



Human Rights Council
Working Group on the Universal Periodic Review
Thirty-eighth session
3–14 May 2021

Summary of Stakeholders' submissions on Denmark*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 18 stakeholders' submissions¹ to the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles.

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles

2. The Danish Institute for Human Rights (DIHR) recommended ensuring that the inter-ministerial working group on human rights establish a clear procedure for following up on recommendations from human rights mechanisms in cooperation with civil society actors and the national human rights institution.²

3. DIHR recommended that Denmark develop a comprehensive national human rights action plan.³

4. It also recommended adopting a national action plan to combat racism and ethnic or religious-motivated hate crime and ensuring that such crimes are effectively investigated and prosecuted.⁴

5. In its efforts against terror-related, organized or other serious crime, over the past years Denmark had put severe limitations on personal freedoms, including interventions that could be initiated without mandatory judicial review. In 2019, an act was passed making it possible to strip Danish citizenship from the citizens with dual citizenship and who had been identified as "foreign fighters", without having such decisions automatically tried in court.⁵

* The present document is being issued without formal editing.



6. DIHR recommended that Denmark re-introduce judicial review by the courts relating to initiatives against terror, organised or other serious crime limiting the rights to privacy or free movement and take specific steps to initiate an assessment of the entire Danish counter-terrorism legislation.⁶

7. Denmark used solitary confinement as a disciplinary measure more often and for longer periods than prescribed. DIHR recommended amending laws and practices to comply fully with the United Nations Standard Minimum Rules for the Treatment of Prisoners, including by prohibiting the use of isolation for more than 15 days.⁷

8. DIHR noted a significant increase in the number of children living in poverty. Children with an ethnic minority background were affected the most and the reduced integration benefit for refugees and asylum seekers was the primary reason for such disproportion in child poverty.⁸

9. DIHR recommended securing subsistence income for families with young children that received integration benefits, and ensuring that children of immigrants from non-Western countries are not disproportionately living in poverty after the reform of the unemployment benefits system.⁹

10. DIHR recommended repealing legislation that prohibited homeless persons from establishing or residing in a camp of 'permanent nature' and legislation that prohibits begging.¹⁰

11. There was no effective legal protection against discrimination on grounds of disability in relation to denial of reasonable accommodation or lack of accessibility. The Government had still not taken any steps to produce a new action plan on persons with disabilities.¹¹

12. DIHR recommended that Greenland take initiative to introduce legislative measures on a general protection against discrimination on all generally recognised grounds, including gender, race or ethnic origin, disability, age, sexual orientation and religion, both within and outside the labour market, including by establishing an independent appeals board.¹²

III. Information provided by other stakeholders

A. Scope of international obligations¹³ and cooperation with international human rights mechanisms and bodies¹⁴

13. AI informed that Denmark accepted recommendations to ratify the ICPPED¹⁵, but it did not implement the recommendation.¹⁶ AI recommended ratifying the Convention.¹⁷

14. JS3 noted that Denmark had not ratified the ICRMW, the OP-ICESCR and Protocol No 12 to the European Convention on Human Rights.¹⁸

B. National human rights framework¹⁹

15. AI regretted that the full spectrum of international human rights obligations was not incorporated into national legislation.²⁰ JS3 recommended incorporating the United Nations human rights conventions into national legislation to give full effect to the rights enshrined in the conventions and ensure their justifiability.²¹

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

1. Cross-cutting issues

*Equality and non-discrimination*²²

16. JS3 recommended adopting comprehensive anti-discrimination legislation that prohibits differential treatment based on all grounds of discrimination.²³ CoE-ECRI recommended adding language and citizenship to the list of enumerated grounds in Article 266(b), and race, colour, language and citizenship to the list of enumerated grounds in Article 81(6) of the Criminal Code.²⁴

17. GICJ reported that while Denmark supported two recommendations²⁵ to combat discrimination, racism and xenophobia, there was an increase in xenophobia, hatred and racism against immigrants or Danish citizens of non-Danish origin.²⁶

18. OSCE/ODIHR noted that intolerance and discrimination were directed towards people perceived to be of Asian descent in the early phase of the COVID-19 pandemic. Individuals perceived to be of Asian descent were targeted in hate incidents, including instances of serious attacks.²⁷

19. NGO-Monitor reported that antisemitism remained a problem in Denmark.²⁸ CoE-ECRI noted with concern the rising levels of anti-Semitic violence and hatred, including in social media.²⁹ CoE-ACFC stated that the Jewish community was targeted by a terrorist attack and faced daily security issues.³⁰ It welcomed the authorities' support given to ensure the security of the Jewish community and encouraged the continuation of such support.³¹

20. CoE-ECRI stated that racist hate speech, in particular against Muslims, continued to be a problem. Under-reporting of hate speech was a problem requiring urgent attention.³² CoE-ACFC was concerned that hate speech remained present in political discourse.³³

21. OSCE/ODIHR recommended that Denmark condemn any form of discrimination and hate crime, ensure that any measures and restrictions imposed due to the COVID-19 emergency are created and applied in a non-discriminatory manner, respond swiftly to hate crimes and investigate them so that the perpetrators can be brought to justice, and support victims.³⁴

