Act on Ethnic Equal Treatment

1. The purpose of this Act is to prevent discrimination and to promote equal treatment of all persons irrespective of racial or ethnic origin.

2.- (1) The prohibition of discrimination shall apply to any public and private activity 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. The prohibition of discrimination shall also apply to membership of and involvement in any organisation whose members carry on a particular profession, including the benefits provided for by such organisations.

(2) This Act shall not apply to the fields covered by the Act on Prohibition against Differential Treatment on the Labour Market etc.

(3) The Act shall not apply to the undertaking of activities of a strictly private nature.

3.- (1) No person may subject another person to direct or indirect discrimination on grounds of the latter’s or a third party’s racial or ethnic origin.

(2) Direct discrimination shall be taken to occur where one person is treated less favourably than another is, has been or would be treated in a comparable situation on grounds of racial or ethnic origin.

(3) Indirect discrimination shall be taken to occur where an apparently neutral provision, criterion or practice would put persons of a particular racial or ethnic origin at a disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

(4) Harassment shall be deemed to be discrimination when a conduct related to racial or ethnic origin takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment for the person concerned.

(5) An instruction to discriminate against persons on grounds of racial or ethnic origin shall be deemed to be discrimination.

4.- (1) This Act shall not prevent the maintenance or adoption of specific measures to prevent or compensate for disadvantages linked to racial or ethnic origin.

(2) Specific measures taken in pursuance of subsection (1) may only be maintained until the objective of such measures has been achieved.

Part 2

Invalidity etc.

5. Any provisions contrary to section 3 which are included in individual or collective contracts, internal rules of undertakings and bylaws governing associations and foundations etc. are null and void.

6. The provisions of the Act may not be derogated from to the detriment of the person who is subject to discrimination on grounds of racial or ethnic origin.

Part 3

Burden of proof

7. Where a person who considers himself wronged, see section 3, presents facts from which it may be presumed that there has been direct or indirect discrimination, it shall be for the other party to prove that there has been no breach of the principle of equal treatment.

Victimisation

8. No person may be subject to any adverse treatment or adverse consequence as a reaction to a complaint or to any type of proceedings aimed at enforcing compliance with the principle of equal treatment.

Compensation

9. Persons who have been wronged in connection with any violation of sections 3 and 8 may be awarded compensation for non-economic loss.

Part 4

Danish Institute for Human Rights

10.-(1) The Danish Institute for Human Rights has been set up to promote equal treatment of all persons without discrimination on grounds of racial or ethnic origin. The activities of the Institute include, without prejudice to the rights of victims, associations, organisations and other legal entities, providing assistance to victims of discrimination in pursuing their complaints about discrimination, conducting independent surveys concerning discrimination and publishing reports and making recommendations on any issue relating to such discrimination.

(2) The Institute for Human Rights may review complaints about violations of the prohibition of discrimination on grounds of racial or ethnic origin, see section 3, and violations of the prohibition of victimisation, see section 8, and may express its opinion as to whether the prohibition of discrimination on grounds of racial or ethnic origin or the prohibition of victimisation has been violated. Complaints against the opinions of the Institute for Human Rights under this Act cannot be filed with any other administrative authority.

(3) The Institute for Human Rights may recommend that complainants meeting the conditions of section 330(1)(ii) of the Danish Administration of Justice Act be granted free legal aid in connection with complaints under subsection (2) where the Institute finds that the prohibition of discrimination on grounds of racial or ethnic origin or the prohibition of victimisation has been violated.

(4) The Institute for Human Rights decides whether a complaint provides sufficient grounds for an investigation.

Part 5

Commencement etc.

11. This Act shall come into force on 1 July 2003.

12. This Act does not extend to the Faeroe Islands and Greenland, but may by Royal Decree be extended in whole or in part to these territories subject to such modifications and deviations as are rendered necessary by the special circumstances of the Faeroe Islands and Greenland.

Given at Christiansborg Castle, on 28th May 2003

Under Vor Kongelige Hånd og Segl

MARGRETHE R.

/ Bertel Haarder