of discrimination on their flip charts. Main findings by the groups were:
 - The Medias role in negative portrayal of person with another ethnic origin than Danish.
 - The main misconception that gender equality at the labour market had already been achieved in the Danish society when rapport after rapport showed that it in fact had not.
 - The societies emphasize on youth and the negative impact of this for elderly persons situation on the labour market.
 - The lack of accessibility to the social life for people with disabilities
 - The lack of a general prohibition on discrimination out side the labour market.
 - Access to and harassment on the labour market of ethnic minorities.
 - Different adoption and maternity and paternity leave for gays and lesbians.
 - The problem of lifting the burden of proof for the victims.
8. All the groups joined up at the plenary session where a member of the group presented the findings. All the flip charts were hung up on the walls of the plenary room so everyone could read them.
9. After lunch Nanna Margrethe Krusaa made a summary of the main findings of the groups.
10. Annelise Rasmussen presented the second group exercise were the groups were asked to go to their flip charts and using a marker to underline the areas on their flip chart were they believed were within the scope of the national anti-discrimination legislation based on the information they had received earlier that day on the content of the national anti-discrimination legislation.
11. The groups hereafter presented the areas they had identified as being within the scope of the legislation in plenum.
12. The participants were then informed by Huriye Aydemir Varisli that the floor was open for discussion. Unfortunately no debates were initiated.
13. Huriye Aydemir Varisli then informed that the groups would work on their flip chart the next day where they were to identify alternative tools to combat discrimination and the seminar was ended for the day.

Content of the session on Tuesday

1. Huriye Aydemir Varisli made a short presentation of the findings in the groups on Monday.
2. Pernille Bischoff made an introduction to useful non-legislative tools such as mainstreaming, awareness raising, lobbying, campaigning, etc.

3. Huriye Aydemir Varisli informed that the groups were to conduct the last exercise, where they had to on the basis of their own experiences identify the non-legislative tools presented to them and how they could be useful in solving the examples of discrimination not covered by the legislation on their flip charts from the day before.
4. The group work was initiated with an “ice breaker” where the participants were asked to spend three minutes thinking about what had made a significant impact on their way of thinking and pick one of the following:
 - A conversation
 - A personal relation
 - A conference
 - A film
 - Other
5. After a short break where coffee, fruit and cookies were served in the group rooms the groups presented their findings which were summarized by Nanna Margrethe Krusaa such as:
 - the importance in participating in the hearing procedures in parliament in order to influence new law.
 - Mainstreaming
 - Lobbying
 - Good contact with the Media
 - Campaigning and making minorities more visible in the social sphere.
 - The importance of presenting personal stories through the media to raise awareness on discrimination
6. The participants were then informed about the evaluation form and they got 10 minutes to evaluate the seminar.
7. The plenum opened for discussion. Some of the participants commented on the seminar context as being very interesting especially the group work and asked for a follow up seminar with more focus on the non-legal tools to combat discrimination.
8. The seminar was rounded up by Huriye Aydemir Varisli, with practical information about the power points used during the seminar and that they would be sent to the participants, sending of the e-mail list to the participant for future networking, promise of investigating the possibility of a follow up seminar, etc.
9. The seminar ended with lunch (sandwiches and beverages) and the possibility to network.

Main lessons learned seminars

1. Overall evaluation of the training

The training conducted by Nicola Dandridge was very professionally conducted and was very inspiring. The trainers choose to conduct the seminars in the same manor and using the same exercises as used during the training as the exercises were very clear cut and interesting.

The only downside of the training was the time limit and the need to rush.

2. Results of the evaluation forms

Number of participants: 34

Number of evaluation forms received: 27 – the questionnaires were in English.

2.1 *Summary of the main findings*

On the basis of the discussions in the four groups and the presentations made in plenum the participants stressed the necessity for more lobbying of parliament to make a general prohibition against discrimination in the legislation covering all six grounds inside and outside the labour market.

Another area stressed by both the NGO representatives and the trade union representatives was the need for more cooperation between these two kinds of organisation for instance in mutual analytical or statistical project to uncover the scope of discrimination in the Danish society.

The necessity in more active participants in the hearing procedures of the parliament was also stressed and both the NGO representatives and the trade union representatives demanded more concrete knowledge in how to partake in the hearing procedures.

The participants also agreed in using the media more actively especially to portray more personnel stories of victims of discrimination, as this was meant to be very useful when trying to achieve the support and understanding of the general public.

Finally the participants expressed the need for a follow up seminar with more specific training in the use of non-legal tools to combat discrimination as well as training in fundraising.

2.2 *Evaluation of the seminar content, design, trainers, environment, materials and results*

The participants were all handed out evaluation questionnaires in English during the end of the seminar and in the multiple question part of the evaluation the participants had the choice between: *NA=Not applicable 1=Strongly disagree 2=Disagree 3=Neither agree/nor disagree 4=Agree 5=Strongly agree*

None of the participants indicated below 3 in any of there answers.

For the evaluation regarding the content of the seminar the lowest average score was 3.8 and the highest 4.4. Most of the participants indicated that they had been well aware of the profile of the other participants, that they themselves had the necessary knowledge and skills to take part in the seminar and they were well informed about the objectives of the seminar. Furthermore most indicated that the seminar lived up to there expectations and had a content relevant to their job.

For the evaluation regarding the design of the seminar the lowest average score was 3.5 and the highest 4.0. Most of the participants indicated that the activities during the seminar were stimulating to their learning and that the activity gave the participant sufficient practice and feedback. Furthermore most of the participants also indicated that the difficulty level of the activities was of an appropriate level and there was also a general indication that the pace during the seminar was appropriate.

For the evaluation regarding the trainers the participants were highly satisfied with the efforts of the trainers. The average score for whether the trainers were well prepared was 4.3 and the average score for whether the trainers were helpful was 4.7.

For the evaluation regarding the environment the lowest average score was 4.2 and the highest 4.7. Most of the participants indicated that the venue chosen for the seminar was comfortable and provided the necessary environment for the participants to learn. Furthermore the evaluation indicated with very high scores that the venue was equipped for wheelchair access (2 of the participants were in wheelchair) and many were also satisfied with the selection and quality of the meals and refreshments provided.

The participants also indicated with an average score of 4.4 that the materials provided during the seminar were relevant and useful.

The participants were also highly satisfied with the result of the seminar. An average score at 4.0 was given regarding the accomplishment of the objectives of the seminar and also an average score of 3.9 was given regarding whether the participant would be able to use what was learned in the seminar.

For the evaluation part were the participants were able to write comments to the seminar the participants indicated as some of the most valuable aspects of the seminar the sharing of information, experience and views between NGO and trade unions. The possibility to network and initiate a dialogue between NGO and trade unions was also indicated. Finally the group work and especially the discussions about the non-legal tools to combat discrimination were stressed as most valuable about the seminar.

Comments regarding the least valuable aspects about the seminar contained the task of reporting back in plenum and the need for more time in the groups for discussion. One of the participants indicated that the level of the group exercises as well as lectures was too low for her and experts in the subject. Other comments included the need for information about more concrete non-legal tools, more lectures and more time to conduct the group work.

To the question of how the participants would improve the course 3 indicated for more information before the seminar, 1 indicated to update the content covered, 6 indicated to make the course activities more stimulating, 11 indicated the need for more time for the course, 4 indicated on the need to clarify the objectives of the seminar, 4 indicated in the increase of content covered, 4 indicated to improve the instructional methods, 3 indicated to improve the seminar organization, 7 indicated to make the seminar more difficult and finally 3 indicated to speed up the pace of the seminar. Additionally one comment was made to allocate more time to the discussion in the groups and to conduct the group exercises.

Transferring training know how

Summary of the Evaluation Questionnaires on Future action

To the question regarding how the participant would utilize the information and skills acquired during the seminar some of the participants indicated that they would use their newly acquired skills when advising clients, others responded that it would be useful knowledge when organizing training courses to members of their organisations and to improve the diversity and anti-discrimination actions and policies in their own organisations.

As comment to which other information and skills would help the participant to perform their work more efficiently were mentioned more knowledge about the Danish law, more training and networking. More concrete to the seminar were mentioned access to the final report and a follow up seminar with specific goals to work towards and more time to discuss non-legal tools.

Regarding the seminar being conducted as a 2 day training seminar and how useful this was for the needs of the participants almost everyone indicated that it was very useful as a 2 day seminar, although some indicated that it could have been more longer seminar days such as from 9 am to 17 pm each day.

As suggestions to how the format of the training could be improved were for instant some indicated more time allocated to discussions on non-legal tools in the groups and others wanted more lectures in the plenum. Distribution of usb memory keys with information about the law and non-legal tools was also indicated by one participant.

As recommendations for a follow- up anti-discrimination training of NGOs/Trade Unions included more focus on non-legal tools, lectures from representatives of NGO and trade unions who have had experience in this area and including politicians and other stakeholders to the follow up seminar. Some of the participants had also pointed to the setting up of goals to be achieved for the participants and their organisations.

There was a mutual consent and indication that the trainers of the seminar could be used to lead other seminars or workshops e.g. for members of the organisations, legal training, training of shop stewards and to train the participants in being trainers themselves.

Most of the participants indicated that they were satisfied with the way in which information about the seminar was disseminated. Some had not commented this part, yet no comments indicating dissatisfaction was present.

As to whether the participants had suggestions to how activists in local or 'grass-root' NGOs and appropriate trade union may be best contacted, some had commented that the NGOs and trade unions should be informed about seminars and activities all year round and to form an e-mail network between the participants who could inform each other. A homepage for anti-discrimination was also suggested.

General recommendations from the participants included the need for more networking opportunities between NGO's and trade unions during the seminar and smaller working groups.

Lastly additional comments in relation to the seminar that the participants wanted to share with the trainers and project organizers included mostly positive comments on the organisation as well as the planning and carrying out of the seminar.

One participant commented on the yellow and white EU binder and had written why there were 5 men and only 3 women on the front page puzzle of the EU binder, which she meant was a wrong signal to give to women.

3. Assessment by the national coordinator and trainers

Preparation

We were very anxious about the time limit for the preparation work after the seminar since we only had three days, but everything went on schedule and we had no setbacks during the preparation for the seminar.

Strengths and weaknesses

Our strengths was the diversity of our trainers consisting of a lawyer, a representative from a trade union, a legal counsellor and two legal caseworker and policy officers from a specialised equality body. The combination of all of the trainer's knowledge and experience added a dynamic to the seminar. Furthermore strength was the openness and participatory ability of the participants that made the seminar more active and fruitful.

The only weakness was the time limit for the training and for the preparation for the seminar, although this caused for a bit of stress we did manage to overcome this.

Interaction between the participants

The interaction between the participants was great, especially in the smaller groups. The participants were active in sharing experiences from their own life and their professional life.

The plenary discussion was however not as dynamic as in the group discussions. Presumably the participants felt more comfortable discussing and participating in the smaller groups.

