



General Assembly

Distr.: General
21 February 2011

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Eleventh session
Geneva, 2–13 May 2011

**Compilation prepared by the Office of the High
Commissioner for Human Rights in accordance with
paragraph 15 (b) of the annex to Human Rights Council
resolution 5/1**

Denmark

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. Background and framework

A. Scope of international obligations¹

<i>Core universal human rights treaties²</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	9 Dec. 1971	None	Individual complaints (art. 14): Yes
ICESCR	6 Jan. 1972	Yes (art. 7)	–
ICCPR	6 Jan. 1972	Yes (art. 10, 14, 20)	Inter-State complaints (art. 41): Yes
ICCPR-OP 1	6 Jan. 1972	Yes (art. 5)	–
ICCPR-OP 2	24 Feb. 1994	None	–
CEDAW	21 Apr. 1983	None	–
OP-CEDAW	31 May 2000	None	Inquiry procedure (arts. 8 and 9): Yes
CAT	27 May 1987	None	Inter-State complaints (art. 21): Yes Individual complaints (art. 22): Yes Inquiry procedure (art. 20): Yes
OP-CAT	25 June 2004	None	–
CRC	19 July 1991	Reservation to article 40	–
OP-CRC-AC	27 Aug. 2002	Binding declaration under art. 3: 18 years	–
OP-CRC-SC	24 July 2003	Yes (art. 2)	–
CRPD	24 July 2009	None	–

Core treaties to which Denmark is not a party: OP-ICESCR, ICRMW, OP-CRPD and CED (signature only, 2007).

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	Yes
Palermo Protocol ³	Yes
Refugees and stateless persons ⁴	Yes
Geneva Conventions of 12 August 1949 and Additional Protocols thereto ⁵	Yes
ILO fundamental conventions ⁶	Yes
UNESCO Convention against Discrimination in Education	Yes

1. In 2010, the Committee on Elimination on Racial Discrimination (CERD) encouraged Denmark to consider ratifying ICRMW.⁷ The Committee on the Elimination of Discrimination against Women (CEDAW) made a similar recommendation in 2009.⁸

2. In 2008, the Human Rights Committee (HR Committee) regretted that Denmark intended to maintain all the reservations entered upon ratification of the Covenant. It recommended Denmark to consider narrowing the scope of the reservation to Article 14 in light of the recent reform of the jury system.⁹

B. Constitutional and legislative framework

3. CERD reiterated its recommendation that Denmark incorporate the Convention into its legal system to ensure its direct application before Courts.¹⁰ HR Committee¹¹ and CEDAW¹² recommended Denmark to reconsider its decision not to incorporate the Covenant and the Convention respectively into its domestic legal order. The Committee against Torture (CAT) recommended that Denmark incorporate the Convention into Danish law in order to allow persons to invoke it directly in courts.¹³ In 2005, CRC recommended that the Convention should prevail whenever domestic law provisions are in conflict with the rights enshrined in the Convention.¹⁴

4. UNHCR noted that Denmark is not bound to the legal framework established by the European Union (EU) on asylum. UNHCR also indicated that, since 2002, Denmark has frequently introduced legislative changes to the Aliens Act, establishing a point system. Most of these changes introduced restrictive measures.¹⁵ On 25 May 2010, the Parliament passed legislative changes to the Aliens Act, which include the abolition of the earlier seven-year period for obtaining an indefinite residence permit.¹⁶

5. The HR Committee welcomed the adoption of the Act on Equal Ethnic Treatment; the introduction of a special section on torture in the Criminal Code, and of legislative and policy measures aimed at eliminating violence against women.¹⁷

6. CEDAW commended the Consolidation Act on Gender Equality of September 2007, which introduced the possibility of applying temporary special measures in fields other than employment, as well as the amendment of May 2009, making the provisions on gender composition more rigorous.¹⁸

7. CEDAW recalled Denmark's obligation to embody the principle of the equality of men and women in its national legislation and recommended ensuring that full

implementation of the Convention is achieved throughout its territory, including the Faroe Islands and Greenland.¹⁹

8. In 2006, the Committee on the Rights of the Child (CRC) welcomed the adoption of the amendment to the Criminal Code by Act No. 380, which introduced a new provision on trafficking in human beings; and the 2005 appendix to the Action Plan to Combat Trafficking in Women to protect and support children who have been trafficked to Denmark.²⁰

C. Institutional and human rights infrastructure

9. The Danish Institute for Human Rights (DIHR) was accredited with A status by the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights (ICC) in 2001. It was further reviewed in October 2007.²¹

10. In 2004, the Committee on Economic, Social and Cultural rights (CESCR) welcomed the newly established mechanism within the DIHR to receive complaints from individuals in cases of discrimination based on race.²²

11. CERD welcomed the establishment of a Division for Democratic Cohesion and Prevention of Radicalisation under the Ministry of Refugee, Immigration and Integration Affairs.²³

12. CRC recommended that Denmark nominate an independent body or establish a separate organ to monitor the implementation of the Convention.²⁴

D. Policy measures

13. CERD welcomed the Action Plan on Ethnic Equal Treatment and Respect for the Individual in July 2010.²⁵

14. In 2010, the ILO Committee of Experts on the Applications of Conventions and Recommendations noted Denmark's Action Plan to fight Trafficking in Human Beings 2007-10.²⁶

