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

QUESTIONNAIRE

**BASIC INFORMATION**

1. Name of Individual, Organization, Institution, Agency or State: Denmark

Type of Entity\*

[x]  National Government or federal governmental ministry/agency

[ ]  Inter-governmental organization or UN agency

[ ]  Local or regional government, agency, representative or mayor

[ ]  Association, tenant union or housing cooperative

[ ]  NGO network, umbrella organization

[ ]  Community-based NGO

[ ]  Academia

[ ]  Foundation

[ ]  National human rights organization, ombudsperson

[ ]  Real estate, urban planning or construction

[ ]  Real estate investor or investment fund

[ ]  Trade Union

[ ]  Other:

2. Categorization of your Work

Please select one or more responses, as appropriate.

[x] Public administration

[ ] Advocacy

[ ] Funding

[ ] Legal Assistance

[ ] Networking

[ ] Policy

[ ] Research

[ ] Technical Assistance

[ ] Training

[ ] N/A

[ ] Other:

3. City/Town: Copenhagen

4. State/Province: Capital Region

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

**HOUSING DISCRIMINATION**

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

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

None.

According to the Act of Social Housing etc. § 51 the principal rule is that social housing dwellings are let to tenants through waiting lists and all individuals with a legal residence in Denmark are entitled to put his or her name on the waiting list. The waiting list is administered by seniority so everybody has equal rights in getting access to an inexpensive vacant dwelling.

In total there are more than 600,000 social housing homes in Denmark which correspond to approximately 22 percent of the overall housing stock. The social housing sector is economically supported by the state and subject to detailed public regulation.

In order to ensure social housing for vulnerable groups, the Act of Social Housing etc. § 59 gives the local authorities an unconditioned right to dispose of 25 percent of all vacant dwellings in social housing. The local authority can allocate a vacant social housing dwelling to a person or family, who needs a place to live.

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

*Accessibility*

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

*Habitability*

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

*Affordability*

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

*Security of tenure*

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

*Availability of services, materials, facilities and infrastructure*

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

*Location*

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

*Cultural adequacy*

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

The Ministry does not find that this kind of discrimination takes place in Denmark. The social housing sector is open to every person who is legally residing in Denmark. The municipality can provide housing to persons with social needs. Persons with low income are getting economic support in order to pay rent (the Act of Individual Housing Benefit), persons with disabilities and old persons have the right to suitable housing, and special and inexpensive housing is provided to young persons (the Act og Social Housing etc. section 4, 5, 52 and 54 (among others)).

Furthermore, the Danish housing policy is preventing segregation of neighbourhoods, by measures aiming at a sustainable mix of tenants in social housing residential areas (the Act og Social Housing etc. section 59 (6) and section 60).

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

The Ministry does not find that there are laws, policies or practices that contribute to discrimination.

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

Persons with disability, older persons and young persons have privileged access to specially designed social housing dwellings (the Act of Social Housing etc. section 4, 5, 52 and 54 (among others)).

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

The municipalities are responsible for evaluating each individual case for persons with special housing needs, such as older persons and persons with disabilities. It is therefore the responsibility of each municipality to provide the necessary social housing, and accommodate the needs of these persons. Young people and students need inexpensive housing (the Act of Social Housing etc. section 4, 5, 52 and 54 (among others)).

**SPATIAL AND RESIDENTIAL SEGREGATION**

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

As many others countries in Western Europe, Denmark has experienced segregation in some social housing estates. The main issue in these most deprived areas is a uniform composition of residents and monotonous building style. These residential areas are characterized by high unemployment rates, high crime rates, and low levels of education, low personal incomes and higher concentrations of tenants from non-Western countries. The concentration of vulnerable groups has proven counterproductive in preventing social segregation and promoting integration. Around 40 pct. of tenants, aged 18-64 years in the most deprived areas are neither employed nor studying. The national average is around 13 pct. Further, the crime rate is more than three times higher than the national average. (https://www.trm.dk/media/4597/redegoerelse-om-arallelsamfund-2020.pdf).

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

In Denmark, everybody – no matter where one lives – has good access to the mentioned kind of infrastructure. The legislation passed in order to prevent segregation (L38 2018-19) has the aim of fighting segregation by securing an average mix of tenants in the deprived neighborhoods. Among other policy initiatives, the municipalities must put effort into securing children getting adequate language skills and education and adults having jobs.

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

No

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

See answer to Q 14.

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

In general, people in Denmark can choose to live wherever they want. The question does not specify, what “particular groups” mean, but there is no registration of where people from religious, ethnical or political groups settle.