Outcomes

The seminar created a platform where NGO's and trade unions could interact and share experience. Furthermore the participants got basic knowledge about the existing national anti-discrimination legislation. Many of them were surprised of the shortcomings of the legislation especially that only discrimination on grounds of race and ethnicity was forbidden outside the labour market. The participants also got basic knowledge about non-legal tools and how and in which areas they could be effective.

The Participants agreed on the need for a follow up seminar with more focus on non-legal tools. Furthermore seeds for more mutual work between NGOs and trade unions were sowed as the participants expressed the need to join forces and push for an amendment of the existing law to cover all grounds of discrimination inside and outside the labour market. The participants also agreed on joining forces and create a 'hotline' dealing with all grounds of discrimination, with the aim of helping and guiding victims of discrimination.

Unfortunately no action plan was drafted, but would be possible during a follow up seminar.

Needs analysis for further training

More detailed information about the use of non-legal tools and also more information about good practices in this area.

Main lessons learned

The participants were pleased with the introduction to national and EU anti-discrimination legislation although some participants felt that the level was too low, but it is difficult in these circumstances were the participants have different professional background to set a level that suits all.

More detailed information on the use of non-legislative tools to combat discrimination was requested by the participants. This subject could be the topic of an eventual follow up seminar.

It would be wisely to plan the program for an eventual follow up seminar through more close collaboration with the trade unions and NGOs so as to plan the seminar more targeted to the needs of the trade unions and NGOs.





b) Mapping exercise: NGOs/Trade Unions working to combat discrimination

I. Profile of NGOs/trade unions working to combat discrimination

1. What types of NGOs/trade unions working on anti-discrimination exist on the national level?

Trade Unions: The Danish Confederation of Trade Unions (LO) is the largest umbrella body for 17 trade unions with approximately 1.300.000 members. Alongside LO there exist two other large umbrella trade union bodies: FTF, which is the second largest umbrella body with 450.000 members and the Danish Confederation of Professional Associations (AC), which is the third largest umbrella body with 254.000 members.

In 2003 LO adopted a resolution on equal opportunities with focus on gender representation and mainstreaming of its organizational and political efforts. No similar program has been actualized with regards to the other discrimination grounds. Many of the trade unions existing in Denmark are promoting anti-discrimination and equal treatment as part of their policy, although their main focus in this regard is on gender equality and not anti-discrimination as such.

A good example of a trade union with a more broad focus on discrimination is the Danish Nurses' Organization, which is a member of the FTF. The Danish Nurses' Organization has developed guidelines on both how to integrate the health personal to the work place as well as protect them from discrimination from colleagues and patients, through seminars for the healthcare personal and shop stewards on how to detect and prevent discrimination.

NGOs: There are several NGOs working on anti-discrimination and equal treatment. It is not possible to give an exhausting list of all the NGOs working on anti-discrimination, but some of the most visible ones are the Danish National Association of Gays and Lesbians (LBL), the Danish Council of Organisations of Disabled People (DSI), Women's Council in Denmark, the Danish Association of Senior Citizens and the Documentation and Advisory Center on Racial Discrimination (DaCORD).

All of the mentioned NGOs work on substantial issues and practical implementation of non-discrimination legislation.

2. What ground (s) of discrimination, scope or sector are they concerned with (if they are concerned with a specific ground or a specific sector such as for example education)?

Trade Unions: The trade unions have begun to extend their scope to all of the discrimination grounds, but still in practice the focus is mainly on gender and as for some on ethnic origin, because these grounds are more recognizable for the trade unions. Their focus with regards to sector is of course on the labour market.

NGOs: All of the above mentioned NGOs are concerned with one specific discrimination ground. For instance the LBL is concerned with discrimination against gay and lesbian groups, the DSI is concerned with people with disabilities, the Women's Council with women, the Association of Senior Citizens is concerned with discrimination against elderly people and the DaCORD is concerned with discrimination against people with another ethnic origin than Danish. Focus on cross sectional discrimination grounds is not yet explored.

Although each NGO focus on one specific discrimination ground, their work is not limited to certain sectors. For instance the LBL offer their advisory service to both the general public as well as to politicians on national and municipal level, they offer schools the possibility to invite one of LBL's members to come and lecture on how it is to be homo- or bisexual, they offer advise and guidance for gay or lesbian people with ethnic minority background, who experience discrimination on multiple grounds as well as being subject to discrimination from members of 'their own group', etc.

The above mentioned NGOs focus on a wide range of sectors such as education, health, employment, social life, housing, etc.

As referred to in question 6 many of these NGOs have adopted the horizontal approach as introduced to them through the Council for Human Rights Equal Treatment Committee established in 2003 by the Danish Institute for Human Rights (DIHR). The horizontal approach has made it possible for the NGOs to identify and work actively on multiple and cross sectional discrimination grounds.

3. Is anti-discrimination their main area of work or only a small part of what they do? Do they work on anti-discrimination?

Trade Unions: Their primary function is not to work with anti-discrimination. As mentioned before the Danish trade unions focus more on how to get people to become a part of the work force due to the lack of work force in the Danish society.

NGOs: The principles of anti-discrimination and equal treatment are the foundation on which they work. This work is carried out by involvement in different aspects in society. Through seminars, lectures, advice and counselling, mapping of discrimination, projects, case handling and involvement in social activities at national, regional or municipal level the NGOs try to raise awareness of the need for promotion of anti-discrimination and equal treatment.

But of course their work also consists of raising awareness of their existence, of all the difficulties they are challenged with in everyday life, plans of action for how these difficulties can be overcome, etc.

4. Are these NGOs/trade unions registered on the national level? Is it easy or problematic to register as an NGO/trade union?

Trade Unions: All trade unions are registered on the national level.

NGOs: All of the above mentioned NGOs are registered on the national level.

Unions and Associations can, but not necessarily have to, register with the Danish Commerce and Companies Agency. A list of the different types of unions and associations and information on whether or not they have to register is available at the home page of the Danish Commerce and Companies Agency. Registration requires filling out a registration blanket, which is also available at the home page and it is fairly easy to register.

More information can be found on: <http://www.eogs.dk/>.

5. Generally how large are these NGOs/trade unions? (Please mention the size of membership for the main trade unions)

Trade Unions: As mentioned in question 1 there are three large umbrella bodies for all Danish trade unions: LO has 1.300.000 paying members, FTF has 450.000 members and AC has 254.000 members.

As examples of trade unions, which are members of the above mentioned umbrella bodies, can be mentioned the Danish Nurses' Organization, which is a member of FTF and has 74.902 members and the United Federation of Danish Workers (3F), which is a member of LO and is the largest trade union in Denmark with 362.000 members.

NGOs: DSI is an umbrella organization for 32 handicap organizations and have combined over 320.000 members.

Unfortunately there is no information about the number of members for the other NGOs mentioned.

6. Are they part of larger national networks? Or are they working on their own?

Trade Unions: Many of the trade unions collaborate with other trade unions and work cross sectional.

They also take part in larger national networks through their membership of the trade union bodies.

NGOs: In 2003 the Danish Institute for Human Rights (DIHR) established the Council for Human Rights Equal Treatment Committee, which consists of individuals and NGOs, who have experience in the field of anti-discrimination and equal treatment. The main purpose was to create a forum for NGOs to share their experiences of and expertise on combating discrimination and through this shared experience join forces to combat discrimination and to introduce them to the horizontal approach. All of the above mentioned NGOs are members of the Committee and all six grounds of discrimination (age, disability, race and ethnicity, religion and belief, sexual orientation, gender) are represented in the Committee by NGOs. The national department in DIHR has the function of secretariat for the Committee.

7. Are they mainly based in the Capital or spread out in the country?

Trade Unions: Most trade unions have a local branch in the major cities of Denmark.

NGOs: Most of the NGOs have their main office in Copenhagen, but some have small offices in the other major cities such as Århus, Odense and Aalborg.

8. Are NGOs/trade unions from the capital and the rest of the country doing the same type of work?

Trade Unions: Mostly the work carried out by the trade unions is the same, but the trade unions have sovereignty with regards to any local or regional work they wish to do. For instance many local branches of the trade unions have local agreements with local employers and carry out recruitment campaigns based on a local perspective.

NGOs: As mentioned most of the NGOs are based in the capital and are working more with a national focus.

9. What is the political or societal weight of these NGOs/trade unions on the national level? (Towards, the general public, the civil society, the companies/employers, the government)

Trade Unions: The trade unions are an important actor in the ongoing discussion about the development of the Danish welfare society. They are also invited to participate in the hearing processes of new legislation.

NGOs: The different NGOs participate actively in the public debates and are often invited to participate in television debate programs alongside government representatives and members of parliament. They are also invited to participate in the hearing processes of new legislation.

10. Are NGOs/trade unions working in the field cooperating together: (NGOs with other NGOs, trade unions with other trade unions and also NGOs together with trade unions)

Trade Unions: The trade unions work together with other trade unions cross sectional in the organization of public meetings, mainstreaming, the preparation of hearing answers, etc.

NGOs: As mentioned above under question 6, the NGOs cooperate with each other through the forum of the Council for Human Rights Equal Treatment Committee.

The Danish trade unions and NGOs do not traditionally work together, mainly because of the different focus they have. Trade unions' work concerns the labour market, whereas the NGOs have a much broader perspective covering many areas and differ from the trade unions as their work involves a much broader group of people and not only their members.

a. *For what purpose(s) (e.g. exchange of expertise, collaboration on case work or campaigns, organising events jointly)*

The purpose being exchange of expertise, organizing events jointly, formulating plans of action, etc.

For instant as a result of the work in the Equal Treatment Committee the NGOs produced a Consensus Declaration on the Inclusive Society in 2006, stating what must be done in Danish society in order to achieve reel equal treatment across all discrimination grounds and pledged their commitment to working towards the achievement of the goals in the declaration.

b. *Is there greater collaboration in relation to certain grounds of discrimination? If so, which?*

There is an increase in collaboration in relation to discrimination on grounds of ethnicity and gender (women with ethnic minority background); Ethnicity, religion and sexual orientation (homosexuals with Muslim background).

11. How are these NGOs funded?

The NGOs are privately funded. In Denmark the NGOs do not receive core public funding. The only possibility for funding is either privately by private donors, member fees or by applying to ministries for funding for specific projects.

a. *Do they receive state funding?*

It is only possible to receive state funding if the NGOs apply to the relevant ministries for funding for a specific project. It is possible to see on each ministry's homepage which areas that are priorities and how much money there is allocated for projects under each area.

b. *What are the conditions in order to receive public funding?*

NGOs applying for funding have to fill out a questionnaire, explaining the aim of the project, details about the economy, persons taking part in the project, other involved donors, etc.

c. *Do they also receive/apply for private funding?*

It is possible for NGOs to apply for and receive private funding.

d. *Do private funders impose any restrictions or conditions?*

No analyses have been made in this field. Traditionally however, NGOs have not accepted restrictions or instructions from private funders.