15. CEDAW welcomed the efforts made to raise public awareness of trafficking in human beings, notably through the national plan of action for 2007-2010, and the establishment of the inter-ministerial working group on trafficking and of the Anti-Trafficking Centre.²⁷

16. CEDAW recommended Denmark to ensure that the implementation of a gender equality policy constitutes a requirement for granting public procurement contracts.²⁸

17. CRC welcomed the establishment of a special investigation unit for criminal offences committed on the Internet, including child pornography, by the Office of the National Commissioner of Police.²⁹

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

<i>Treaty body³⁰</i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2009	Aug. 2010	Due Aug 2011	20th and 21st reports due 2013
CESCR	2003	Nov. 2004	–	5th report received 2010
HR Committee	2007	Oct. 2008	Received in 2009	6th report due 2013
CEDAW	2008	July 2009	Due July 2011	8th report due 2013
CAT	2004	May 2007	Received in 2008	6th to 7th report due 2011
CRC	2003	Sept. 2005	–	4th report received 2008
OP-CRC-AC	2004	Sept. 2005	–	–
OP-CRC-SC	2005	Sept. 2006	–	–

18. In 2010, CERD commended Denmark for its punctuality and consistency in the submission of periodic reports, and their quality in strict conformity with the Committee's guidelines.³¹

2. Cooperation with special procedures

<i>Standing invitation issued</i>	Yes
<i>Latest visits or mission reports</i>	Special Rapporteur on Torture(2–9 May 2009)
<i>Visits agreed upon in principle</i>	Special Rapporteur on Education (2008)
<i>Visits requested and not yet agreed upon</i>	
<i>Facilitation/cooperation during missions</i>	The Special Rapporteur on Torture expressed his deep appreciation to the Government.
<i>Follow-up to visits</i>	
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, one communication was sent. The Government did not reply.
<i>Responses to questionnaires on thematic issues</i>	Denmark responded to 7 of the 26 questionnaires sent by special procedures mandate holders. ³²

3. Cooperation with the Office of the High Commissioner for Human Rights

19. Denmark continuously contributed financially to OHCHR between 2006 and 2010, including to the Voluntary Fund for Victims of Torture between 2006 and 2010 and to the Voluntary Fund for Indigenous Populations between 2006 and 2009.³³

B. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Equality and non-discrimination

20. CERD noted the recent amendments to the Aliens Act introducing a new system for obtaining a permanent residence permit, and recommended Denmark to take specific measures to assess the implementation of this system to ensure that it does not exclude people solely on the basis, *inter alia*, of poverty, dependence on State resources and passing the Danish language test; and beneficiaries of international protection who, due to age, trauma or other vulnerabilities do not meet the criteria and, therefore, cannot complete the integration targets set out in the law.³⁴

21. CERD, while welcoming the establishment of the Board of Equal Treatment to consider complaints alleging discrimination, recommended that Denmark strengthen the Board's complaint-lodging-procedure to enable complainants to provide oral testimony. It urged Denmark to revise the procedure of the Board to ensure that the Secretariat does not usurp the powers of the Board by rejecting complaints before they are considered by the Board's panel.³⁵

22. CERD recommended strengthening efforts to promote people from other ethnic backgrounds to serve as police officers in order to achieve a racially balanced police service. Denmark must also strengthen its efforts to remove all impediments for migrants in the labour market such as racial prejudices and stereotypes.³⁶

23. CEDAW recommended that Denmark, including the Faroe Islands and Greenland, take concrete measures, including temporary special measures, to accelerate the practical realization of women's *de facto* equality with men.³⁷

24. CRC joined concerns raised by CESCR and CERD and recommended that Denmark intensify its efforts to prevent and eliminate all forms of *de facto* discrimination against all children.³⁸

25. CRC recommended that Denmark take all necessary measures to ensure that the needs of children with disabilities are fully taken into account in the policies of all municipalities; to ensure that equal access to services is provided to them; and provide them with equal educational opportunities.³⁹

26. CESCR was concerned that the rise in the number of immigrants and refugees arriving in Denmark over recent years has been met with increased negative and hostile attitudes towards foreigners.⁴⁰ It recommended monitoring the incidence of and combating racism and xenophobia, and continuing to promote intercultural understanding and tolerance.⁴¹

2. Right to life, liberty and security of the person

27. CAT noted that Denmark has responded to the criticism raised by the case of the death in police custody of Jens Arne Ørskov in 2002, and other individual cases, by setting up a broad-based committee to review and evaluate the current system for handling complaints against the police. It recommended Denmark to ensure that all allegations of violations committed by law enforcement officials are investigated promptly, independently

and impartially and ensure the right of victims of police misconduct to obtain redress and adequate compensation.⁴² In follow-up replies, Denmark responded that it expected the report of the above-mentioned committee at the end of 2008.⁴³ CAT requested that Denmark share the report with the Committee.⁴⁴

28. CAT noted with concern that the offence of torture, which as such does not exist in the Danish Criminal Code, is punishable under other provisions of the Criminal Code, and is, therefore, subject to the statute of limitations. It recommended Denmark to review its rules and provisions on the statute of limitations and bring them fully in line with its obligations under the Convention.⁴⁵

29. CAT called upon Denmark to incorporate a specific offence of torture, as defined in the Convention, in the Military Criminal Code as well as in its Criminal Code.⁴⁶ The Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment made a similar recommendation.⁴⁷