22. JS4 recommended that Denmark take effective actions to prohibit hate speech.³⁵ CoE-ECRI recommended that Denmark encourage the country's political leadership and representatives to condemn all forms of racist and homo/transphobic hate speech and apply appropriate sanctions when necessary.³⁶

23. JS4 recommended adopting a comprehensive action plan against racism, islamophobia and antisemitism and discrimination at all levels.³⁷ CoE-ACFC urged Denmark to include monitoring of hate speech in political and public discourse in the new action plan against racism.³⁸

24. CoE-ECRI recommended criminalising the creation or the leadership of a group promoting racism, support for such a group, and participation in its activities.³⁹ It recommended amending the Act on Ethnic Equal Treatment to include an obligation to suppress public financing of organisations, promoting racism.⁴⁰ NGO Monitor recommended ensuring that no public funding or support goes to organizations promoting antisemitism.⁴¹

25. JS4 stated that in 2018, the Government introduced its political plan "One Denmark without parallel societies – no ghettos by 2030" and under this framework a term "non-Western" was introduced and applied to immigrants and their descendants, born and raised in Denmark.⁴² JS3 stated that using the term "ghetto" for neighbourhoods was discriminatory and further stigmatized those already living at the margins of Danish society.⁴³

26. CoE-ACFC urged Denmark to reconsider the concepts of 'immigrants and descendants of immigrants of Western origin' and 'immigrants and descendants of

immigrants of non-Western origin' and their subsequent application in the framework of the so-called "Ghetto law" leading to possible discrimination on the grounds of citizenship, ethnic affiliation and place of residence.⁴⁴ JS3 recommended that Denmark cease using the term "ghetto" for disadvantaged housing areas and ensure the absence of discrimination when solving social inclusion and housing issues.⁴⁵

27. AI reported that Denmark did not explicitly include sex characteristics as protected grounds in anti-discrimination provisions.⁴⁶ AI recommended introducing sex characteristics, gender identity and gender expression as a ground of discrimination in legislation in the areas of health, housing, education and employment and hate crime.⁴⁷

28. JS3 stated that some intersex children were subjected to unnecessary medical and surgical interventions that were undertaken without consent from the child below 15 years old.⁴⁸

29. JS3 stated that transgender persons did not enjoy the right of the process of physical gender transition, but only as a privilege to be granted by a panel of health professionals. Many people who wished to undergo this surgery were kept waiting for years.⁴⁹

30. JS3 recommended amending legislation to ensure that all non-urgent medical interventions are postponed until a child is mature enough to participate in meaningful decision-making, and to give their full, free and informed consent.⁵⁰ It recommended adopting legislative, administrative, and other measures to ensure equal access of adult intersex people to gender-affirming treatment that relates to their gender identity rather than to their legal sex.⁵¹ AI recommended providing mandatory training to medical and healthcare professionals on gender and bodily diversity.⁵²

*Development, the environment, and business and human rights*⁵³

31. AI noted that the 2020 climate law required a 70 percent reduction of CO₂-emissions in 2030 compared to 1990. AI stated that Denmark, however, did not fully comply with its obligation to provide adequate funds to the poorest countries to support them with protecting human rights from the harmful effects of climate change, as enshrined in the Framework Convention on Climate Change and the Paris Agreement.⁵⁴ AI recommended that Denmark increase funding and support to tackle the climate crisis in less wealthy countries and ensure that its contribution to international climate finance was additional to Danish development aid.⁵⁵

32. AI recommended adopting legislation that requires businesses to respect human rights and prevent environmental harm across their value chains and business relationships. This legislation should impose an enforceable obligation on business enterprises to respect human rights and the environment, including to carry out due diligence to prevent any harm, establish corporate liability for human rights and environmental harm, and ensure access to remedy.⁵⁶

2. Civil and political rights

*Right to life, liberty and security of person*⁵⁷

33. JS3 recommended that Denmark amend the Psychiatric Act in order to significantly limit the use of coercion in psychiatric institutions and use it only as a last resort for the shortest possible period and prevent coercion that can result in inhuman and degrading treatment.⁵⁸

34. JS3 noted an increase in pre-trial detainees. It recommended reviewing the practice of pre-trial detention, with specific focus on minors and ensuring that pre-trial detention is only used as a measure of last resort.⁵⁹

35. CoE-ECSR stated that the maximum length of pre-trial detention of children was excessive and that children could be placed in solitary confinement for up to four weeks.⁶⁰ JS3 recommended abolishing the use of solitary confinement towards children.⁶¹

*Administration of justice, including impunity, and the rule of law*⁶²

36. CoE-CPT reiterated its recommendations of 2014 to grant effective access to all detained persons to a lawyer from the very outset of their deprivation of liberty and provide them with clear information in a language they can understand about their rights in police custody.⁶³

37. CoE-CPT noted that the prison system was facing high occupancy levels. It noted with concern that measures taken to address overcrowding consisted mainly of opening new prison places. CoE-CPT recommended ensuring that all prisons operate within their official capacities. A coherent strategy covering both admission to and release from prison should be drawn up, to ensure that imprisonment is the measure of last resort.⁶⁴

38. CoE-CPT was concerned that there was no systematic and prompt medical screening of newly-arrived prisoners in the prisons visited, nor was there a proper recording and reporting system for injuries recorded by doctors.⁶⁵