12. How are these trade unions funded?

The trade unions are solely funded by member fees.

a. Do they receive state funding? (Generally speaking do trade unions receive state funding?)

The trade unions do not receive state funding. However the trade unions also have the possibility to apply to ministries for the same funding as the NGOs for certain projects, for instance concerning projects for the integration of women or ethnic minorities, etc.

b. Are they funded by a political party? If so, do they have to adhere and respect the party's line?

The trade unions are not funded by a political party, but contributions have in the past been donated by the Social Democrats Party to trade unions. Such donations are, however decreasing.

c. Do they function only/also with their members' fees?

Yes.

d. Are they able to receive private funding and/or participate in project funded by European/international institutions?

They are able to apply for and receive private funding, but do not have a tradition for applying for private funding.

They have however participated in projects funded by EU.

13. Is the lack of funding a significant factor in the size of NGOs/trade unions or in restricting the scope or scale of their activities?

Especially the lack of funding for NGOs does restrict the scope as well as the scale of their activities. In Denmark there are lots of private individuals who are dedicated and participate in NGO work as volunteers. There is willpower as well as manpower behind the NGOs' work, only there is also a great lack of funding, which hinders the NGOs in their work on anti-discrimination.

Especially since 2002 there has been an immense cut in the public funding for NGOs and what there is allocated for anti-discrimination work by the ministries the NGOs are competing for against each other.

14. Do they work (or are in contact) with similar NGOs/trade unions in other countries?

a. Neighbouring countries?

b. Other new EU Member States?

c. Others?

Trade Unions: LO is acting in the strengthening of trade union movements in developing countries and in Central- and Eastern Europe, LO contributes bilaterally or in cooperation with the ITUC and the ETUC to the efforts to ensure that their cooperation partners can look after their interests at the national and at the international level. LO is also a member of the Nordic Council of Trade Unions (NFS), the European Trade Union Confederation (ETUC) and the International Trade Union Confederation (ITUC). Furthermore LO is a member of the Trade Union Advisory Committee (TUAC) to the OECD and plays an active part in the activities of the International Labour Organisation both through the work in the Danish ILO Committee, which is a tripartite body, as well as by participating in the annual Labour Conferences.

NGOs: The NGOs are active participants both in the Nordic as well as the EU coordinated seminars, conferences and networks. Especially during the 2007 year of Equal Opportunities for All many of the NGOs participated with projects and seminars of their own with focus on equal opportunities and anti-discrimination.

15. Do they work on the international level (campaigning, case work, other)

Trade unions: Participate on the international level on campaigning and preparation of seminars.

NGOs: A few do. Such as ENAR and Amnesty International.

16. Can they work in English?

All of the NGOs and trade unions are able to work in English.

17. For countries where this is the case, where trade unions are linked to political parties, does the involvement or non-involvement of the political party has an impact on the trade union's ability to work on anti-discrimination?

See question 12 b. There are neither limitations nor restrictions to the trade unions with regards to their work on anti-discrimination.

18. Can specific regional branches of a trade union work on anti-discrimination even if headquarters does not?

Usually the regional trade unions receive their guidelines from the headquarters and the main work done by the regional and local branches are guidance and advisory service to members, legal guidance, etc. However if the regional or local branch wish to focus more on e.g. anti-discrimination campaigns etc. this is not hindered by the headquarters as the regional branches have a certain degree of sovereignty.

II. Expertise of NGOs/trade unions working to combat discrimination

19. What kind of work do they do?

Trade Unions: Some trade unions such as 3F arrange equal treatments legislation training for their shop stewards and union employees, prepare information folders on discrimination, etc.

NGOs: The NGOs arrange lectures and seminars on anti-discrimination, offer advisory services for the general public, politicians and other stakeholders, prepare reports, support victims of discrimination, take part in public debates, publish their own magazines, etc.

20. Do they take up complaints of discrimination?

The trade unions as well as most of the NGOs have legal advisory services and they offer legal advice concerning anti-discrimination legislation and how to come about complaining, etc. Both the NGOs and the trade unions also offer their guidance to victims of discrimination who go to court.

21. Do they focus on their own community?

Trade Unions: The trade unions mainly focus on their members. With regards to recruitment of members the local and regional branches of the trade unions focus on the local or regional population when conducting recruitment campaigns and meetings.

NGOs: The NGOs focus on the specific discrimination ground in which they have experience in dealing with. For instance the LBL focus on the gay and lesbian community. The NGOs are mainly concerned with dealing with the problems of members of their own community.

22. Do they work with victims directly?

Both NGOs and trade unions have a day to day contact with victims of discrimination. Especially the local branches of the trade unions have the direct contact with victims of discrimination and harassment.

23. Within the company, can trade unions represent only their members or any worker?

The trade union will only represent its members.

24. Do they do 'case work'?

The trade unions take up complaints by their members and represent the members legally in case of a complaint against an employer.

The NGOs can also represent the victim if he/she consents to this.

25. Are they able to access state funding for casework?

No, it is not possible to get separate funding for the casework the NGOs are doing. The trade unions' casework is a part of their work and is funded by member fees.

26. Does this include legal representation?

Neither the NGOs nor the trade unions have access to state funding for legal representation. In the case of the trade unions part of their service towards their members in exchange for member fees is legal advice and legal representation.

27. Is it possible for NGOs/trade unions to engage on behalf or in support of victims of discrimination in judicial or administrative procedures?

This requires the consent of the victim. Although in case of the trade unions the members have a right to have a legal representative or other from the trade union present when meeting with the employer in relation to a complaint or otherwise.

28. Are NGOs/trade unions able to pursue class actions if the latter is allowed on the national level?

It is not possible to pursue class action according to the Danish laws. The right to sue is personal and every case must be assessed individually.

29. Do they do other practical work? (e.g. assistance to victims or potential victims, social assistance, etc)

NGOs offer their assistance to both victims and potential victims e.g. by explaining the anti-discrimination law, how and where to file a complaint, etc.

30. Do they advocate changes in legislation and policies?

The NGOs have for many years advocated for the change in anti-discrimination legislation. As it is now the Danish anti-discrimination legislation consists of the Act on Ethnic Equal Treatment, which prohibits discrimination on grounds of race or ethnic origin, and the Act against Differential Treatment on the Labour Market, which prohibits discrimination on grounds of race or ethnicity, religion or faith, gender, sexual orientation, age and disability.

As it is today only race and ethnicity is covered as a prohibited discrimination ground outside the labour market. The NGOs have for many years advocated that all six grounds gain equal protection both in legislation and in practice.

The trade unions do not actively advocate anti-discrimination, mainly because their focus is more on integration. In the field of integration they have campaigns targeting both minorities and employers, informing them that the labour market needs every one and that there is a place for everyone in the Danish labour market and how important it is with good relations and respect for one another in the labour market.

31. What are their relations with the central government?

A general picture cannot be drawn. Some NGOs conduct lobbying and others consultative activities vis-à-vis politicians and MPs and some are invited to participate in public hearings.

The trade unions are also invited to participate in public hearings and the hearing procedures of new legislation.

32. With regional governments or municipalities?

This is very individual and depends on the politics of the municipality. In Denmark the municipalities are independent from the government in the sense that they have a great say in what their income from the municipality taxes is to be spent on. For instance this year the municipality of Copenhagen chose to focus on discrimination and inequality and allocated money for conferences and workshop with the attendance of NGOs with the aim of finding new methods to combat discrimination. The NGOs has in this sense had the task of ad hoc consultants.

33. For the trade unions, with the employers organisations?

There is an ongoing dialogue among most actors in the labour market including trade unions and employers' organizations.

34. Do they have relations with the specialised bodies/ombudsman?

In Denmark there is only the Parliamentary Ombudsman, which is completely independent of both NGOs and trade unions.

35. What are the qualifications of the staff?

Because of the severe lack of funding for the Danish NGOs most of the staff would be working on a volunteer basis and would have a personal experience with the work which the particular NGO is conducting. With regards to the educational background it would range from legal advisors to anthropologists, social workers, etc.

Trade unions have usually a staff consisting of case workers, lawyers, legal advisers, etc.

36. What training has the staff had in relation to anti-discrimination work?

This will entirely depend on the resources of the NGO. Most of the training will be carried out on the job. Many of the NGOs do, however, attend courses held by DIHR on human rights and non-discrimination, etc.

There is no concrete information available on whether or not the trade union employees attend anti-discrimination training. Again this entirely depends on the resources of the trade union as well as whether or not the trade union believes the subject matter is of importance to the trade unions work.

37. Are they trained in writing funding proposals and reporting?

This again depends on the economical resources of the NGO.

There are no information available on whether or not the trade unions are training their employees in writing funding proposals and reporting, but it is highly unlikely since most of the mainstreaming project, rapports etc. are conducted with the trade unions own funding.

38. How do they evaluate their “success” and the quality of their anti-discrimination work?

No fixed methods of evaluation is used neither by the NGO nor the trade unions, which makes it difficult to access whether the conducted work has functioned or not.

III. Needs and problems of NGOs/trade unions working to combat discrimination

39. What is the main problem faced by NGOs/trade unions involved in anti-discrimination work?

The lack of funding and lack of support from the government is the foremost problems faced by the NGOs. Another is the reluctance in Danish society to accept discrimination as an existing problem in Danish society.

The trade unions lack a deeper understanding of the different aspects of discrimination, which hinders them in detecting discrimination cases. Their focus mainly in integration is also limiting their perspective and their ability to challenge discrimination on the labour market.

40. Is the lack of staff/funding/expertise one of the main problems faced by NGOs/trade unions involved in anti-discrimination work?

It is definitely the main problem.

41. Is the fact that staff lack necessary knowledge and/or skills one of the main problems faced by NGOs involved in anti-discrimination work?

No, if there were adequate funding and economical resources the knowledge and skills of the staff could be developed and strengthened.

42. What training is needed by the NGOs/trade unions in order to perform their work the way they would wish to?

One of the main weaknesses of the NGOs had been their need to protect their own ‘territory’. For instance NGOs working with women’s rights were convinced that this particular area is the area which suffers mostly from discrimination and is therefore entitled to more attention and special protection. The same applied to all the other NGOs. This created an antagonistic and competitive mode between the NGOs. Fortunately the Equal Treatments Committee has provided them a forum in which they can learn to coordinate and combine their knowledge and expertise in combating discrimination and has introduced them to the horizontal approach for dealing with discrimination across grounds. A process of developing appreciation and acknowledgement of the work carried out by the NGOs has started to grow among the NGOs, but it is a process which needs more attention and resources.

With regards to the trade unions they need training in recognizing discrimination. Many times a complaint about discrimination is rejected because the case workers at the trade union are inexperienced in how to pursue a discrimination complaint against an employer.