30. CAT took note of reports that, in February-March 2002, the Danish Special Forces captured 34 men and handed them over to allied forces during a joint military operation in another country, in circumstances where allegations later emerged of ill-treatment while the men were in allied forces' custody. It took note of Denmark's assurances that all detainees were released shortly after their transfer to allied forces' custody and that none of them was ill-treated. CAT recommended Denmark to ensure that it complies fully with the Convention in all circumstances.⁴⁸

31. HR Committee was concerned about allegations that the airspace and airports of Denmark have been used for so-called rendition flights of persons from third countries to countries where they risk being subjected to torture or ill-treatment. It noted that Denmark had set up a governmental task force to carry out an inquiry into this issue. It recommended Denmark to establish an inspection system to ensure that its airspace and airports are not used for such purposes.⁴⁹

32. CAT recommended Denmark to review the existing framework for handling allegations of excessive use of force, including the use of weapons, by law enforcement officials to ensure its compliance with the Convention. It recommended Denmark to ensure prompt and impartial investigations into all complaints or allegations of misconduct.⁵⁰

33. HR Committee recommended Denmark to review its legislation and practice in relation to solitary confinement during pre-trial detention, with a view to ensuring that such a measure is used only in exceptional circumstances and for a limited period of time.⁵¹ In follow-up replies, Denmark pointed out that "solitary confinement" means exclusion from association with other detainees, and not that the detainee is "isolated" in other respects.⁵²

34. The Special Rapporteur on Torture stated that the extensive recourse to solitary confinement remained a major concern⁵³ and recommended that its use be further reduced, on the basis of the unequivocal evidence of its negative mental health effects upon detainees.⁵⁴

35. With regard to persons suspected of offences against the security of the State or against the Constitution who may be held indefinitely in solitary confinement during their pre-trial detention, CAT recommended Denmark to ensure respect for the principle of proportionality and establish strict limits on its use.⁵⁵

36. CAT welcomed Denmark's ongoing efforts to improve prison conditions, including the additional resources allocated to administer the daily occupancy rates. In particular, it welcomed Denmark's efforts to introduce alternatives to custodial measures, such as the use of electronic monitoring.⁵⁶

37. HR Committee recommended Denmark to continue its efforts towards the elimination of violence against women, including domestic violence, through information campaigns on the criminal nature of this and the allocation of sufficient financial resources to prevent such violence and provide protection and material support to victims.⁵⁷ In follow-up replies, Denmark responded that 35 million Danish kroner had been allocated to a new National Strategy to combat violence in intimate relationships 2009-2012, currently being developed.⁵⁸

38. The Special Rapporteur on Torture stated that, in Greenland, action against domestic violence has so far not received adequate attention, despite the severity of the problem⁵⁹ and recommended, as a priority for the Greenland Home Rule Government, developing and implementing an adequately resourced plan of action against domestic violence in Greenland.⁶⁰

39. CEDAW called upon Denmark, including the Faroe Islands and Greenland, to pursue their efforts to prevent and combat violence against women and to adopt a coordination policy on violence against women. It further recommended that Denmark consider adopting a specific law on violence against women, including domestic violence. It called on Denmark to ensure that foreign married women victims of domestic violence be provided with flexible solutions with regard to their resident permits and recommended that clear legal guarantees and administrative guidelines for their protection be set.⁶¹

40. CERD recommended Denmark to take measures to ensure that women who are victims of domestic violence are not forced to cohabit with their abusive spouses so that they can complete the two-year period in order to be eligible for a residence permit. It recommended Denmark to adopt concrete measures to promote other options for eligibility to a residence permit after cessation of cohabitation for women who fall short of the two-year requirement.⁶² In 2004, CESCR had expressed similar concerns and made a similar recommendation.⁶³

41. CEDAW requested Denmark to strengthen measures aimed at addressing the exploitation of prostitution and, in particular, the demand for prostitution.⁶⁴

42. CEDAW called upon Denmark to develop guidelines on the handling of claims of gender-related persecution within asylum law and practice so as to develop a more thorough way of identifying victims of trafficking and gender-based persecution.⁶⁵ The Special Rapporteur on Torture recommended that the Government give greater attention to the rehabilitation of victims of human trafficking in Denmark.⁶⁶

43. CRC recommended that Denmark: strengthen its efforts to prevent commercial sexual exploitation of children, including through the development of a national plan of action on commercial sexual exploitation of children; criminalize the distribution of erotic images involving children; strengthen measures aimed at the recovery and reintegration of victims; and train law enforcement officials, social workers and prosecutors.⁶⁷

3. Administration of justice, including impunity, and the rule of law

44. In 2008, HR Committee welcomed the far-reaching reform of the judicial system, which aims at rationalizing the court system and reducing the processing time of criminal and civil cases.⁶⁸

45. CERD recommended Denmark to limit the powers of the Director of Public Prosecutions by establishing an independent multicultural oversight body to assess and oversee the decisions taken by the Director of Public Prosecutions with regard to cases under section 266 (b) of the Criminal Code to ensure that discontinuance of cases does not discourage victims from lodging complaints or promote impunity by perpetrators of hate crimes. It urged Denmark to resist calls to repeal section 266 (b), which will compromise

the efforts and gains that Denmark has achieved in combating racial discrimination and hate crimes.⁶⁹