39. EU-FRA reported that a new law on juvenile justice, which entered into force in 2019, established a Juvenile Delinquency Board to decide on targeted individual social measures for children and juveniles aged 10 to 17 who were suspected of (ages 10-14) or sentenced for (ages 15-17) serious criminal offences. The board hearings did not constitute or replace a criminal process. Rather, in dialogue with the child or the juvenile and the custody holders and other resource persons, the board decided on social measures to prevent the child or the juvenile from following a criminal path.⁶⁶ In this respect, JS3 noted that child suspects (ages 10-14) were not granted the same rights as in court processes, and the principle of the presumption of innocence was not adhered to since a child could be referred to the board based solely on suspicion. JS3 recommended dismantling the Juvenile Delinquency Board for children aged 10 to 14 and returning its mandate to the social authorities.⁶⁷

*Fundamental freedoms and the right to participate in public and political life*⁶⁸

40. NGO Monitor noted concerns that the Government continued to restrict some Jewish rituals, including a ban on kosher slaughter and attempts to ban male circumcision.⁶⁹ CoE-ACFC recommended applying pragmatic and balanced solutions to the circumcision of boys.⁷⁰

41. ADF International stated that according to a law adopted in 2018, all citizenship applicants were required to shake hands with government officials presiding over the naturalisation ceremony. The requirement applied to all ceremony participants, including certain Muslim and Jewish persons that discouraged or refused to touch members of the opposite sex for religious reasons.⁷¹

42. EU-FRA stated that Denmark amended its Criminal Code to ban wearing in public clothing that conceals the face.⁷² JS4 stated that because of the adoption of the ban in 2018, Muslim women wearing the Islamic face veil were fined.⁷³ AI contended that the 2018 amendments banning face coverings in public had a negative and discriminatory impact on Muslim women who chose to wear the niqab or the burka.⁷⁴

43. OSCE/ODIHR recommended that Denmark consider repealing bans or restrictions on face covering typically used by Muslim women or requiring mandatory handshakes in some formal contexts.⁷⁵

44. DHS recommended reforming the system of compulsory Christian education in public schools by expanding the syllabus to incorporate other religions and beliefs.⁷⁶

45. DHS reported that the special status of the Evangelical Lutheran Church as the People's Church (*Folkekirke*), entrenched in the Constitution, remained unchanged. It received financial support from the State and performed secular public services, including management of some non-sectarian cemeteries and civil registration of citizen's personal data.⁷⁷

46. ADF International noted that Denmark took an encouraging step to protect freedom of expression by repealing Section 140 of the Penal Code on blasphemy in 2017.⁷⁸ The concern, however, was that laws that criminalized "offensive words", such as the provisions

of Section 267 of the Penal Code, were largely subjective, did not necessarily require falsehood, rarely required a victim, often only protected certain people, and were arbitrarily enforced.⁷⁹

47. OSCE/ODIHR noted that the electoral legal framework was reported to be conducive to holding democratic elections. However, it noted the need for further regulation of campaign and party finance to enhance transparency and accountability.⁸⁰ While noting the lack of transparency in the financing of political parties, JS3 recommended introducing a ban on anonymous donations to individual election candidates.⁸¹

*Prohibition of all forms of slavery*⁸²

48. HN welcomed Denmark's commitment to combat human trafficking through its action plan in this area. However, HN noted a lack of improvement in identifying and assisting victims of trafficking.⁸³

49. HN reported that a number of victims of human trafficking had reportedly been arrested for migration related offences. It observed that a low number of trafficked persons officially identified in recent years suggested an increased risk of the victims not being identified as such, and instead being criminalised.⁸⁴ CoE-GRETA urged Denmark to review the identification procedure for victims of trafficking with a view to ensuring that all victims are identified as such and can benefit from the assistance and protection measures.⁸⁵

50. CoE-GRETA urged Denmark to improve the identification of, and assistance to, child victims of trafficking, including among unaccompanied children, and to address effectively the problem of disappearance of unaccompanied minors from reception facilities, by providing suitable safe accommodation and sufficient numbers of adequately trained supervisors.⁸⁶

51. CoE-GRETA considered that the efforts by the authorities to prevent human trafficking for the purpose of labour exploitation should be intensified, including by working more closely with the private sector.⁸⁷

52. Given that it was extremely rare for victims of trafficking to receive residence permits, CoE-GRETA considered that Denmark should review the application of the system for granting residence permits to victims of trafficking with a view to ensuring that the victim centred approach is fully applied and in order to prevent re-trafficking.⁸⁸

3. Economic, social and cultural rights

*Right to work and to just and favourable conditions of work*⁸⁹

53. Noting the gender pay gap, JS3 recommended that Denmark change the legislation to ensure transparency on wages, use of a gender-neutral concept of wages and to define "work of equal value".⁹⁰

54. JS3 recommended that Denmark increase access to employment for immigrants and use more support programmes for better integration into the labour market.⁹¹

*Right to social security*⁹²

55. In 2019, CoE-ACFC welcomed the generally high level of social protection offered in Denmark, including for newly arrived refugees or migrants. It observed, however, a significant decrease of their social benefits over previous years.⁹³ Likewise, CoE-ECRI noted that Denmark, in 2017, introduced a reduced level of social welfare benefits for certain categories of newly-arrived persons, including refugees and persons who were granted subsidiary protection.⁹⁴ JS3 recommended that Denmark increase substantially social benefits for refugees, granting them the same benefits as Danish.⁹⁵