Most of the discrimination cases that are pursued occur on the basis of gender, because that is more recognizable, which again creates this unfair subordinate position for the different discrimination grounds. Discrimination and harassment on grounds of ethnicity and religion are most often rejected because it is difficult to prove. The case workers at the trade unions need more training in anti-discrimination legislation and case handling of discrimination cases.

43. Is their staff sufficiently trained in relation to national anti-discrimination legislation?

The NGOs only have knowledge of legislation concerning their own discrimination ground.

The trade unions and especially the legal advisers and case workers need more training in national anti-discrimination legislation.

44. Is their staff sufficiently trained in relation to European anti-discrimination legislation?

No, more training in this area is needed both for NGOs and trade union staff members.

45. Is their staff trained in relation to advising government: formulating policy proposals? Legislative proposals?

The NGOs are often active in the hearing procedure for new laws proposed by the government, but the lack of funding for staff often results in that the NGOs even though they are approached by the government do not have sufficient time and resources to attend the hearing of law proposals.

The trade unions are often invited to participate in hearing concerning the labour market. No information is available on whether their staff has undergone a special training in this relation, but they are very active in relation to the government's proposals concerning the labour market.

46. Do they need to do more to promote their anti-discrimination role?

Generally the NGOs do as much work as possible to promote anti-discrimination, but again the lack of funding is a big restraint in the amount of work they wish to do in order to come across and raise awareness.

The trade unions do not per se have an anti-discrimination role, but should of course be more active in this matter.

47. Do they need to “do more” with victims, clients or potential clients, members or potential members?

Both the NGOs and the trade unions could do more for victims, clients and members. For the NGOs it is the lack of funding which hinders them from doing more. For the trade unions however, who are in a very strong economical position, it is the lack of knowledge concerning discrimination and how to combat discrimination. The trade unions have to shift their approach and in addition to their work for integration they have to actively work for anti-discrimination.

48. Do they need to “do more” with government – to increase their credibility and status?

The trade unions are in a very good position to push and persuade the government for more active policy concerning anti-discrimination.

The NGOs have to realize that only by combining forces they can gain the attention of the central government and stop competing or downgrading each other's issues.

49. For the trade unions, do they need to “do more” with the companies/employers organisations?

The trade unions need to specialise their case workers so that they are able to handle complaints about discrimination on all six grounds as well as give sufficient advice to their members about anti-discrimination legislation as well as the employers about how to prevent discrimination at the work place.

50. Would they need to “do more” with public opinion and awareness raising?

The trade unions would have an immense impact if they chose to invest more effort in anti-discrimination awareness raising. As it is now the trade unions are mainly focused on integration of women and ethnic minorities in the labour market and not so much their protection against discrimination once they are in the labour market.

The NGOs are very aware of the importance of awareness raising, and do as much as possible in this respect, but are often hindered because of lack of financial resources.

51. What would they need to develop?

The trade unions should have a clear cut policy on no tolerance of discrimination which would best be demonstrated towards those employers who do not make sure that their employees are protected against discrimination in the workplace, by taking complaints about discrimination seriously and confronting the employers with it.

They should also arrange seminars and courses on anti-discrimination for shop stewards, case workers, internal decision makers and management of the trade unions in order to enable them with the necessary tools to detect and deal with discrimination in their own companies.

As mentioned good practice examples of this work is seen being carried out by the Danish Nurses' Organization and it would be nice if LO being the largest trade union organization could adapt some of the same methods of anti-discrimination work.

There is also a need to develop control mechanisms to view whether or not the initiated programs and efforts are working in praxis.

The NGOs need to develop their relationship and cooperation with the other NGOs dealing with discrimination matters. More collaboration in relation to public hearings, seminars, trainings amongst the NGOs is important as a tool of empowering each NGO and raising awareness of their existence.

c) National legislation in the field of anti-discrimination

1. The transposition of the Directives into national law

The transposition of EU Council Directive 2000/43/EC (with the exception of the labour market)

The Racial Equality Directive has partly been transposed by the passing of The Act on Equal Treatment Irrespective of Race and Ethnic origin of 28 May 2003.

The Act introduces a prohibition against direct as well as indirect differential treatment on the grounds of racial or ethnic origin. Also, the Act prohibits harassment and instructions to differential treatment as well as reprisals in the form of unfavourable consequences as a reaction against a person filling a complaint regarding infringement of the principle of equality on the grounds of racial or ethnic origin. Furthermore the Act introduces a shared burden of proof meaning the burden of proof lies on the accused, when the complainant has established actual circumstances that give reason to assume that direct or indirect differential treatment has been practiced.

An individual subjected to differential treatment or reprisals can be awarded compensation by a Court of Law.

In order to provide the citizens with an effective remedy against differential treatment, the Act authorizes The Danish Institute for Human Rights to deal with cases of differential treatment on basis of racial or ethnic origin and to deal with cases of reprisals.

The Danish Institute for Human Rights (DIHR) is a specialized body with the purpose of promoting equal treatment and combating discrimination on grounds of race or ethnic origin. DIHR received its mandate through Act of 6 June 2002 on Establishment of Danish Centre for International Studies and Human Rights and Act on Equal Treatment Irrespective of Race and Ethnic origin. DIHR is responsible for providing independent assistance to victims of discrimination in pursuing their complaints regarding discrimination, conducting independent surveys concerning discrimination and publishing independent reports and making recommendations on any issue relating to such discrimination. The National Department in DIHR has the responsibility to carry out surveys; provide information; organise debates and training courses; collect data; make recommendations and address opinions to proposed bills on issues regarding equal treatment irrespective of race and ethnic origin.

As a consequence of the mandate received by The Act on Equal Treatment Irrespective of Race and Ethnic origin, DIHR decided to set up a complaint committee.

The Complaints Committee has the responsibility to address complaints about discrimination concerning violations of the prohibition of direct and indirect differential treatment, harassment and instructions to differential treatment on grounds of race and ethnic origin. The Complaints Committee can only express unbinding opinions as regards to social protection, including social security and healthcare; social advantages; education; access to and supply of goods and services which are available to the public, including housing; and membership of and involvement in an organisation or association, including the benefits provided for by such organisations or associations. The Complaints Committee can recommend that legal aid should be granted in cases where the Committee deems to be a violation of the prohibition of differential treatment on grounds of race and ethnic origin.

Since The Act on Equal Treatment Irrespective of Race and Ethnic origin does not cover the labour market, it is not applicable to relations between the employer and the employees. Therefore the Complaints Committee cannot deal with complaints concerning the labour market. The organised labour market is covered by The Act on Prohibition against Differential Treatment on the Labour Market. The Act though gives protection only too employees who are organised in Unions. (See below concerning the transposition of EU Council Directive 2000/78/EC and EU Council Directive 2000/43/EC (as regard to the labour market)).

The transposition of EU Council Directive 2000/78/EC and EU Council Directive 2000/43/EC (as regard to the labour market)

On 27 May 2003, a majority in the Danish Parliament rejected the Government's Bill to amend the Act on prohibition against differential treatment on the labour market etc. from 1996. The Bill was proposed as a part of the implementation of the two EU directives (Directive No. 2000/43/EC of 29 June, as regard to the labour market and Directive No 2000/78/EC of 27 November 2000).

The Social Democratic Party and the Social Liberal Party did not vote for the Bill since the Government did not support the two parties' proposal to have The Danish Institute for Human Rights complaint body to also have jurisdiction to deal with cases of differential treatment on the labour market.

As a consequence of the rejected Bill, Denmark did not observe the time limit for the total implementation of EU Directive 2000/43/EC, which was set to 19 July 2003.

However the amendments to the Act on prohibition against differential treatment on the labour market etc. did pass and came into force on 15 April 2004. The main changes which the Directives introduced included:

- The clarification of the concept of discrimination
- Definition of indirect and direct discrimination
- The prohibition against harassment
- The prohibition against instruction to discrimination
- Shift in the burden of proof

A second amendment to the Act was proposed and accepted on 30 June 2004 regarding the implementation of the directives provisions regarding age and disability.

On 27 March 2006 a new amendment came into force. The new amendment included an exemptions clause regarding the payment of salary to persons under the age of 18.

Again on 1 January 2008 a new amendment came into force. The new amendment imposed the prohibition on employers' right to automatically discharge employees when they turn 65 and making it possible to discharge an employee at the age of 70 only upon agreement with the employee.

Additionally it can be informed that the Danish anti-discrimination legislation consists of following Acts:

Criminal Law:

- The Act on Equal Treatment Irrespective of Race and Ethnic origin 1987, first passed in 1971
- The Danish Penal Code article 266 b

Private Law:

- The Act on Ethnic Equal Treatment 2003
- The Act on Prohibition against Differential Treatment on the Labour Market 2006. It was first passed in 2005. In 2006 the prohibition on discrimination against age and disability was amended to the law.
- The Act on Equal Treatment of Men and Women 2001.
- The Act on Equal pay for Men and Women 2006. It was first passed in 2003.
- The Act on Equal Treatment of Men and Women with regards to the labour market 2006.

- The Sex Discrimination Act 2007. It was first passed in 2004. In 2007 the provisions of the Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services amended to the law.
- The Councils Directive 2006/54/EC is not yet implemented into Danish legislation

Over the years Denmark has received criticism from the committees of CEDAW and CERD.

In their rapport from 25 August 2006 the committee of CEDAW expressed their concern about the significant occupational segregation, the persistence of the wage gap, as well as the low representation of women in top management positions and on boards of private companies.²

In their rapport from 18 August 2006 the committee of CERD while welcoming the State party's efforts to enhance the economic and social participation of persons belonging to national or ethnic minorities, noted that integration policies and programmes seemed to discourage them from expressing and developing their culture. The Committee noted with concern that the school curriculum, at all levels of education, did not seem to include sufficient information on their culture and that the cultural diversity of Denmark was reportedly not sufficiently reflected in the fields of culture and information.³

It is not possible to give a general description of the government's public reaction to critics from the international committees, but often the Danish government are very defensive and dismissive.

The main reactions and comments to the government's attitude come from the NGOs and other actors in the field of anti-discrimination as well as the Danish Institute for Human Rights.

At present time no opinion polls or comparable assessments have been taken to identify the extent of the impediment which public opinion will prove to be, to the effective implementation of the Directives.

Over the years many research materials have been produced by national academic institution on the kinds of discrimination covered by the Directives. The below list of materials is not an exhausting list:

- "Experienced Discrimination" by the Board of Ethnic Equal Treatment, 1999.
- "Lighedskravet for etniske minoriteter på arbejdsmarkedet" (Equality Rights for Ethnic Minorities on the Labour Market) by Pia Justesen, Ph.D., 2000.
- "Equal Treatment – Status and future perspectives" by the Danish Institute for Human Rights, 2005.
- "Disabled Persons in Denmark" by the Danish Institute for Human Rights, 2005.
- "Efficient Protection against Discrimination – Legal and Actual Initiatives" by the Danish Institute for Human Rights, 2007.