46. CRC welcomed the 2004 changes in the Administration of Juvenile Act, and recommended that Denmark, inter alia, review as a matter of priority the current practice of solitary confinement, take measures to abolish the practice of imprisoning or confining in institutions persons under 18 who display difficult behaviour; and fully implement the rules for children under 15 in conflict with the law and ensure that they are not deprived of their liberty without due process.⁷⁰

47. CRC recommended that Denmark increase its efforts to combat the worrying phenomenon of child sex tourism, including by consistently prosecuting offenders for the crimes committed abroad upon return.⁷¹ CRC noted with appreciation that Denmark abolished the requirement of “dual criminality” regarding sexual offences against children on 2 June 2006.⁷²

48. CRC also noted with interest that a witness-protection programme had been developed and recommended that children who cannot be guaranteed witness protection upon repatriation be guaranteed permission to reside in Denmark and receive protection.⁷³

4. Right to marriage and family life

49. UNHCR recommended amending the Danish Aliens Act to ensure that the right to family life, marriage and choice of spouse is guaranteed to every person without discrimination based on national or ethnic origin. This includes ensuring that the right to family reunification does not only apply to children.⁷⁴

50. CERD reiterated its concern regarding the restrictive conditions under Danish law with regard to family reunification. It urged Denmark to adopt concrete measures to assess the racial impact of this legislation in the enjoyment of the right to family life, marriage and choice of spouse.⁷⁵

51. CEDAW reiterated the concerns that the minimum age requirement of 24 for the reunification of migrant spouses may constitute an impediment to the right to family life in Denmark. It recommended the review of the minimum age requirement of 24 in order to bring it into line with the rules applying to Danish couples.⁷⁶ In 2004, CESCR had expressed similar concerns and made a similar recommendation.⁷⁷

52. CRC remained concerned at the legislative reform that reduces the age limit of a child eligible for family reunification from 18 to 15 years. It recommended that Denmark take measures to ensure that family reunification procedures comply with the Convention.⁷⁸

5. Freedom of religion or belief, expression, and right to participate in public and political life

53. HR Committee recommended Denmark to take steps to ensure equal enjoyment of the right of freedom of religion or belief and to consider reviewing its legislation and administrative practices regarding the direct financial support provided to the Established Church of Denmark, and entrust the administrative functions relating to civil status registration and the management of burial grounds to State authorities.⁷⁹

54. The Special Rapporteur on freedom of religion or belief and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance sent a letter to the Government on 24 November 2005 in which they expressed concern regarding actions that seemed to reveal intolerance and absence of respect for the religion of others, following the publication by a newspaper of cartoons representing the prophet Muhammad in a defamatory manner.⁸⁰ The Government replied on 24 and 31 January 2006.⁸¹

55. At the invitation of the Danish Human Rights Institute, the Special Rapporteur on the Promotion and Protection of Freedom of Opinion and Expression went to Denmark in April 2006 to participate in a number of meetings, in which he gathered significant information regarding the “Danish Cartoons Affair”.⁸²

56. CEDAW recommended that Denmark adopt effective proactive measures to encourage more women to apply for high-ranking posts and that the strategy on women in management positions in the labour market and business sector include effective monitoring and accountability mechanisms.⁸³

57. HR Committee recommended Denmark to strengthen its efforts to increase the participation of women in political decision-making positions, especially at the local level, through awareness-raising campaigns and, where feasible, the adoption of temporary special measures.⁸⁴

58. CEDAW urged Denmark to adopt appropriate temporary special measures in order to increase the number of women in politics, in particular at the regional and local levels, including the Faroe Islands and Greenland.⁸⁵

6. Right to work and to just and favourable conditions of work

59. CEDAW urged Denmark to take proactive concrete measures to eliminate occupational segregation, and to narrow and close the wage gap between women and men. It recommended that Denmark, including the Faroe Islands and Greenland, continue their efforts to ensure reconciliation of family and professional responsibilities and the promotion of equal sharing of domestic and family tasks.⁸⁶

60. In 2009, the ILO Committee of Experts noted that women’s average gross hourly earnings were 17 per cent lower than men’s in 2006.⁸⁷ CESCR expressed similar views.⁸⁸ A high number of gender discrimination cases brought before courts appeared to relate to dismissal because of pregnancy or maternity leave.⁸⁹

61. The ILO Committee of Experts noted that, although the employment rate of immigrants from non-Western countries increased slightly in 2006, the employment rate of women immigrants (42.4 per cent in 2006) remained lower than that for male immigrants (57 per cent in 2006). The ILO Committee of Experts requested Denmark to supply information on the measures taken or envisaged to promote greater access of men and women with an immigrant background and refugees to the labour market.⁹⁰

62. In 2010, the ILO Committee of Experts requested Denmark to take the necessary measures to enable teachers who had chosen to keep their status as public employees to have recourse to strike action without the risk of being sanctioned.⁹¹

7. Right to social security and to an adequate standard of living

63. In 2005, CRC recommended that Denmark ensure that the needs of all children are met, and that it take all necessary measures to ensure that children, in particular those from socially disadvantaged families and of non-Danish ethnic origin, do not live in poverty.⁹²

64. CRC encouraged Denmark to continue and strengthen the development of mental health care so as to ensure that adequate treatment/care is provided to all children and young people in order to avoid their placement in adult psychiatric centres. It further recommended that Denmark strengthen its measure to prevent suicide among adolescents, particularly in Greenland.⁹³

65. In 2004, CESCR recommended that Denmark adopt national policies to ensure that all families have adequate housing facilities and that adequate resources are allocated for social housing, particularly for disadvantaged and marginalized groups such as immigrants.