*Right to an adequate standard of living*⁹⁶

56. JS3 reported that the national poverty threshold was abolished in 2015 and had not yet been re-introduced. In 2016, a 'benefit ceiling,' or a maximum on the total amount of

social benefits received by a family, was introduced. Fewer social benefits for vulnerable families increased child poverty, especially for refugee families.⁹⁷ EU-FRA reported that children at risk of poverty or social exclusion in 2017 constituted about 15 percent and that this rate had increased in 2018.⁹⁸

57. JS3 recommended re-introducing an official poverty threshold based on the OECD definition, abolishing the benefit ceiling, and applying a non-discriminatory approach when taking steps to tackle child poverty.⁹⁹ It recommended that Denmark increase efforts to decrease rates of relative and absolute poverty and socio-economic inequality, and ensure no further regression on social protection, and that no disproportionate burden caused by COVID-19 land on persons already at risk of poverty.¹⁰⁰

58. AI reported on the adoption in 2018 of a law which amended the acts on social housing, and on rent - named the “ghetto package” and intended to change the composition of residents in areas divided into three categories: “vulnerable areas”, “ghettos” or “hard ghettos”.¹⁰¹ JS4 explained that a benchmark of success under the “Ghetto Package” was a reduction of non-profit housing in “ghettos” and vulnerable areas. Danish non-profit housing was affordable housing run by non-profit housing associations and not owned by the State.¹⁰² AI explained that the goals of the “Ghetto Package” were to be achieved through the privatization and/or demolition of social housing that would lead to evictions of the original tenants and result in people becoming homeless or living in inadequate housing.¹⁰³

59. AI reported that under the “Ghetto Package” such areas could be temporarily classified as “increased punishment zones” by the police, meaning that residents and others in the area might face double criminal penalties if found to have committed certain offences.¹⁰⁴ GICJ informed that a whole family from the “ghettos” could be punished and evicted from their homes if a single member committed a crime.¹⁰⁵

60. AI recommended repealing the “Ghetto Package” and ensuring that any programmes that impact housing are non-discriminatory, uphold the right to adequate housing and do not result in forced evictions, homelessness and people being forced to live in inadequate housing.¹⁰⁶ JS4 recommended restoring the Danish non-profit housing system and the tenant rights traditionally enjoyed by residents inhabiting non-profit housing and to stop demolishing and privatizing affordable homes.¹⁰⁷ JS4 recommended abolishing the power of the police to proclaim increased-punishment zones.¹⁰⁸

61. Noting a shortage of affordable housing in larger cities, JS3 recommended increasing the stock of affordable and adequate public housing units by means of an increase in public investments and an effective regulatory framework for private investors.¹⁰⁹

62. JS6 noted an increase in the number of homeless people.¹¹⁰ JS6 reported on a new regulation on camps and area bans, criminalizing people for being homeless and on increased penalties for begging.¹¹¹ CoE-ACFC stated that in 2017, amendments were made to the Code on Public Order in order to enhance legal means for the police to arrest homeless people ‘camping in public places’. Amendments also included unconditional 14-day prison sentences for begging in pedestrian streets, railway stations and public transport, as a first-time offence.¹¹² CoE-ACFC underlined the distinct overrepresentation of foreigners in the number of arrested persons, with a high proportion of them reported as having a Roma ethnic background.¹¹³

63. JS6 recommended developing and implementing a national action plan to combat homelessness and repealing the legal provisions regarding camps and area bans. It recommended revisiting the legal provisions on begging and at least repealing the law that increased the penalty for intimidating begging.¹¹⁴

64. JS6 reported that during spring 2020, and as a response to COVID-19, Copenhagen had shut down water posts and public toilets to reduce the risk of spread of infection, and later reopened public toilets so that water was available in the toilets but not the water posts.¹¹⁵ JS6 recommended that Denmark commit to secure free access at all times to safe and clean drinking water in public spaces.¹¹⁶

65. HR2W recommended ensuring that specific minority and disadvantaged groups are tracked with regard to their access to water and sanitation, specifically women migrants, women from minority groups, women non-citizens, female non-nationals of European Union countries, and people who were overlooked due to their age, gender or disability and that human rights indicators are created to benchmark the current situation with respect to all minority and vulnerable groups and their access to safely managed water and sanitation.¹¹⁷

*Right to health*¹¹⁸

66. JS6 noted that access to primary health services were dependent on the registered address of the patient, which posed a problem for homeless people.¹¹⁹

67. JS6 reported that general health care services were conditional upon legal residence, so that persons not resident in the country, including unregistered migrants, had limited healthcare access.¹²⁰

68. JS6 recommended eliminating the obstacles for homeless persons' access to health care and ensuring access to free and complete health care for homeless and socially vulnerable migrants, irrespective of residence status.¹²¹

*Right to education*¹²²

69. JS3 noted a gap in educational attainment of children with disadvantaged socio-economic backgrounds compared to other children. Among low-achieving students, there were almost three times as many who were foreign-born than those who were non-immigrant.¹²³ JS3 recommended narrowing educational attainment gaps by focusing on students with immigrant backgrounds and socio-economically disadvantaged students.¹²⁴