Alongside these publications many articles, dissertations, etc. has been written on the subject matter.

² To access the CEDAW rapport see:

http://humanrights.palermo.magenta-aps.dk/upload/application/2435f156/2006_cedaw_observations.pdf

³ To access the CERD rapport see:

http://humanrights.palermo.magenta-aps.dk/upload/application/d19d0d1f/2006_cerd_observations.pdf

2. Procedures – administrative and legal channels appropriate for challenging violations of anti-discrimination legislation

2.A Employment and occupation related - all grounds

1. Remedies

Persons who have been discriminated against on the labour market have the possibility to get legal assistance from their trade unions when challenging the employer either through an informal hearing or negotiation between the parties or if the person wishes to go to court.

The Act on prohibition against discrimination on the labour market, which regulates discrimination on grounds of race, religion or belief, disability, age, sexual orientation, gender, skin colour, political opinion, national, social or ethnic origin makes it possible for persons, who have been subjected to discrimination on either of these grounds to proceed with a case before the civil courts.

Persons who have been discriminated against on grounds of their race or ethnic origin can file a complaint with the Complaints Committee for Ethnic Equal Treatment. The Complaints Committee was established at the same time as the passing of the Act on Equal Treatment in 2003 and is an administrative complaints body with the mandate to handle complaints concerning discrimination on grounds of race or ethnic origin.

With regards to discrimination on grounds of gender it is possible to file a complaint with the Gender Equality Board. The Gender Equality Board was established in 2000 and is an administrative complaints body under the Ministry for Gender Equality.

Although the Act on prohibition against discrimination on the labour market covers all six discrimination grounds, there are only established administrative complaints bodies for the discrimination grounds race or ethnic origin and gender.

Persons discriminated on other grounds than race or ethnic origin or gender does not have the possibility of complaining to an administrative complaints body. Their only option is to go directly to the courts with their complaint.

What do persons discriminated on the basis of another ground can do? Please explain

2. Identify applicable situations, e.g.

All employment related areas such as recruitment, selection procedures, advertising of posts, promotion, dismissal, work and pay conditions, access to vocational training, etc is included in the Act on prohibition against discrimination on the labour market. The legislation does however contain exceptions, which are identified below:

- Article 6 (1): the prohibition against discrimination on grounds of political opinion, religion or faith does not apply in relation to the provisions concerning recruitment, dismissal, work and pay conditions, access to vocational training, promotion, advertising if a company has an expressed function to advance a certain political or religious view and if the employers political and religious view is of importance for the company.
- Article 6 (2): if for certain economic activities and educations it is of decisive importance that the exerciser is of a certain race, political opinion, sexual orientation or national, social or ethnic origin or has a certain skin colour, age or a certain disability or of a certain religion or faith and this requirement is relevant for this particular economic activity it is possible to apply for a dispensation from the provision of the legislation from the relevant ministry.

- Article 6a: regardless of the provisions against discrimination it is possible to fix an age limit to the access to work related social security agreements or to use the age criteria in the actuary calculations within the framework of these agreements. The use of the age criteria must not involve gender discrimination.
3. *Which internal or administrative remedies (if any) have to be exhausted before recourse can be had to the remedies set out at (5) to (9) above?*

The Complaints Committee for Ethnic Equal Treatment as well as the Gender Equality Board cannot handle complaints if the case is being handled by the person's trade union.

A victim of discrimination on the labour market has the choice between asking his/her trade union for assistance in order to settle the case outside the court, complain to the above mentioned complaint bodies if the matter concerns discrimination on grounds of race or ethnic origin or gender or go directly to court, with or without the legal assistance of his/her trade union. It is possible to go directly to court without having complained to the complaints bodies.

2.B Non-employment or occupation related - race and ethnic origin

1. Remedies

With regards to discrimination on grounds of race and ethnic origin the only administrative complaint body existing is the Complaints Committee for Ethnic Equal Treatment as mentioned above. The Complaints Committee both handles cases concerning employment or occupation related discrimination as well as non-employment or occupation related discrimination.

Persons who have been the subject to non-employment or occupation related discrimination have also the possibility to proceed with a case before the civil courts.

2. Identify applicable situations (see Article 3 of the Directives)

The Act on Ethnic Equal Treatment covers all areas as regards social protection, including social security and health care, social advantages, education and access to and supply of goods and services which are available to the public, including housing (Article 2 (1)).

3. Which internal or administrative remedies (if any) have to be exhausted before recourse can be had to the remedies set out at (3) to (7) above?

There are no requirements for persons, who have been subject to discrimination to file a complaint with the Complaints Committee for Ethnic Equal Treatment before going to the court. Persons who wish to bring about a case concerning discrimination have the possibility to proceed with a case before the civil courts whenever they wish.

However if a case has been filed with the Complaints Committee and then later the same case is brought to the court, the Complaints Committee cannot proceed with the case handling before the case has been settled in court.

2.C Avenues for an employment related or a non-employment related complaint:

Usually the complaints regarding employment related discrimination on grounds of race or ethnic origin is filed with the Complaints Committee for Ethnic Equal Treatment because the victims' trade union is reluctant to proceed with the case as a discrimination case, but usually prefers to proceed with the case as a simple case concerning wrongful dismissal, etc.

It is possible for a person to get the assistance of his/her trade union in relation to the wrongful dismissal and at the same time file a complaint regarding the harassment or discrimination on grounds of race or ethnic origin the person was subjected to during his/her employment, which led to the dismissal by the Complaints Committee.

The fact that it is free of charge to file a complaint with the Complaints Committee is also appealing to persons who have been subjected to employment related discrimination.

With regards to non-employment related discrimination on grounds of race or ethnic origin the Complaints Committee is the only possibility alongside the courts.

The encouraging aspects of filing a complaint with the Complaints Committee is that the complainant has the possibility to try out whether or not he/she has a solid case before going through the expenses of a court case, it takes approximately 2-6 months to get an answer depending on the complexity and time consuming of the case and if the Complaints Committee finds that discrimination has occurred it can recommend that the complaint be granted free legal aid if he/she wishes to bring the case before the court and if he/she suits the economical requirements to get free legal aid.

The downside of filing an administrative complaint is that unfortunately the Complaints Committee does not have the mandate to force the accused party to answer the accusations or to issue fines for the non-participation. This obviously makes it very difficult for the Complaints Committee to conduct the case handling and often the cases are dismissed because of the lack of evidence that the accused discrimination has occurred. The Complaints Committee has also no mandate to give or to recommend that persons who have been discriminated be given an economical compensation as it is only the courts who can decide whether a person has to be granted financial compensation or not.

There are many different reasons for filing a complaint with the Complaints Committee such as justice for the person subjected to discrimination, possibility to be recommended to free legal aid to proceed in court or a quest for an explanation for the occurrence of discrimination and possibly the chance to get an apology. This latter is possible through mediation sessions offered by the Complaints Committee.

2.D Technical procedural requirements of each available remedy

There are no time limits applicable to the remedy. The only requirement is that the occurrence has to have taken place after the two provisions have been put into force. For the Act on prohibition against differential treatment on the labour market the coming into force date is 15 of April 2004 and for the Act on Ethnic Equal Treatment the coming into force date is 1 of July 2003.

When complaining to the complaints bodies a complaint form has to be filled out with information on name, address and what the complaint is about. It is possible to attach statements made by colleagues, newspaper articles concerning the case, prior judgements made by the courts in the case, etc.

Contact information (not an exhausting list):

Administrative Complaint Bodies

- The Complaints Committee for Equal Treatment – contact person: Huriye Aydemir Varisli, Legal Adviser (hay@humanrights.dk) – www.klagekomite.dk
- The Gender Equality Board - www.ligenaevn.dk
- NGOs, Trade Unions and other advisory bodies
- Copenhagen Legal Aid - www.retshjaelpen.dk
- The Danish Confederation of Trade Unions - www.lo.dk
- The Danish Nurses Organization - www.dsr.dk

- The Danish National Association of Gays and Lesbians <http://www.lbl.dk/>
- The Danish Council of Organisations of Disabled People <http://www.disability.dk/>
- Women's Council in Denmark <http://www.kvindraadet.dk/>
- The Documentation and Advisory Center on Racial Discrimination <http://www.drcenter.dk/>

2.E Existing support and obstacles at national level:

Obstacles

It is only about discrimination on grounds of race or ethnic origin or gender that it is possible to file a complaint with an administrative complaint body, as similar complaint bodies does not exist for the other discrimination grounds.

It is not possible to get legal assistance from the legal advisors occupied at the complaint bodies during a court case or in any matter in relation to a court case concerning discrimination.

The lack of knowledge of the national anti-discrimination legislation and the handling and identification of discrimination often results in the lack of support from the trade union, when persons wish to file a complaint or go to court.

The lack of economical resources is a hindrance to the NGOs' possibility to offer legal aid or in other ways take active part in cases concerning discrimination.

Support

It is possible for members of trade unions to be legally represented by their trade unions either during a complaint to the administrative bodies or during a court procedure.

It is possible to be granted free legal aid if the administrative bodies have handled the case and found evidence of the occurrence of discrimination.

2.F Referrals to the European Court of Justice

Where there is a disputed issue of EU law and the judge is uncertain how to interpret a provision at EU law, a referral can be made by a national court to the European Court of Justice in Luxembourg under Article 234 of the Treaty. The parties to the proceedings can ask the national judge to grant a request for such a referral, or the judge can decide spontaneously to refer the case. Any court may make a referral, but only the national court of last instance is obliged to do so.

This may be a highly effective procedure because:

- Requesting a referral can concentrate the mind of the presiding judge and ensure that s/he gives proper consideration to the complaint, especially to the fact that it raises issues of European rights.
- National bodies, particularly public bodies, are impressed by its high profile and may take steps to avoid the exposure of discrimination at national level to pan-European scrutiny.
- The European Court is the only body that can give a **definitive** interpretation of the terms used in the Directives.

However this is a specialised procedure and expert EU lawyers familiar with its use need to be retained. In addition, it is important to note that the national case is "stayed" (put aside) until the ECJ has decided the issue before it, and this delay of sometimes two years can have serious consequences for the complainant.

2.G Petitions to the European Parliament

The Committee on Petitions of the European Parliament can receive petitions from Citizens of the Union who wish the Committee to investigate their complaint/s that their rights under European Union law are not being properly respected.

2.H Alerting the European Commission to discriminatory administrative practices

It is also possible to write directly to the Commission, which may often be a quicker process than that outlined above under 3.2.G. This could be done with a view to encouraging the Commission to initiate infringement proceedings against the offending State.

