Department for Human Rights / Ministry of Foreign Affairs

21 November 2013

**Denmark’s response to the questionnaire “the Negative Impact of Corruption on the Enjoyment of Human Rights”**

Corruption is not a major issue in Denmark (in the Corruption Perceptions Index 2012 Denmark, Finland and New Zealand tie for first place with scores of 90, helped by strong access to information systems and rules governing the behaviour of those in public positions). However, the fight against corruption is priority for the Danish development assistance, and the negative impact of corruption on the enjoyments of human rights and sustainable development is generally recognized.

**Ad 1)**

Corruption, including fraud and embezzlement, is prohibited by law in the penal code of Denmark. Other rules and regulations emphasize that the public administration is based on the principles of openness, fairness and equal treatment. These principles are taken very seriously in the public administration, which helps combating corruption.

## Denmark has ratified the UN convention against corruption; the Council of Europe’s Criminal Law Convention on Corruption and the OECD Convention on Bribery loopholes. For all three conventions an evaluation mechanism is attached. Denmark is currently participating in the 4th evaluation of the Council of Europe and in the evaluation of the implementation of chapter III and IV of the UN Convention against corruption. In March 2013, the OECD working group adopted a report on Denmark’s implementation of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.

## Denmark does not have an anti-corruption policy or regulation as such. However, different Danish authorities and national associations have published guidelines on how to avoid and combat corruption:

## Ministry of Justice: Note on how to avoid corruption

## The Confederation of Danish Industries: Avoid Corruption

## The Danish Trade Council: Anti-corruption policy

## [Ministry of Foreign Affairs and Danida](http://um.dk/en/danida-en/about-danida/danida-transparency/): anti-corruption policy and a hotline

**Ad 2.a)**

Denmark does not have an anti-corruption agency. However, this area is covered by the [Public Prosecutor for Serious Economic Crime](http://www.anklagemyndigheden.dk/Sider/statsadvokaten-for-saerlig-oekonomisk-og-international-kriminalitet.aspx).

**Ad 2.b)**

The [Danish Institute for Human Rights](http://www.humanrights.dk/) (DIHR) is the National Human Rights Institution.

Corruption is not among the main human rights priorities in Denmark. In Greenland, the Danish Institute for Human Rights is currently setting up a partnership with Transparency International Greenland.

The director of the Danish Institute for Human Rights is member of “[The Mediation and Complaints-Handling Institution for Responsible Business Conduct](http://businessconduct.dk/)” under the Danish Business Authority. The institution deals with cases relating to non-compliance of the OECD Guidelines for Multinational Enterprises, including cases of corruption and fraud. The Institution is the OECD’s Contact Point in Denmark and is responsible for raising awareness of what responsible business conduct entails.

In an international context, the Danish Institute for Human Rights addresses corruption in different ways as part of the cooperation agreement with the Danish Ministry of Foreign Affairs:

* **Human rights and business** is one of the four thematic priority areas. The institute works with partners to develop better protection at the national level against adverse human rights impact by business. And the Institute aim at influencing the development of effective international standards in the area of human rights and business, including at international, regional and industry sector level.
* **Rule of law s**trengthening of government human rights focal points and National Human Rights Institutions, and implementation of human rights by police, prosecutors, courts, legal aid organizations and informal justice providers. Rule of law is seen as a key element of combating corruption.

**Ad 2.c)**

No – not directly. But the Danish Institute for Human Rights participates in specific task forces etc as mentioned in 2.b, which indirectly deals with anti-corruption efforts.

**Ad 3)**

The [national legislation](http://legislationline.org/topics/country/34/topic/3) to promote openness and transparency in the public administration is proven to be a key element to prevent corruption in the Danish public administration. A new act was adopted by Parliament in 2013 to increase openness. The [Ministry of Justice](http://www.justitsministeriet.dk/generelt/english) can be contacted for further information.

**Ad 4)**

In Denmark corruption is not a major problem for the enjoyment of human rights. The few legal cases concerning corruption in Denmark have dealt with private and public tender issues.

**Ad 5)**

The Human Rights Council and its subsidiary bodies should include actions against corruption as means to improve the general enjoyment of human rights. This element could be included in the Universal Periodic Reviews.

It is widely recognized that corruption (petty and systematic) is a major impediment for the enjoyment of human rights of especially vulnerable and marginalized groups in many countries. Petty corruption is an obstacle for the access to free health services, legal protection and other public services. Systematic corruption decreases the overall public revenue to be used for providing social services etc.

**Ad 6)**

The human rights based principles of non-discrimination, participation; transparency and accountability are core values in the Danish development cooperation. These principles have a value in their own right but they are also decisive in preventing corruption at all levels of society. It is therefore recommended that the UN-system (OHCHR and UN funds and programmes) applies this tool in practice and that more attention is given to this tool at the multilateral level.

Support to good governance and development of democratic institutions, including the establishment of and access to effective, independent legal systems and complaints mechanisms, is also seen as means to combat corruption and to build a solid human rights framework.

**Ad 7)**

It is very positive that the OHCHR prioritizes the combat against corruption in a human rights context at a policy level. More work needs to be done to raise awareness about the negative impact of corruption on the enjoyment of human rights in general and access to public services in particular. At the operational level and at country-level, OHCHR could explore possibilities for building alliances with other UN agencies working with governance, development and human rights (e.g. UNDP and UNICEF) and other multilateral organizations such as the World Bank and the EU.