It further encouraged Denmark to take measures to address the problem of homelessness, particularly among the immigrant population.⁹⁴

8. Right to education

66. CERD noted that mother tongue teaching was only offered to children from European Union, European Economic Area countries and those from Faroe Islands and Greenland. It recommended that Denmark take appropriate measures to assess whether people of other ethnic groups require mother tongue teaching so that this is extended to their children.⁹⁵

67. CRC recommended that Denmark take the necessary measures to ensure that all children have access to primary and secondary education; and strengthen efforts to bridge the racial disparity in education.⁹⁶

9. Minorities and indigenous peoples

68. In 2010, CERD reiterated its concern with regard to the decision of the Supreme Court that was handed down on 28 November 2003 relating to the Thule Tribe of Greenland, and recommended Denmark to adopt concrete measures to ensure that the status of the Thule Tribe reflects established international norms on indigenous peoples' identification.⁹⁷ In 2008, the HR Committee had expressed similar concerns and made a similar recommendation.⁹⁸

69. In 2001, regarding a complaint filed on behalf of the Uummannaq community of the Thule district, the ILO Committee of Experts stated that there was no basis for considering the inhabitants of the Uummannaq community to be a people separate and apart from Greenlandic indigenous peoples (Inuit), although this did not necessarily appear relevant as there is nothing in the 169 ILO Convention that would indicate that only distinct peoples may make land claims.⁹⁹

70. CERD recommended that Denmark take appropriate measures to establish the legal status of the Roma people and to afford them full protection from discrimination, racial profiling, hate crimes, and facilitate their access to public facilities.¹⁰⁰

71. CEDAW urged Denmark to intensify its efforts to eliminate discrimination against minority women. It recommended that foreign women's health needs, in particular with regard to information on preventing and addressing HIV infection, be fully addressed.¹⁰¹

10. Migrants, refugees and asylum-seekers

72. UNHCR considered the amendments to the Aliens Act problematic, insofar as the expulsion of a refugee entails that she/he loses his/her refugee status.¹⁰² UNHCR was also concerned that safeguards against *refoulement* for persons in need of international protection will be reduced.¹⁰³ UNHCR recommended Denmark to ensure that acts which may lead to expulsion are in line with international refugee and human rights law, in order to avoid disproportionate measures being imposed on persons in need of international protection.¹⁰⁴

73. UNHCR indicated that amendments to the Aliens Act restricting the granting of residence permits for unaccompanied and separated children are under consideration by Parliament. One of these amendments suggests that the temporary residence permit for unaccompanied minors and separated children will be withdrawn when the child turns 18 years of age, unless exceptional conditions apply.¹⁰⁵

74. UNHCR is concerned about the further tightening of the Aliens Act for a vulnerable group of minors, who are not found to be sufficiently mature to have their protection needs assessed, upon arrival to the country. The limitation of the residence permit up to the age of

18 is likely to impact negatively on the development and well-being of the child.¹⁰⁶ UNHCR recommended Denmark to revise the proposed amendments to the Danish Aliens' Act with respect to unaccompanied children seeking asylum, and that a number of safeguards recognizing additional protection and assistance needs of children be applied.¹⁰⁷

75. HR Committee recommended Denmark to exercise the utmost care in relying on diplomatic assurances when considering the return of foreign nationals to countries where treatment contrary to the Covenant is believed to occur. It recommended Denmark also to monitor treatment of such persons after their return and take appropriate action when the assurances are not fulfilled.¹⁰⁸

76. CAT was concerned at unduly long waiting periods in asylum centres and the negative psychological effects of long-term waiting and of the uncertainty of daily life on asylum-seekers.¹⁰⁹ In 2005, CRC had expressed similar concerns.¹¹⁰

11. Human rights and counter-terrorism

77. The Special Rapporteur on Torture was encouraged by the establishment of an inter-ministerial working group on rendition flights and strongly encouraged the inclusion of independent experts in a fully transparent process.¹¹¹ He recommended refraining from the use of diplomatic assurances as a means of returning suspected terrorists to countries known for practising torture.¹¹²

12. Situation in or in relation to specific regions or territories

78. CERD urged Denmark to take measures to address the problems faced by Greenlandic people considered to be "legally fatherless" and who, by virtue of having been born out of wedlock, are negatively affected by various laws including the laws governing family life, land ownership and inheritance.¹¹³

III. Achievements, best practices, challenges and constraints

79. CEDAW congratulated Denmark for mainstreaming gender equality and empowerment of women in its development cooperation activities and for allocating financial resources for that purpose.¹¹⁴

80. In 2007, the United Nations Deputy High Commissioner for Human Rights highlighted the efforts led by DIHR to help nurture national human rights institutions around the world, and its important role within the context of the European Coordinating Committee of National Institutions.¹¹⁵

81. The Special Rapporteur on Torture paid tribute to Denmark's long-standing leadership in anti-torture efforts worldwide and commended the efforts of the Government in carrying out successful awareness-raising campaigns on domestic violence and trafficking of women.¹¹⁶

82. CAT commended Denmark for its global efforts to promote respect for human rights, in particular to combat and eradicate torture.¹¹⁷