The Commission and the Parliament would be bound by the EU Charter of Fundamental Rights' provision on the right to good administration (Article 41) if adopted:

- Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions and bodies of the Union.
- This right includes
 - the right of every person to be heard, before any individual measure which would affect him or her adversely is taken;
 - the right of every person to have access to his or her file, while respecting the legitimate interest of confidentiality and of professional and business secrecy;
 - the obligation of the administration to give reasons for its decisions.
- Every person has the right to have the Community make good any damage caused by its institutions or by its servants in the performance of their duties, in accordance with the general principles common to the laws of the Member States.
- Every person may write to the institutions of the Union in one of the languages of the Treaties and must have an answer in the same language.

2.I Complaints to the European Court of Human Rights

In addition, when all effective national legal remedies have been exhausted, a person may, if the case concerns issues covered by the European Convention on Human Rights, apply to the European Court of Human Rights in Strasbourg under Article 14 of the Convention provided another Article is also engaged. Denmark has not signed the Additional Protocol 12 to the Convention.

Denmark ratified the European Social Charter on 03/03/1965 and Protocol No. 1 which adds new rights on 27/08/1996. It accepted 45 of the 72 paragraphs of the Charter and all 4 Articles of the Protocol. Although Denmark has signed the Protocol No. 3 on collective complaints and the Revised Charter, it has not yet ratified neither the Protocol nor the Revised Charter.

2.J Other international remedies

Denmark is a party to the 1st Optional Protocol to the International Covenant on Civil and Political Rights, or has accepted the right of individual petition under the Convention on the Elimination of all forms of Racial Discrimination or the Convention on the Elimination of Discrimination Against Women, complaints can be brought to those Committees.

NGOs/trade unions ensure that they alert the Committees which examine the State's periodic reports under the ICCPR, CERD, CEDAW and the Convention on the Rights of the Child to instances of discrimination.

A recent example of this was a case brought before CERD by the Documentation and Advisory Center on Racial Discrimination concerning racial discrimination against a technical school student (CERD/C/41/D/40/2007).

Some NGOs also submit alternative reports to the mentioned committees.

2.K Professionalism

NGOs and trade unions which assist persons who have been subjected to discrimination are generally aware of the need for professionalism and confidentiality and efficient management of case files and personal data. Anyone collecting data electronically on persons has to be aware of the provisions in the Act on Processing of Personal Data (Act No. 429 of 31 May 2000) on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

NGOs and trade unions are generally able to provide relevant information and, wherever possible, refer to another agency that is able to provide further advice and support.

3. Societal issues

The way of addressing issues of discrimination by Danish societal actors (politicians, trade unions etc.) is embedded in a perception of the Danish society and the population as being open-minded and tolerant towards persons belonging to minority groups. A similar attitude is in general predominant concerning the willingness to address sensitive and difficult issues that emerge or have an impact on minorities.

This creates barriers for acknowledgement of discrimination as a phenomenon in the Danish society and hinders effective mechanisms countering systemic and structural discrimination from being introduced and implemented.

Moreover, it seems to pave the way for integration schemes, dress codes in the workplace and other means to have persons with minority background adapt to and internalize certain Danish values, principles and/or cultural norms. These values and principles reflect fundamental democratic values, e.g. gender equality, participation, self-determination and freedom, and are as such in compliance with European values. However, stressing Danish cultural norms, e.g. acceptance of harassing statements, jokes or behaviour as part of a particular Danish “ironic⁴ tone, signals that Denmark is a mono-cultural society and that all citizens should adhere to the same set of norms.

These direct or implicit requirements as to the behaviour of Danes with minority background lead to experiences and perceptions among the minority population of stigmatization, marginalization or exclusion from the Danish society. The Muslim minority in Denmark is especially vulnerable in this context. Within the Muslim group, young Muslim men are often portrayed in negative terms. Practising Muslim women who have chosen to manifest their religion through the headscarf (typically *hijab*, but also *niqab* or more seldom *burka*) are more vulnerable than others due to high attention among politicians and media on what is seen as a suppressing function of the religious headscarf.

As an example, a recent proposal from Government introducing a ban on the wearing of religious symbols by judges in the Danish courts should be mentioned. Such a ban is supported by most political parties. It will primarily affect Muslim female lawyers' opportunities to embark on a career in the court system. But it may also have a broader impact on the wishes and plans of Muslim academics, and on the general well-being of the minority population.

⁴ See the website of the Danish Ministry of Integration,.

As such, the open and tolerant approach shows signs of being counterproductive by nature and may, in this sense, form an obstacle to applying an inclusive approach to integration of migrants in the labour market, and all other sectors of society and to enhancing the protection of minority rights in the Danish society.

d) Funding opportunities in the field of anti-discrimination

I. EU FUNDING AT THE EUROPEAN LEVEL FOR NGOs/TRADE UNIONS OPERATING AT THE EU LEVEL

1. EU funding for NGOs/Trade Unions operating at the EU level

a) *European-level NGOs*

European-level NGOs are in a central position to influence and contribute to European employment, social and equal opportunity policies at different levels – both in its formulation and implementation – through the information and expertise supplied by their national members. This is vital in order to ensure that EU policies meet the actual needs of EU citizens, and that citizens are informed about them.

Between 2001 and 2006, the Community Action Programme to combat discrimination provided funding for a number of European umbrella NGO networks representing and defending the rights of people exposed to discrimination:

AGE (The European Older People's Platform); ILGA Europe (International Lesbian and Gay Association – Europe); ENAR (European Network Against Racism); and EDF (European Disability Forum) have been granted a total of 3 000 000 € per year towards their running costs up to the end of April 2007. A number of smaller organisations – the European Blind Union, The European Union of the Deaf, Inclusion Europe, Autism-Europe – also received support under the Action Programme.

Until the end of 2006, the European Women's Lobby received running cost support through the Gender Equality Programme with an annual amount of around 800.000 €

A number of NGOs working to tackle social exclusion (European Anti-Poverty Network, European Federation of National Organisations Working with the Homeless, European Transregional Network for Social Inclusion, Eurochild, European Social Network, Caritas-Europe) received funding from the Community Programme to Combat Social Exclusion with a total of 3.600.000 € between 2005 and 2007.

For the new 2007-2013 programming period, the European Commission decided to create a new integrated programme known as **PROGRESS** (Programme for Employment and Social Solidarity). The programme was approved by the European Parliament and Council in November 2006: http://ec.europa.eu/employment_social/progress/index_en.html

PROGRESS combines the four former Community Action Programmes, including that relating to non-discrimination: Section 4 of PROGRESS, entitled "Anti-discrimination and diversity", thus aims to support the effective implementation of the principle of non-discrimination and to promote its mainstreaming in all EU policies.

Calls for proposals and tenders under PROGRESS are published on the Calls for Tender/Calls for Proposals website of DG Employment, Social Affairs and Equal Opportunities on: http://ec.europa.eu/employment_social/emplweb/tenders/index_en.cfm

A first PROGRESS call for the award of a financial contribution towards the operating costs in 2007 of European-level networks active in the field of combating discrimination, promoting gender equality and promoting the integration of disabled people in society was launched in November 2006. Grant agreements for the successful EU-level networks will run until December 2007.

b) European Trade unions

The European Trade Union Confederation (ETUC) represents workers across the industries at European level. Set up in 1973, the ETUC includes 81 national organisations from 36 European countries (among them all the EU countries) and 11 European industry federations, with some 60 million members.

The ETUC is one of the four main European social partner organisations. Numerous European social partners' projects are supported every year by the European Commission's social dialogue budget lines (04.03.03.01, 04.03.03.02 and 04.03.03.03). For more information:

http://ec.europa.eu/employment_social/social_dialogue/grants_en.htm

2. EU funding for national NGOs/Trade Unions

While the EU does not provide for core-funding of national NGOs or national trade unions under PROGRESS, organisations may be able to receive funding for projects through their participation in specific initiatives such as national awareness raising activities or trans-national projects. National organisations are therefore advised to regularly check the Calls for Tender/Calls for Proposals website of DG Employment, Social Affairs and Equal Opportunities and consult the guidelines published there to check whether projects from national NGOs/trade unions are eligible for funding:

http://ec.europa.eu/employment_social/emplweb/tenders/index_en.cfm

The EU-level NGOs such as AGE, ILGA-Europe, EDF or ENAR are also a good source of information. It is therefore recommended to also check the information that is provided on their web page.

In addition to PROGRESS, the European Social Fund (ESF) can be a source of project financing for national organisations. The ESF will between 2007 and 2013 focus on four key areas for action, including reinforcing social inclusion by combating discrimination and facilitating access to the labour market for disadvantaged people. More information can be obtained from:

http://ec.europa.eu/employment_social/esf2000/2007-2013_en.html

The European Commission does not directly fund ESF projects. Member States are responsible for identifying their priorities for funding and for selecting individual projects. For further information, you should contact the relevant national/regional authority whose contacts are available on:

http://ec.europa.eu/employment_social/emplweb/esf/esf_matrix_en.cfm

II. FUNDING OPPORTUNITIES FOR NGOs/TRADE UNIONS WORKING ON ANTI-DISCRIMINATION AT NATIONAL LEVEL

1. Does the European Commission delegation in your country provide for specific funding for NGOs/trade unions working on non-discrimination at national level? What form does that funding take? (project subsidy, provision of meeting room, etc) Is it easy to access such funding? What are the conditions to receive such funding?

The European Commission delegation does not provide for direct funding for NGOs/trade unions working on non-discrimination. All EU funds for the work on anti-discrimination are managed by the ministries such as the Ministry of Refugee, Immigration and Integration Affairs, the Ministry of Labour and the Ministry of Welfare. Although it is possible to apply directly to the EU the ministries often have the task of being middle link and voucher for NGOs/trade unions applying for the fund.

2. Does the central government provide for specific funding for NGOs/trade unions working on anti-discrimination?

The central government does provide funding for NGOs/trade unions working on anti-discrimination. Mainly the funding consists of EU funding, which the central government divides between the relevant ministries such as the Ministry of Refugee, Immigration and Integration Affairs, the Ministry of Labour, etc. Alongside the EU funding the mentioned ministries also have their own funds allocated to them by the government from the state budget to be used for project in the specific areas which each ministry choose as priority area for one year at a time. It is possible for the NGOs/trade unions to get an overview of these areas and how much money there is allocated for each area on the ministries' internet home page.

For more information on funding see:

- The Ministry of Refugee, Immigration and Integration Affairs: <http://www.nyidanmark.dk/da-dk/Integration/puljer/>
- The Ministry of Labour: <http://www.bm.dk/>
- The Ministry of Welfare: http://www.social.dk/projekt_stoette/satspuljen.html

For the latter years funding for NGOs/trade unions has been possible through the funding from the programs under EQUAL, PROGRESS, the European social fund and the 2007 European Year of Equal Opportunities for All. Access to these funds has been through direct application to the EU administrators of the funds. In this connection the relevant ministry has acted as information providers and sometimes the connecting link between NGOs/trade unions and EU.

3. What form does this funding take? (core funding, project funding, facilities) Are such funding possibilities part of specific governmental programmes? (which ones and from which ministries?)