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

See answer to Q 16

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

See answer to Q 16

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

According to the Danish Aliens Act section 42 a)(1 and 2), the Danish Immigration Service is responsible for providing and managing accommodation facilities for asylum seekers as well as third country nationals who have no right to stay in Denmark. As a general rule, the asylum seeker/irregular migrant will be assigned to live at a specific reception or accommodation centre. However, provided that certain criteria are met, asylum seekers can be approved to live in privately owned homes not affiliated with a reception or accommodation centre. Furthermore, according to the Danish Aliens Act section 42 a (8), foreigners who do not have a right to reside in Denmark and who do not cooperate with the Danish Authorities on their departure are, as a main rule required to stay at one of the return centres. This includes rejected asylum seekers, foreigners ordered to leave Denmark but who cannot be deported (so-called tolerated stay) and foreigners who have been expelled from Denmark due to a criminal offence. Regarding refugees, Denmark does not mandate that refugees or their families take residence in any particular geographic area or in any particular unit of housing. However, the Danish asylum system does assign every refugee to a specific municipality, which is then responsible for offering housing or quarters to that refugee, as well as being responsible for the effort to integrate that refugee. Furthermore, the municipality is responsible for covering expenses incurred in moving the refugee to their assigned municipality, cf. section 12 (5) of the Danish Integration Act. This assignment is a subsidized offer, and refugees may find housing in other places, at any time, if funded by the refugees themselves. If a refugee in an active integration program seeks to relocate to another municipality, the recipient municipality must accept responsibility for that refugee’s integration, if the said refugee is to continue their active program, cf. the section 18 of Danish Integration Act. A recipient municipality is obligated to accept a moving refugee, if the movement of said refugee is of significant importance to his or her integration, including if the moving is a prerequisite for attaining regular employment, cf. section 18 (2), of the Danish Integration Act. If a refugee moves to a municipality which has not accepted responsibility for the integration of said refugee, then that municipality may decide to reduce or entirely cancel the social benefits (selvforsørgelses- og hjemrejseydelse eller overgangsydelse), which that refugee would otherwise be entitled to, cf. section 32 (1), of the Danish Integration Act.

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

The social housing sector in Denmark offers affordable housing for every-one with a need, and the private rental sector is heavily regulated. Nevertheless, increasing prices of properties and homes, particularly in the larger cities, can be a challenge to residential integration and equality. Legislation, which ensures a fair number of rental housing with relatively low rent, has been implemented, e.g. a law that prevents short-term speculation in older rental properties and limits the rate at which rents can increase (L177 2019-20). Furthermore, the Danish government will propose initiatives encouraging the establishment of more affordable social housing e.g. through special subsidies for the construction of low rent social housing.

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

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

See answer to Q 7

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

See answer to Q 7 and 10.

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

The legislation passed in order to prevent segregation (L38 2018-19) has the aim of fighting segregation by securing an average mix of tenants in these neighborhoods, e.g. by measures aiming a sustainable mix of tenants and residents in every residential area in Denmark (the Act of Social Housing etc. section 59 section 6 and § 60).

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

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

Institutional mechanisms concerning reporting, redressing and monitoring discrimination or segregation in relation to the right to adequate housing are part of the general framework for the protection and promotion of human rights in Denmark. Therefore, the Ministry can refer to Common core document forming part of the reports of States parties concerning Denmark. This document contains among other things a description of legal framework for the protection of human rights at the national level, framework within which human rights are promoted at the national level and reporting process at the national level.

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

The Ministry does not find that there are principal barriers to seek justice for discrimination/segregation in relation to the right to adequate housing in Denmark.

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

The purpose of the Board of Equal Treatment is to deal with specific complaints related to discrimination and the board can award compensation. The Board is a quasi-judicial administrative body dealing inter alia with complaints in the field of housing concerning discrimination on gender or race and ethnic basis. Decisions made by the Board are final and binding for both parties. It is free to submit a complaint to the Board. Further, any person that experienced discrimination can file a lawsuit for discrimination in the Court. In this regard, free legal aid is granted, if there is reasonable cause to conduct the complaint. Free legal aid is particularly reserved for people, who do not have the financial means to pay the costs of the case. There are some pending cases concerning the 2018 Regulation L38 on social housing which are expected to be decided ultimo 2021/primo 2022.

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

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

There is no data specific on spatial segregation. On the webpage of the Housing and Planning Authority, data of the housing stock is published, i.e.: housing categories, municipalities, year of construction, ownership (incl. social housing for families, young persons and older persons), and age of the residents. <https://boligstat.dk>

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

 The Ministry provides a yearly report on segregated housing areas in Denmark. (Redegørelse om Parallelsamfund), https://www.trm.dk/media/4597/redegoerelse-om-arallelsamfund-2020.pdf

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

The Ministry has no such information