83. CRC welcomed Denmark's continued commitment to official development assistance.¹¹⁸

84. CESCR noted with appreciation Denmark's commitment to official development assistance and that it is one of the few countries to have exceeded the United Nations target of 0.7 per cent of GDP.¹¹⁹

85. UNHCR highlighted the high standards of the Danish reception centres for unaccompanied children seeking asylum in Denmark.¹²⁰

IV. Key national priorities, initiatives and commitments

A. Pledges by the State

86. Denmark pledged to submit itself fully to the universal periodic review; to support human-rights related activities by providing financial support to OHCHR and other United Nations bodies with a role in human rights protection; by contributing substantially to the fight against poverty; by promoting the rule of law as well as the fight against impunity; by promoting greater tolerance and combating all forms of discrimination based on religion or belief and incitement to religious hatred; by supporting independent international monitoring of freedom from torture; by submitting fully to independent monitoring of human rights protection domestically.¹²¹

B. Specific recommendations for follow-up

87. In 2010, CERD requested Denmark to provide information, within one year, on its follow-up to the recommendations in paragraphs 13 (amendments to the Alien Act), 15 (“anti-ghettoization” law), 18 (Board of Equal Treatment) and 19 (ethnic composition of prison populations).¹²²

88. In 2008, HR Committee requested Denmark to provide, within one year, relevant information on implementation of recommendations in paragraphs 8 (violence against women) and 11 (solitary confinement).¹²³ A response was received in 2009.

89. In 2009, CEDAW requested Denmark to provide, within two years, information on the implementation of the recommendations in paragraphs 15 (legal status of the Convention) and 31 (violence against women).¹²⁴

90. In 2007, CAT requested Denmark to provide, within one year, information on the measures taken to implement recommendations contained in paragraphs 15 (impartial investigations), 16 (excessive use of force) and 19 (complaints relating to torture and ill-treatment).¹²⁵ A response was received in 2008; however CAT requested clarifications.

V. Capacity-building and technical assistance

N/A

Notes

¹ Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>

² The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR

ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to CRPD
CED	International Convention for the Protection of All Persons from Enforced Disappearance

- ³ Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.
- ⁴ 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.
- ⁵ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Geneva Convention relative to the Treatment of Prisoners of War (Third Convention); Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.
- ⁶ International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning the Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- ⁷ CERD/C/DNK/CO/18-19, 27 August 2010, para. 20.
- ⁸ CEDAW/C/DEN/CO/7, 7 August 2009, para. 46.
- ⁹ CCPR/C/DNK/CO/5, 16 December 2008, para. 5.
- ¹⁰ CERD/C/DNK/CO/18-19, 27 August 2010, para. 8.
- ¹¹ CCPR/C/DNK/CO/5, 16 December 2008, para. 6.
- ¹² CEDAW/C/DEN/CO/7, 7 August 2009, para. 15.
- ¹³ CAT/C/DNK/CO/5, 16 July 2007, para. 9.
- ¹⁴ CRC/C/DNK/CO/3, 23 November 2005, para. 11.
- ¹⁵ UNHCR submission to the UPR on Denmark, p. 1.
- ¹⁶ UNHCR submission to the UPR on Denmark, p. 2.
- ¹⁷ CCPR/C/DNK/CO/5, 16 December 2008, para. 4.
- ¹⁸ CEDAW/C/DEN/CO/7, 7 August 2009, paras. 5–6.