The funding consists of project funding which the NGOs/trade unions can apply for. The Ministry of Refugee, Immigration and Integration Affairs as well as the Ministry of Labour has been very actively involved in the 2007 European Year of Equal Opportunities for All and most of the anti-discrimination projects during 2007 carried out by the NGOs has been funded by these two ministries.

It would be difficult to give an exhausting list of funding possibilities made available by the government. The Ministry of Refugee, Immigration and Integration Affairs has for instance for the past year of 2007 allocated money to among others these focus areas:

- Integration in general including programs for equal treatment and anti-discrimination (16 million Danish kroner)
- Education and employment including programs for diversity on the labour market (31,5 million Danish kroner)
- Poor housing areas including programs for the education of bilingual children (32,6 million Danish kroner)
- Women and families with ethnic minority background (23,8 million Danish kroner)

As is apparent unfortunately the area of anti-discrimination is the area with the least funding possibilities.

4. Is it easy to access such funding? What are the conditions?

Applicants have to fill out an application form available at the ministries' home page. The form contains questions about the aim of the project, deadlines, economy plan, other donors, who is to take part in the project, etc.

It is based on the detailed information on the application form that the ministries decide whether the aim of the project suits the ministries focus area. The application procedure in itself is fairly easy, but it is entirely up to the ministry to decide whether the project is worthy of funding.

5. In case of federal countries, are there funding possibilities at the federated level?

Denmark is not a federal country.

6. Are there other governmental funding possibilities at regional level? At municipality level?

As well as carrying out their own projects for equal treatment and anti-discrimination some of the municipalities offer funding possibilities for the NGOs/trade unions.

A good example is the 2007 report on Experienced Discrimination, which the Documentation and Advisory Centre on Racial Discrimination carried out funded by the municipality of Copenhagen

7. Are there any private funding possibilities? (private foundations, private companies, headquarters of trade unions, etc.) What are they? Is it easy to access these sources of funding?

It is possible to get private funding for anti-discrimination work from the private funds listed below:

- Trygfonden <http://www.trygfonden.dk/>
- Fredsfonden <http://www.fredsfonden.dk/>
- Egmont Fonden <http://www.egmontfonden.dk/>
- Novo Nordisk fonden <http://www.novonordiskfonden.dk/>
- Oticon fonden <http://www.oticonfonden.dk/>
- Velux fonden
<http://www.vkr-fondene.dk/Page.aspx?ID=6b8a6c22-acd8-4315-9dd6-94630d58ffb9&Lang=>
- Augustinus Fonden
<http://www.koda.dk/medlemmer/folder.2005-11-29.0948216781/andre-stottemuligheder/augustinus-fonden>
- Tuborgfondet <http://www.tuborgfondet.dk/>
- Bikubenfonden <http://www.bikubenfonden.dk/>

It is fairly easy to see how much funding and which focus areas the foundations are prepared to fund from their home pages. As with the public funding when applying for funding, the applicants have to fill out an application form, which is available at each foundations home page, with detailed information about the project.

8. Are there any other source of funding?

Most funds come either from the EU, the ministries or from private funds.

IV. Diversity Management seminar

Design of the training

The seminar was held in Copenhagen on March 14, 2008 in a large conference room at the Danish Institute for Human Rights. The Diversity Management seminar had 47 registrations for participation but less were present on the day of the event, this due to different factors – some wrote to cancel others just did not turn up. 34 participants were present and actively involved on the day of the seminar.

A selection of breakfast welcomed the participants, an Italian style lunch was served, cake and fruit was offered in the afternoon's workshops and throughout the day fruit, coffee and tea was available.

The participants were on their arrival supplied with a nametag and a folder containing the following material in Danish:

- Programme
- 'Training Manual for Diversity Management' by Marion Keil, Badrudin Amershi, Stephen Holmes, Hans Jablonski, Erika Lüthi, Kazuma Matoba, Angelika Plett and Kailash von Unruh, translated into Danish by Mark Hebsgaard
- 'Diversity in the Workplace: 8 steps for small and medium sized companies' booklet from the European Commission
- 'Equal Treatment Compliance Tool' from the DIHR
- 'Diversity Inspiration Catalogue' from the DIHR
- PowerPoint slides from the presentations
- List of participants
- Seminar evaluation questionnaire

Facilitator and trainer

Susanne Nour, Team Leader, DIHR

Trainers

Birgitte Bruun, Assistant General Manager,

Nykredit (Nykredit is large financial service group based in Denmark with about 3.500 employees)

Britta Hansen, Managing Director, Dansk Cleaning Service (a small cleaning service based in Copenhagen Airport, Denmark)

Staff

Four staff members of the DIHR were part of the seminar helping with the logistics, practical arrangements, observations, translation, reporting etc.

Observer

Kailash von Unruh, Consultant, Personal in Veränderung

Preparation of the seminar

The announcement of the seminar was partly done through a newsletter to partners in the so called Diversity Lab and moreover through direct mailing and the DIHR website.

The target group was private companies as well as public institutions and we focused on people in manager positions as well as people working with human resources. A great number of participants work in municipalities in various areas of Denmark, another group of participants work as managers of home care services, some had a background in language centers, and a group work at different government departments etc. Many had a special interest in ethnicity and gender issues in relation to diversity management.

Programme

- | | |
|-------|---|
| 09.00 | Welcome. The purpose of the day is presented as well as EU's work on diversity and anti-discrimination |
| 09.15 | Presentation of the participants – name, position and experience with diversity (management) |
| 09.30 | What is Diversity Management? How can we create a diverse and inclusive organization? How is Diversity Management turned into a commercial success? – Susanne Nour |
| 10.15 | Experiences with Diversity Management in a large company – Birgitte Bruun, Assistant General Manager, Nykredit |
| 11.00 | Coffee, tea, fruit |
| 11.15 | Experiences with Diversity Management in a smaller company – Britta Hansen, Dansk Cleaning Service |
| 12.15 | Lunch |
| 13.00 | Presentation of the workshops |
| 13.15 | Workshop 1: Group work on diversity in practice
- Britta Hansen |
| | Workshop 2: Group work about the inclusive workplace
- Susanne Nour |
| 15.30 | Joint summary of the discussions in the workshops and evaluation |
| 16.00 | Goodbye |

Carrying out the seminar

1. Presentation: **What is Diversity Management? How is an including organization created? How is Diversity Management turned into a commercial success?** – Susanne Nour
Keywords: Introducing the concept of diversity management. Rights, resources and results are the principals of diversity management. Various forms of discrimination takes place everyday and can be limited through diversity management. Definition of the including workplace. Motivation for and benefits of diversity. Tools for diversity management. Analysis of diversity, finding the obstacles for diversity and changing them. Presentation of the Diversity Lab project and the Business Diversity Award.
2. Presentation/Business case: **Experiences with Diversity Management in a large company** – Birgitte Bruun, Assistant General Manager, Nykredit
Keywords: Implementation of diversity, diversity as a business strategy. Focus on women in leading positions. Focal points: gender, ethnicity and age stages and specific action taken to create an environment for change – e.g. use of mentors, debate, tests, flexible work time, analysis, internships, use of networks, development of tools for diversity etc.
3. Presentation/Business case: **Experiences with Diversity Management in a small company** – Britta Hansen, Dansk Cleaning Service
Keywords: “Human beings are individuals and do not represent a specific group” that is the thinking of diversity. A feeling of joint ownership and community is visible on the bottom line. Focus on practical implementation in regards to employees, managers and clients.

Observations in relation to workshop 1: Group work on diversity in practice (Britta Hansen):

This session started out with the participants taking time to reflect on how diversity (management) was relevant to them in their work. This was followed by group work, which created a lively debate and the participants took time to learn from the experiences of other participants and exchanged viewpoints. These discussions were summarized in plenum and centred on the perspectives of diversity management. Some key statements were as follows:

- It is difficult to recruit employees and we have to have an alternative and creative strategy in order to meet the lack of manpower.
- If we do not use diversity management the result will be ethnic stigmatization in relation to some job functions. This is to some extent already a problem and also a well known issue in connection to gender.
- Change of attitude and change of policies are needed in order to create respect and understanding for the need of flexible job arrangements.

Main challenges – make managers choose diversity management as strategy. Not only because of social responsibility but also because it is visible on the bottom line and moreover maintain employees, reduce absence due to illness and increase the quality of work.

Facilitator Britta Hansen, concluded the workshop by telling the story of how her company in practice implemented the ideas of diversity – sharing considerations, steps, obstacles and successes with participants in the workshop.

*Observations in relation to workshop 2: **Group work about the including workplace** (Susanne Nour):*

The inclusive workplace is where the employees feel respected and welcomed regardless of their personal lifestyle, religion or belief and ethnic background.

The workshop started off with a knowledge sharing discussion where the participants were asked to give positive examples from their own experiences with diversity. The following are key statements and observations from the discussion:

- “Employees from ethnic minority groups help the company gain access to certain areas that otherwise would have been difficult to access”.
- Post Danmark (The Danish Postal Service) are struggling with recruiting staff in the northern part of Sealand in Denmark which is traditionally a high income area. Therefore Post Danmark turned their recruiting focus on Sweden and was able to hire enough staff. Furthermore Post Danmark has positive experiences with deaf employees and teaching sign language to hearing employees.
- “Diversity opens up the world and leads to better understanding between different groups of people”.
- The Ministry of Transport which normally only hires graduates with a degree from law school recently started hiring graduates from the humanities.

The second half of the workshop used an interview based approach where participants were teamed up two and two (from different companies). A questionnaire (“Do we have a Business Case [for diversity]” taken from the trainers manual) provided the offset for the interviews. The questions were later used for a debate in plenum and included such questions as:

- What does our workplace look like in 5 years?
- What will be the composition of our department/team?
- Which steps are relevant to take for my company regarding diversity management?

Halfway through the workshop the participants were offered refreshments such as coffee, tea and water and cake and fruit.

Main lessons learned seminar

Of the 34 participants 21 evaluations were turned in.

Evaluation of the seminar content, design, trainers, environment, materials and results

The participants were all handed out evaluation questionnaires in English during the end of the seminar and in the multiple question part of the evaluation the participants had the choice between: NA=Not applicable 1=Strongly disagree 2=Disagree 3=Neither agree/nor disagree 4=Agree 5=Strongly agree

Seminar content

The information received beforehand supplied by the organization planning the seminar was sufficient and the objectives of the seminar were clear for the participants. The general relevancy of the content of the seminar lived up to the participants expectations although there were some uncertainty about the participant profile for the seminar.

Average score 3.98

Design

The majority of the DM seminar participants had a clear view of the objectives of the seminar and felt that the activities stimulated their learning. Furthermore the participants found that the difficulty level was appropriate and the pace of the seminar likewise.

Average score 3.94

Trainers

The assessment regarding the trainers is that they were highly competent and helpful.