70. Noting Denmark's efforts to include human rights in its education system, HR2W recommended that education dealing with human rights also include the rights to water and sanitation.¹²⁵

71. AI recommended that Denmark provide mandatory, comprehensive, age-appropriate, gender-sensitive, evidence-based, and grounded in human rights, sexuality and relationships education to students and introduce a compulsory module on teaching sexuality education as part of all teachers' training.¹²⁶

4. Rights of specific persons or groups

*Women*¹²⁷

72. EU-FRA reported that in 2018, new legislation improving the rights of victims of sexual violence entered into force. The legislation removed the statutory limitation for criminal liability in cases of sexual abuse of children, and abolished the time limit for claims for compensation based on breaches of statutory obligations by public authorities towards persons under the age of 18 in connection with a sexual offence. The legislation increased compensation of victims in cases of sexual crimes by a third, and two thirds in rape cases.¹²⁸

73. EU-FRA noted that the Criminal Code criminalised intercourse forced by use of violence, threats of violence or coercion, rather than on the basis of a lack of consent. Various actors argued that the provision led to too many acquittals, and should be reformed.¹²⁹ AI reported that a consent-based law was expected to go through Parliament in 2020, and stated that implementation of the new legislation must focus on increasing the reporting of rape cases and subsequent response to survivors by the justice system.¹³⁰

74. JS3 recommended that Denmark address violence against women by using a gender-based concept of violence, by tackling the high levels of femicides and by adopting a more holistic approach in strategies towards migrant women exposed to violence.¹³¹

75. JS5 noted that adult sex work had been decriminalized in 1999, but that activities such as soliciting, acting as an intermediary in commercial sex, and profiting from another person's engagement in sexual services, remained illegal. As such, sex work was pushed

underground, creating impunity for violence and discrimination as sex workers were reluctant to report violations.¹³² JS5 noted that many of the street-based sex workers in big cities were migrants. In addition to unsafe working conditions and violence, migrant sex workers had to deal with discrimination and racism.¹³³ JS5 recommended decriminalizing all aspects of sex work and allocating funds to organizations supporting sex workers, particularly sex-worker led organisations.¹³⁴

*Children*¹³⁵

76. JS1 highlighted some key issues related to children in day-care facilities and provided several recommendations. In particular, JS1 recommended that the Government implement a detailed and statutory minimum adult-ratio in day-care institutions in view of effectively ensuring the best interest of the child, ensure transparency in the operation of day-care institutions and budgeting, and guarantee that the best interest of the child is a primary consideration in budgetary decision-making.¹³⁶

77. JS7 reported on some issues concerning the placement of children outside their homes. JS7 noted that a new law, which was adopted in 2019 enabled placing more children outside their homes and reducing the possibility of the children being able to return home before the age of 18. Social workers were not reportedly required to prove the allegations brought against the parents.¹³⁷

78. As CoE noted, the Lanzarote Committee considered that the possibility of sexual abuse of children occurring within the family should be explicitly addressed in awareness raising efforts, with the intent to prevent it and that interventions and measures which were taken in the context of domestic violence operate on a different *modus operandi* to those established in child sexual abuse cases. An explicit mention of sexual abuse should therefore be included in all protection measures with regard to domestic violence.¹³⁸

*Minorities*¹³⁹

79. CoE-ACFC encouraged Denmark to envisage formally recognising the real need for those belonging to the German minority to use German in the four municipalities where they lived, in their relations with the administrative authorities, orally or in writing, and to recognise this well-established practice in the law.¹⁴⁰ CoE-ECRML recommended increasing the level of radio broadcasting and providing television broadcasts in German.¹⁴¹

80. CoE-ECRI stated that many Greenlanders residing in Denmark experienced social marginalisation, in particular low levels of education and high levels of unemployment. Many suffered from homelessness and substance abuse.¹⁴² CoE-ACFC called on Denmark to continue addressing the needs of Greenlanders living in Denmark and to develop a comprehensive strategy and action plan to address their needs, particularly with regard to access to public services and the labour market, linguistic rights, education and representation.¹⁴³

81. CoE-ACFC noted with concern that experiences of discrimination, stigmatization and "anti- gypsyism" media rhetoric were reported by Roma as primary reasons to hide their ethnic origin.¹⁴⁴ CoE-ACFC stated non-Danish Roma reportedly feared double stigma, as foreigners and as Roma.¹⁴⁵ CoE-ECRI noted that the situation of Roma in Denmark had long been characterised by low levels of school enrolment and high unemployment.¹⁴⁶

82. CoE-ACFC called on Denmark to take proactive integration and inclusion measures aimed at creating an environment where Roma people and communities, including those living in Denmark for several generations, do not refrain from identifying themselves publicly as Roma and from showing their identity.¹⁴⁷ CoE-ECRI recommended that the authorities evaluate the situation of the Roma community with a view to developing a Roma-specific strategy.¹⁴⁸

*Migrants, refugees and asylum seekers*¹⁴⁹

83. JS4 recommended that Denmark stop returning refugees and rejected asylum seekers to countries not considered safe by the UNHCR.¹⁵⁰ CoE-GRETA considered that the

principle of non-refoulement should apply when a victim of trafficking was at risk of being re-trafficked if returned to the country from which s/he was trafficked to Denmark.¹⁵¹