- ¹⁹ CEDAW/C/DEN/CO/7, 7 August 2009, para. 15.
- ²⁰ CRC/C/OPSC/DNK/CO/1, 17 October 2006, para. 4.
- ²¹ For the list of national human rights institutions with accreditation status granted by the International Coordination Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/65/340, annex 1.
- ²² E/C.12/1/Add.102, 14 December 2004, para. 23.
- ²³ CERD/C/DNK/CO/18-19, 27 August 2010, para. 4.
- ²⁴ CRC/C/DNK/CO/3, 23 November 2005, para. 21.
- ²⁵ CERD/C/DNK/CO/18-19, 27 August 2010, para. 5.
- ²⁶ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2009, Geneva, doc. No. (ILOLEX) 092010DNK182, 1st para.
- ²⁷ CEDAW/C/DEN/CO/7, 7 August 2009, para. 8.
- ²⁸ CEDAW/C/DEN/CO/7, 7 August 2009, para. 29.
- ²⁹ CRC/C/OPSC/DNK/CO/1, 17 October 2006, para. 5.
- ³⁰ The following abbreviations have been used for this document:
- | | |
|--------------|--|
| CERD | Committee on the Elimination of Racial Discrimination |
| CESCR | Committee on Economic, Social and Cultural Rights |
| HR Committee | Human Rights Committee |
| CEDAW | Committee on the Elimination of Discrimination against Women |
| CAT | Committee against Torture |
| CRC | Committee on the Rights of the Child |
| CMW | Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families |
| CRPD | Committee on the Rights of Persons with Disabilities. |
- ³¹ CERD/C/DNK/CO/18-19, 27 August 2010, para. 2.
- ³² The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 31 October 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: (a) E/CN.4/2006/62, para. 24 and E/CN.4/2006/67, para. 22; (b) A/HRC/4/23, para. 14; (c) A/HRC/4/24, para. 9; (d) A/HRC/4/29, para. 47; (e) A/HRC/4/31, para. 24; (f) A/HRC/4/35/Add.3, para. 7; (g) A/HRC/6/15, para. 7; (h) A/HRC/7/6, Annex; (i) A/HRC/7/8, para. 35; (j) A/HRC/8/10, para. 120, footnote 48; (k) A/62/301, paras. 27, 32, 38, 44 and 51; (l) A/HRC/10/16, footnote 29 and Corr.1, No. 4; (m) A/HRC/11/6, Annex; (n) A/HRC/11/8, para. 56; (o) A/HRC/11/9, para. 8, footnote 1; (p) A/HRC/12/21, para. 2, footnote 1; (q) A/HRC/12/23, para. 12; (r) A/HRC/12/31, para. 1, footnote 2; (s) A/HRC/13/22/Add.4; (t) A/HRC/13/30, para. 49; (u) A/HRC/13/42, Annex I; (v) A/HRC/14/25, para. 6, footnote 1; (w) A/HRC/14/31, para. 5, footnote 2; (x) A/HRC/14/46/Add.1; (y) A/HRC/15/31/Add.1, para. 6 – for list of responding States, see http://www2.ohchr.org/english/issues/water/ixpert/written_contributions.htm; (z) A/HRC/14/31, para. 5, footnote 2.
- ³³ OHCHR Annual Report 2006, pp. 158-160 and 162; OHCHR 2007 report: Activities and Results, pp. 147, 151, 152 and 162; OHCHR 2008 report: Activities and Results, pp. 174, 176, 179, 180 and 191; OHCHR 2009 report, Activities and Results, pp. 190, 192, 195-196 and 204; OHCHR 2010 report: Activities and Results (forthcoming).
- ³⁴ CERD/C/DNK/CO/18-19, 27 August 2010, para. 12.
- ³⁵ CERD/C/DNK/CO/18-19, 27 August 2010, para. 18.
- ³⁶ CERD/C/DNK/CO/18-19, 27 August 2010, para. 11.
- ³⁷ CEDAW/C/DEN/CO/7, 7 August 2009, paras. 20–21.
- ³⁸ CRC/C/DNK/CO/3, 23 November 2005, paras. 24–25.
- ³⁹ CRC/C/DNK/CO/3, 23 November 2005, para. 39.
- ⁴⁰ E/C.12/1/Add.102, 14 December 2004, para. 13.
- ⁴¹ E/C.12/1/Add.102, 14 December 2004, para. 24.
- ⁴² CAT/C/DNK/CO/5, 16 July 2007, para. 15.
- ⁴³ CAT/C/DNK/CO/5/Add.1, p. 1.
- ⁴⁴ Letter dated 12 May 2010, reference: ji/fg/follow-up/CAT.
- ⁴⁵ CAT/C/DNK/CO/5, 16 July 2007, para. 11.

- ⁴⁶ CAT/C/DNK/CO/5, 16 July 2007, para. 10.
- ⁴⁷ A/HRC/10/44/Add.2, para. 78 (a).
- ⁴⁸ CAT/C/DNK/CO/5, 16 July 2007, paras. 12–13.
- ⁴⁹ CCPR/C/DNK/CO/5, 16 December 2008, para. 9.
- ⁵⁰ CAT/C/DNK/CO/5, 16 July 2007, para. 16.
- ⁵¹ CCPR/C/DNK/CO/5, 16 December 2008, para. 11.
- ⁵² CCPR/C/DNK/CO/5/Add.1, 15 December 2009, para. 9.
- ⁵³ A/HRC/10/44/Add.2, p. 2.
- ⁵⁴ A/HRC/10/44/Add.2, para. 78 (b).
- ⁵⁵ CAT/C/DNK/CO/5, 16 July 2007, para. 14.
- ⁵⁶ CAT/C/DNK/CO/5, 16 July 2007, para. 4.
- ⁵⁷ CCPR/C/DNK/CO/5, 16 December 2008, para. 8.
- ⁵⁸ CCPR/C/DNK/CO/5/Add.1, 15 December 2009, para. 4.
- ⁵⁹ A/HRC/10/44/Add.2, p. 2.
- ⁶⁰ A/HRC/10/44/Add.2, para. 79.
- ⁶¹ CEDAW/C/DEN/CO/7, 7 August 2009, para. 31.
- ⁶² CERD/C/DNK/CO/18-19, 27 August 2010, para. 13.
- ⁶³ E/C.12/1/Add.102, 14 December 2004, para. 18.
- ⁶⁴ CEDAW/C/DEN/CO/7, 7 August 2009, paras. 34–35.
- ⁶⁵ CEDAW/C/DEN/CO/7, 7 August 2009, para. 33.
- ⁶⁶ A/HRC/10/44/Add.2, para. 78 (d).
- ⁶⁷ CRC/C/DNK/CO/3, 23 November 2005, paras. 56–57.
- ⁶⁸ CCPR/C/DNK/CO/5, 16 December 2008, para. 4(d).
- ⁶⁹ CERD/C/DNK/CO/18-19, 27 August 2010, para. 9.
- ⁷⁰ CRC/C/DNK/CO/3, 23 November 2005, paras. 58–59.
- ⁷¹ CRC/C/OPSC/DNK/CO/1, 17 October 2006, paras. 31–32.
- ⁷² CRC/C/OPSC/DNK/CO/1, 17 October 2006, paras. 17–18.
- ⁷³ CRC/C/OPSC/DNK/CO/1, 17 October 2006, paras. 25–26.
- ⁷⁴ UNHCR submission to the UPR on Denmark, III, 6th para.
- ⁷⁵ CERD/C/DNK/CO/18-19, 27 August 2010, para. 14.
- ⁷⁶ CEDAW/C/DEN/CO/7, 7 August 2009, paras. 40–41.
- ⁷⁷ E/C.12/1/Add.102, 14 December 2004, para. 29.
- ⁷⁸ CRC/C/DNK/CO/3, 23 November 2005, paras. 31–32.
- ⁷⁹ CCPR/C/DNK/CO/5, 16 December 2008, para. 12.
- ⁸⁰ E/CN.4/2006/5/Add.1, p. 28.
- ⁸¹ E/CN.4/2006/5/Add.1, pp. 28–29.
- ⁸² A/HRC/4/27, para. 22.
- ⁸³ CEDAW/C/DEN/CO/7, 7 August 2009, para. 25.
- ⁸⁴ CCPR/C/DNK/CO/5, 16 December 2008, para. 7.
- ⁸⁵ CEDAW/C/DEN/CO/7, 7 August 2009, para. 23.
- ⁸⁶ CEDAW/C/DEN/CO/7, 7 August 2009, para. 27.
- ⁸⁷ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Equal Remuneration Convention, 1951 (No. 100), 2009, Geneva, doc. No. (ILOLEX) 092009DNK100, 1st para.
- ⁸⁸ E/C.12/1/Add.102, 14 December 2004, para. 14.
- ⁸⁹ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2009, Geneva, doc. No. (ILOLEX) 092009DNK111, 2nd para.
- ⁹⁰ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2009, Geneva, doc. No. (ILOLEX) 092009DNK111, 1st para.
- ⁹¹ ILO Committee of Experts on the Application of Conventions and Recommendations, Individual Direct Request concerning Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), 2009, Geneva, doc. No. (ILOLEX) 092010DNK087, 1st para.
- ⁹² CRC/C/DNK/CO/3, 23 November 2005, para. 47.
- ⁹³ CRC/C/DNK/CO/3, 23 November 2005, para. 43.