Average score 4.65

Environment

Although the conference room used as training venue at the DIHR is well equipped for wheelchair access the DM seminar had no participants who were in need of such access and thus the point in the questionnaire is not applicable. The participants were very pleased with the conference room at the DIHR and the Italian style lunch together with the refreshments served throughout the day was appropriate.

Average score 4.63

Materials

A folder was provided for the participants at arrival containing among other things the 'Training Manual for Diversity Management' (translated into Danish), a publication commissioned by the European Commission and other relevant material. Furthermore materials such as postcards and key chains were placed on a table outside the seminar venue for the participants to bring with them home.

Score – 4.3

Results

It is estimated by the majority of the participants that the objectives of the DM seminar were accomplished, but fewer felt that they will be able to fully use the information obtained in the seminar. The most valuable about the seminar was the workshops, business cases and the possibility of networking with others working in the field of diversity management while the least valuable of the seminar was that it did not go particularly below the surface of Diversity Management. An overall statement is that more time was needed to fully appreciate and deal with the subject in depth. Proposals to improve the seminar include; clarify the objectives of the seminar and allot more time to the seminar. Also the participants requested that the trainers should be more specific and provide more facts with less discussion.

Average score 3.85

Questionnaire on future action

The information obtained by the participants at the Diversity Management seminar will be used for both personal matters as well as in everyday work related situations and although the majority of the participants did some very useful networking, some requested that the seminar included more on creating networks on diversity. As regards to a follow-up to this seminar in the future the participants are positive and the general opinion is that the trainers could be used in a follow-up seminar maybe hosted by a participating organization. A follow-up seminar will also allow the participants to expand and use the network obtained at Diversity Management seminar held at the DIHR.

Main lessons learned and future actions by the Danish Institute for Human Rights

A small fee from the participants could be collected in order to maintain registration – this in order to prevent that people who have registered do not show up. The actual seminar had 47 registrations for participation but less were present on the day of the event, this due to different factors – some wrote to cancel others just did not turn up. 34 participants were present and actively involved on the day of the seminar.

The DIHR Diversity Project publishes a newsletter which will be sent to participants requesting this after the seminar. Included in the newsletter is information about future plans, seminars and publications by the DIHR. The participants are welcomed to employ the Equal Treatment Compliance Tool in their company and direct any questions that might occur regarding the process to the DIHR. Furthermore the participants can find examples of good practice in relation to diversity in the Inspiration Catalogue which was enclosed in the seminar folder. The participating companies are also offered a Diversity Assessment session with consultants from the DIHR.

Annexes

The role of trade unions combating discrimination

Intended learning outcome:

- For the participants to have explored the roles trade unions can and should play in combating discrimination.

1. What is a trade union?

A trade union is an organised association of workers, whose aims are to protect, and further workers' rights and interests and represent them at a variety of levels (workplace, sector, national). Originally, unions organised workers along the lines of specific 'trades' and professions (such as hairdressers, teachers, construction workers) but increasingly common are unions with a wider remit (like: workers in commercial services or 'the public sector'). Trade unions can be organised at company level (which is quite common in several countries) or by sector (education, transport, etc.). Unions can also be organised as federations and can also be part of European or international networks.

In several countries, trade unions may have historical links with certain political groupings, ideologies or denominations (socialist, communist, liberal, Christian), and a few have close links with a political party.

However, a common and essential feature to all trade unions is that they are democratic and independent organisations. Democratic because they are membership based and representative organisations, in which every member has a vote and is part of the decision-making process. Independent, because they have to be independent from employers and public authorities to be able to play their role of representatives of workers properly, in which negotiations and compromises but also conflicts (such as strikes) are part of the game.

Trade unions are normally funded by members' subscriptions.

2. What is the role of a trade union in combating discrimination?

When considering what role trade unions can have in combating discrimination, they should take full advantage of the special roles that have been given to them under Articles 7 and 11 of Council Directive 2000/43/EC, and Articles 9 and 13 of Council Directive 2000/78/EC.

Trade unions are clearly important to the development of peaceful, democratic, well-managed, healthy and prosperous workplaces that engage with and promote equal opportunities, and through the workplace also contribute to these same goals in society at large.

Trade unions as instruments of social dialogue can combat discrimination in the following ways:

- Negotiating with employers to ensure that discrimination in the workplace is eliminated and that equal opportunities are promoted.
- Providing a means for expressing and addressing the needs of workers who are discriminated against in the workplace.
- Supporting victims of discrimination in securing a settlement with the employer (alternative dispute resolution).
- Supporting victims of discrimination in their search for access to justice.
- Promoting equality and diversity in the workplace and in the sector.
- Establishing mechanisms to influence decision-making by employers and Government.

- Mainstreaming non-discrimination and equal treatment in policies and practices.
- Challenging employers, organisations and authorities to combat discrimination.
- Monitoring, documenting and denouncing discrimination.
- Ensuring that equality is prominent on the political agenda and encouraging campaigns and action to eliminate discrimination and promote equality.

A trade union can

- Work in partnership with other trade unions to achieve shared aims.
- Work in partnership with NGOs in order to achieve shared aims.
- Cooperate with national equality bodies, for example in building up networks of equality representatives, or in organising training and expertise for workers' representatives.
- Empower groups to engage in campaigns, to be self-advocates and to assert and enforce their rights.
- Work, where appropriate, in partnership with Governments/employers to achieve common aims and objectives.
- Challenge, where appropriate, Governments/employers when they are promoting policies which are contrary to the trade union's objectives.
- Where appropriate deliver services to members efficiently and effectively where those services promote equal opportunities within the framework of Government policies and adopt and promote strategies of Trade unions and strategies negotiated between Trade unions and Government.
- Where appropriate deliver services to members efficiently and effectively where those services promote equal opportunities outside the framework of Government policies and adopt and promote trade unions' objectives and, strategies even if those are contrary to Government policies.
- Ensure the co-ordination of its own services and to engage Government/employers in discussions on the co-ordination of services between the Government and trade unions, where those services relate to equal opportunities.
- Provide properly professionally researched advice to Governments/employers on issues of concern.
- Advocate and campaign for change as a response to need.
- Guide and contribute significantly to legislative and policy making processes, by providing properly researched advice and briefings to politicians in Government and to employers and other persons of influence.
- Be vigilant "watchdogs" - pointing out where Governments/employers are actively discriminating, or failing in their obligations to combat discrimination or where they need to improve their performance, and enforcing the operation of the checks and balances that characterise democratic society. In this role trade unions must target Government and the business community by advocacy, lobbying and negotiating functions when required.
- Challenge, by appropriately selected mechanisms, acts, omissions, administrative practices or policies which are contrary to the trade unions' and the workers' objectives.
- Keep track of and ensure that advantage is taken of all new developments in combating discrimination, e.g. new legislation (national, EU and international), new policies (national, EU and international), new sources of funding, and landmark judicial decisions (at both national, EU and international level).
- Be open, transparent and accountable to members and to the public.
- Increase the strength of trade unions' participation in social dialogue by forming networks and coalitions, and promoting original initiatives and solutions. This can help to reduce prejudice within society, thus promoting equality.
- Work openly and in a spirit of collaboration with other trade unions and NGOs operating in related fields and prevent conflicts and disputes occurring between trade unions or NGOs.

- Put pressure on a state to ratify international instruments which allow for the international spotlight to be shone on Government practices relating to equal opportunities.
- Supply national and international bodies with essential and reliable information on which they can draw when examining a country's record on discrimination.

In summary, the role of trade unions should be to check, monitor and challenge the actions of employers and Governments and other organisations, in order to combat discrimination and to assist workers and groups of workers in asserting their rights.

3. What activities can a trade union do to combat discrimination?

The following is a suggested list of activities and services that a trade union can carry out or provide in order to help combat discrimination on all grounds:

- Negotiating.
- Awareness-raising.
- Monitoring/Influencing the development of policy & law.
- Providing support to individual victims of discrimination, and to individuals as part of a collective complaint.
- Litigation.
- Alternative Dispute Resolution including mediation.
- Campaigning and organising.
- Advocating changes in practice (as distinct from policy or law).
 - Promoting the establishment of focal groups around a specific ground of discrimination (disability, race-ethnicity, etc.) to offer workers a place where they can share common experiences and discuss which policies to develop in their workplace and their union, and how to join forces to put their interests on the general trade union agenda
 - Adapt their recruitment campaigns to an increasingly diverse workforce, and making the diversity of the trade union movement more visible in internal and external publicity
 - Promote female members and members from a minority background in positions of decision-making and leadership.

4. What does a trade union need to fulfil its role?

- Human Resources.
- Skills.
- Knowledge.
- Expertise.
- Openness.
- Transparency.
- Accountability to their members.
- Non discriminatory attitudes within its own organisation.
- Appropriate national legislation in place regarding its establishment and functioning.
- Funding. Although clearly the core functions and activities must be funded independently by members' contributions, many unions make use of project subsidies by governments and private funds for specific aims. Especially in the area of non-discrimination, a variety of possibilities for funding are available.

5. Why are trade unions better placed than other organisations to work towards combating discrimination in the employment field?

- Because trade unions are active in the workplace, they are often best placed to detect patterns of discrimination at work, and to take action to combat disadvantage.
- Trade unions can represent workers collectively, for instance in works councils and collective bargaining, which can often be the most effective way of achieving change and eliminating discrimination in the workplace.
- Trade unions play a crucial role in engaging with workers and employers at the local, regional, national and international level.

6. What are the obstacles for trade unions and how might these be overcome?

- Lack of standing in order to participate in relevant political debates. Trade unions will need to be sure that they brief an individual or organisation that does have standing.
- Lack of standing in order to bring complaints, either individually or collectively. Trade unions can support and assist those who do have standing, or seek to reform the rules.
- Perception of affiliation to Government or a political party or other group so undermining their reputation as impartial advocates of equality issues. A trade union needs to ensure to act in a way that does not conflict with members' fundamental rights to equality, and ensure that any connections with political parties or other organisations or causes do not conflict with members' rights.
- Passivity from some of their members/employees or even their leadership regarding action to be taken against discrimination.
- Conflicts between the interests of the majority of members, and the rights of minority members.
- Own prejudices.
- Lack of effective 'partnership' between Government/employers and trade unions. Lack of effective cooperation with NGOs.
- Lack of membership among the discriminated groups of workers, and therefore a lack of interest among the members and the leadership to deal with these issues. This may be a vicious circle, as clearly a trade union that does not show an interest in representing the interests of for instance women or migrant workers will not easily convince those workers that they should join a union.
- Inability to reach some parts of the workforce or senior management due to ineffective structures, poor organisation, externally imposed priorities, or cultural or language barriers. Trade unions should ensure that *their own organisations* have a diverse workforce with personnel who have received equal opportunities training and who are aware, of relevant social and political history, including the history of exclusion and discrimination of certain groups within the community and, where relevant, a range of language skills.