84. AI reported that asylum seekers who had their asylum claims rejected and did not cooperate in carrying out their departure, might be remanded in Ellebæk, a prison-like detention centre.¹⁵² HN was concerned over the tendency to house victims of human trafficking, who refused to cooperate with repatriation efforts, in harsh migrant detention facilities.¹⁵³

85. Likewise, CoE-CPT considered it unacceptable that the living conditions in the migration detention centres were prison-like and that the prison rules applied to all detained migrants. It called upon the authorities to launch a major refurbishment programme at the migration detention centres or take them out of service and replace them with facilities appropriate for the administrative detention of migrants.¹⁵⁴

86. CoE-CPT noted that, according to a new policy, the administrative detention of children or juveniles who were migrants, was resorted to only in very exceptional cases.¹⁵⁵

87. EU-FRA stated that Denmark introduced a three-year waiting period for beneficiaries of subsidiary protection before they could reunite with their families.¹⁵⁶ As CoE noted, the Commissioner for Human Rights underscored that long waiting periods before an application for family reunification was accepted, including the three-year period, failed to meet the requirement of promptness.¹⁵⁷ JS3 stated that a child's reunification with its family was generally only available for children under the age of 15.¹⁵⁸

88. With regard to family reunifications, CoE-ECRI reiterated its recommendation to carry out a wide-ranging reform of the spousal reunification rules. Beneficiaries of temporary subsidiary protection should have access to family reunification during their first year of residence in Denmark.¹⁵⁹ JS3 recommended amending the Aliens Act, section 9 (2), to raise the age limit for family reunification for children to 18 years.¹⁶⁰

89. EU-FRA stated that Denmark introduced some restrictions regarding the residence permits granted to beneficiaries of international protection. The Parliament adopted an amendment to the Aliens Act, restricting the granting of permanent-residence permits for foreigners who actively interfered with the clarification of their identity while applying for a residence permit.¹⁶¹

90. JS4 recommended that Denmark simplify the requirements for permanent residence permit and Danish citizenship and make it less difficult to become a Danish citizen as currently 74 percent of adult immigrants and 18 percent of descendants could not vote at general elections because they were not Danish citizens.¹⁶²

91. CoE-ECRI recommended that the authorities review the appropriateness of the integration benefit, including the amounts, with a view to ensuring that it can promote the integration of newly arrived immigrants into Danish society.¹⁶³

*Stateless persons*¹⁶⁴

92. JS2 recommended that Denmark provide for the automatic granting of nationality to all children born in Denmark who would otherwise be stateless or at least, if providing for the acquisition of nationality upon application, establish that such applications are conditional upon habitual residence not exceeding five years, rather than lawful residence.¹⁶⁵

93. JS2 noted that between 1 January 2015 and 20 May 2020, 117 children were born in Denmark to mothers who were nationals of one of the 25 countries that did not allow women to pass on their nationality to their children on an equal basis with men, and whose fathers were unknown. JS2 recommended that Denmark grant nationality to those children, if determined that they would otherwise be stateless after an adequate assessment of their nationality status.¹⁶⁶

94. GICJ noted that, although there was no legal requirement for persons to have their identity proven, applicants for naturalization were required to provide copies of his or her passport and permanent residence permit, which raised concerns for refugees who did not

have these documents due to their humanitarian circumstances.¹⁶⁷ GICJ reported that the criteria to apply for citizenship became more restrictive.¹⁶⁸ It recommended implementing policies and laws to facilitate naturalization of stateless persons and refugees.¹⁶⁹

Notes

- ¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org. (One asterisk denotes a national human rights institution with “A” status).

Civil society

Individual submissions:

ADF International	Alliance Defending Freedom International, Geneva, Switzerland;
AI	Amnesty International, London, United Kingdom;
GICJ	Geneva International Centre for Justice, Geneva, Switzerland;
HN	HopeNow - Empowering Trafficked People, Copenhagen, Denmark;
HR2W	Human Rights 2 Water, Geneva, Switzerland;
DHS	Danish Humanist Society, Copenhagen, Denmark;
NGO Monitor	Institute for NGO Research, Jerusalem, Israel.

Joint submissions:

JS1	Joint submission 1 submitted by: Better Child Life Denmark supported by the Critical Pedagogical College; Family Policy Network; WhereIsTheAdult; FOLA - Parents’ National Organization; and Better Child Life Lyngby-Taarbaek, Denmark.
JS2	Joint submission 2 submitted by: Institute for Statelessness and Inclusion, Eindhoven, Netherlands; and European Network on Statelessness, London, United Kingdom.
JS3	Joint submission 3 submitted by: Danish UPR-Coalition composed of the following 26 organizations: Action Aid Denmark, Amnesty International Denmark; Association of Immigration Lawyers; Better Psychiatry; Danish Association of Legal Affairs; Danish Helsinki Committee for Human Rights; Danish Refugee Council; Danish United Nations Association; DIGNITY – Danish Institute Against Torture; Disabled People’s Organizations Denmark; EuroMed Rights; EAPN -European Anti-Poverty Network; ENAR - European Network against Racism ENAR; Global Focus; IRCT - International Rehabilitation Council for Torture Victims; Intersex Denmark; Joint Council for Child Issues; LGBT+ Denmark; LGBT Asylum; National Council for Children; OASIS – Treatment and Counselling of Refugees; Refugees Welcome; Save the Children Denmark; Save the Children Youth; and Women’s Council and Youth for Human Rights.
JS4	Joint submission 4 submitted by: SOS Racisme Denmark; Center for Danish-Muslim Relations Almen Modstand (Common Resistance against the “Ghetto Package”); Demos , Women in Dialogue, Muslim Youth in Denmark, The Legal Affairs Association, Global Action, ENAR Denmark - European Network against Racism.
JS5	Joint submission 5 submitted by: The Sexual Rights Initiative, Geneva, Switzerland; and That’s What She Said, Copenhagen, Denmark.
JS6	Joint submission 6 submitted by: The Street Lawyers, Frederiksberg, Denmark; and Project Outside, Copenhagen, Denmark.
JS7	Joint submission 7 submitted by: The Association of Stop Violence against Children and the Association of Parents to Children in Foster Care, Denmark.

National human rights institution:

DIHR	Danish Institute for Human Rights* Copenhagen (Denmark).
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Regional intergovernmental organization(s):

CoE	The Council of Europe, Strasbourg (France); Attachments: (CoE-ECRI) European Commission against Racism and Intolerance report on Denmark, adopted on 23 March, 2017, CRI (2017) 20; (CoE-GRETA) - Group of Experts on Action against Trafficking in Human Beings, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Denmark, Second Evaluation Round, Strasbourg, adopted on 11 March 2016, GRETA (2016) 7; (CoE-ACFC) Advisory Committee on the Framework Convention for the Protection Of National Minorities, Strasbourg, Fifth Opinion on Denmark adopted on 7 November, 2019 ACFC/OP/IV (2019) 003; (CoE-CPT) Report to the Government of Denmark carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 3-12 April, 2019, CPT/Inf (2019) 35; (CoE-ECRML) Report of the Committee of Experts on the application of the European Charter for the Regional and Minorities Languages, Fifth Report of the Committee of Experts in respect of Denmark, Strasbourg, 25 October, 2017 CM(2017) 117; CoE-ECSR 2019: European Committee of Social Rights, Conclusions 2019, Denmark; CoE-ECSR 2017: European Committee of Social Rights, Conclusions XXI-2 (2017);
EU-FRA	European Union Agency for Fundamental Rights, Vienna (Austria);
OSCE/ODIHR	Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe, Warsaw (Poland).

² DIHR, p. 2.

³ DIHR, p. 7.

⁴ DIHR, p. 2. See also JS4, p. 9.

⁵ DIHR, p. 3. See also JS3, p. 6.

⁶ DIHR, p. 3.

⁷ DIHR, p. 3.

⁸ DIHR, p. 7.

⁹ DIHR, p. 7.

¹⁰ DIHR, p. 4.

¹¹ DIHR, p. 4.

¹² DIHR, p. 8.

¹³ The following abbreviations are used in UPR documents:

OP-ICESCR	Optional Protocol to International Covenant on Economic, Social and Cultural Rights;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

¹⁴ For relevant recommendations see A/HRC/32/10, paras. 120.1, 120.2, 120.5–120.14 and 120.18.

¹⁵ For the full text of the recommendations see A/HRC/32/10, recommendations paras. 120.11–120.14 (Panama, Tunisia, Uruguay, Portugal, Montenegro, Slovakia; Germany, France and Ghana).

¹⁶ AI para. 2. See also JS3, p. 1.

¹⁷ AI page 4.

¹⁸ JS3, p. 1. See also CoE-ECRI, para. 2.

¹⁹ For relevant recommendations see A/HRC/32/10, paras. 120.15 and 120.20–120.22.

²⁰ AI, para. 5.

²¹ JS3, p. 1.

²² For relevant recommendations, see A/HRC/32/10, paras. 120.23–120.26, 120.29, 120.30, 120.36,