- ⁹⁴ E/C.12/1/Add.102, 14 December 2004, para. 34.
- ⁹⁵ CERD/C/DNK/CO/18-19, 27 August 2010, para. 16.
- ⁹⁶ CRC/C/DNK/CO/3, 23 November 2005, para. 49.
- ⁹⁷ CERD/C/DNK/CO/18-19, 27 August 2010, para. 17.
- ⁹⁸ CCPR/C/DNK/CO/5, 16 December 2008, para. 13.
- ⁹⁹ ILO, GB.280/18/5 (162000DNK169), para. 33, March 2001.
- ¹⁰⁰ CERD/C/DNK/CO/18-19, 27 August 2010, para. 10.
- ¹⁰¹ CEDAW/C/DEN/CO/7, 7 August 2009, paras. 38 and 39.
- ¹⁰² UNHCR submission to the UPR on Denmark, p. 3.
- ¹⁰³ UNHCR submission to the UPR on Denmark, p. 4.
- ¹⁰⁴ UNHCR submission to the UPR on Denmark, p. 4.
- ¹⁰⁵ UNHCR submission to the UPR on Denmark, p. 5.
- ¹⁰⁶ UNHCR submission to the UPR on Denmark, p. 5.
- ¹⁰⁷ UNHCR submission to the UPR on Denmark, p. 6.
- ¹⁰⁸ CCPR/C/DNK/CO/5, 16 December 2008, para. 10.
- ¹⁰⁹ CAT/C/DNK/CO/5, 16 July 2007, para. 17.
- ¹¹⁰ CRC/C/DNK/CO/3, 23 November 2005, paras. 52–53.
- ¹¹¹ A/HRC/10/44/Add.2, p. 3.
- ¹¹² A/HRC/10/44/Add.2, para. 78 (f).
- ¹¹³ CERD/C/DNK/CO/18-19, 27 August 2010, para. 17.
- ¹¹⁴ CEDAW/C/DEN/CO/7, 7 August 2009, para. 9.
- ¹¹⁵ Statement by the United Nations Deputy High Commissioner for Human Rights to the Seminar on the future of NIs in celebration of the 20th anniversary of the Danish Institute for Human Rights, 3 May 2007, available at:
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=2151&LangID=E>.
- ¹¹⁶ A/HRC/10/44/Add.2, p. 2.
- ¹¹⁷ CAT/C/DNK/CO/5, 16 July 2007, para. 8.
- ¹¹⁸ CRC/C/DNK/CO/3, 23 November 2005, para. 4.
- ¹¹⁹ E/C.12/1/Add.102, 14 December 2004, para. 5.
- ¹²⁰ UNHCR submission to the UPR on Denmark, p. 1.
- ¹²¹ A/61/742, Pledges and commitments undertaken by Denmark before the Human Rights Council, as contained in the note verbale dated 2 February 2007 sent by the Permanent Mission of Denmark to the United Nations addressed to the President of the General Assembly.
- ¹²² CERD/C/DNK/CO/18-19, 27 August 2010, para. 26.
- ¹²³ CCPR/C/DNK/CO/5, 16 December 2008, para. 15.
- ¹²⁴ CEDAW/C/DEN/CO/7, 7 August 2009, para. 48.
- ¹²⁵ CAT/C/DNK/CO/5, 16 July 2007, para. 22.