- 120.37, 120.48–120.53, 120.56–120.61, 120.64–120.70, 120.74–120.97, 120.100–120.103, 120.127, 120.141, 120.143–120.153, 120.167, 120.172 and 120.173.
- ²³ JS3, p. 2.
- ²⁴ CoE-ECRI, para. 8.
- ²⁵ For the full text of the recommendations, see A/HRC/32/10, paras. 120.59 (United Arab Emirates) and 120.89 (Bahrain).
- ²⁶ GICJ, paras. 4-6 and 10.
- ²⁷ OSCE/ODIHR, para. 7.
- ²⁸ NGO Monitor, para. 5.
- ²⁹ CoE-ECRI, p. 9. See also NGO Monitor, para.5.
- ³⁰ CoE-ACFC, para. 5.
- ³¹ CoE-ACFC, para. 92.
- ³² CoE-ECRI, p. 9.
- ³³ CoE-ACFC, para. 71. See also GICJ, para. 10.
- ³⁴ OSCE/ODIHR, para. 7. See also DHS, para. 28.1.
- ³⁵ JS4, p. 10. See also GICJ, para. 21.
- ³⁶ CoE-ECRI, para. 40. See also para. 44.
- ³⁷ JS4, p. 9. See also JS3, p. 2.
- ³⁸ CoE-ACFC, paras. 14 and 74.
- ³⁹ CoE-ECRI, para. 8.
- ⁴⁰ CoE-ECRI, para. 12.
- ⁴¹ NGO Monitor, p. 5.
- ⁴² JS4, p. 2.
- ⁴³ JS3, p. 3. See also See also JS4, pp. 3-4 and GICJ, para. 19.
- ⁴⁴ CoE-ACFC, paras. 14 and 44. See also JS4, p. 9.
- ⁴⁵ JS3, p. 3.
- ⁴⁶ AI para. 24.
- ⁴⁷ AI p. 5.
- ⁴⁸ JS3, p. 9. See also AI, paras. 22-23.
- ⁴⁹ JS3, p. 8.
- ⁵⁰ JS3, p. 9. See also AI, p. 5.
- ⁵¹ JS3, p. 9.
- ⁵² AI, p. 5. See also JS3, p. 9.
- ⁵³ For relevant recommendations see A/HRC/32/10 paras. 120.55, 120.198, and 120.199.
- ⁵⁴ AI, para. 26.
- ⁵⁵ AI, p.6.
- ⁵⁶ AI, p. 5-6. See also JS3, p. 4.
- ⁵⁷ For relevant recommendations see A/HRC/32/10, paras. 120.104 and 120.129–120.136.
- ⁵⁸ JS3, p. 8.
- ⁵⁹ JS3, p. 5.
- ⁶⁰ CoE-ECSR 2019, p. 12.
- ⁶¹ JS3, p. 5.
- ⁶² For relevant recommendations see A/HRC/32/10, paras. 120.128 and 120.131.
- ⁶³ CoE-CPT, p. 4.
- ⁶⁴ CoE-CPT, p. 5.
- ⁶⁵ CoE-CPT, p. 5.
- ⁶⁶ EU-FRA, pp. 4-5.
- ⁶⁷ JS3, p. 11.
- ⁶⁸ For relevant recommendations see A/HRC/32/10, paras. 120.35, 120.77, 120.144, 120.145 and 120.149.
- ⁶⁹ NGO Monitor, para. 9. See also CoE-ACFC, para. 87.
- ⁷⁰ CoE-ACFC, para. 94.
- ⁷¹ ADF International, paras. 17-23. See also DHS, paras. 23.2.
- ⁷² EU-FRA, p. 5. See also GICJ, para. 8.
- ⁷³ JS4, p. 7. See also DHS, para. 23.1; ADF International, para. 18 and AI, para. 14.
- ⁷⁴ AI, para. 14. See also ADF International, paras. 18-19 and GICJ, para. 9.
- ⁷⁵ OSCE/ODIHR, para. 7. See also ADF International, para. 24; AI, p. 4; GICJ, para. 21 and DHS, para. 28.1.
- ⁷⁶ DHS, para. 16.3.
- ⁷⁷ DHS, paras. 8-9.
- ⁷⁸ ADF International, para. 4. See also DHS, para. 4.
- ⁷⁹ ADF International, paras. 4 and 15, see also paras. 5 and 6.

- 80 OSCE/ODIHR, para. 6.
81 JS3, p. 4.
82 For relevant recommendations see A/HRC/32/10, paras.120.77, 120.97, 120.115, 120.116, 120.119, 120.120–120.125 and 120.149.
83 HN, p. 1.
84 HN, p. 1.
85 CoE-GRETA, para. 97. See also HN, p. 2.
86 CoE-GRETA, para. 107. See also HN, pp. 4-5.
87 CoE-GRETA, para. 157. See also HN, p. 4.
88 CoE-GRETA, para. 124.
89 For relevant recommendations see A/HRC/32/10, para. 120.154, 120.164 and 120.173.
90 JS3, p. 7.
91 JS3, p. 7.
92 For relevant recommendations see A/HRC/32/10, para. 120.155.
93 CoE-ACFC, para. 63.
94 CoE-ECRI 2019, p. 9. See also CoE-ECSR 2017, p. 40.
95 JS3, p.13.
96 For relevant recommendations see A/HRC/32/10, para. 120.155.
97 JS3, p. 8.
98 EU-FRA, pp. 4 and 7.
99 JS3, p. 8.
100 JS3, p. 8.
101 AI paras. 7-9. See also JS3, p. 2, JS4, pp. 2-3, DHS, para.18, and GICJ, paras. 16-21.
102 JS4, p. 4.
103 AI paras. 10-11. See also DHS, para. 22 and JS4, p. 4.
104 AI para. 12. See also JS4, p. 5, GICJ, para. 17 and DHS, para. 21.1.
105 GICJ para. 18.
106 AI p. 4. See also DHS, para. 28.4.
107 JS4, p. 9.
108 JS4, p. 9. See also AI p. 4, DHS, para. 28.1 and GICJ, para. 21.
109 JS3, p. 6.
110 JS6 p. 2.
111 JS6, pp. 3 and 4.
112 CoE-ACFC, para. 75. See also JS4, p. 8 and JS6 pp. 3-4.
113 CoE-ACFC, para. 76.
114 JS6, p. 4. See also CoE-ACFC, para. 16.
115 JS6, para. 3.6.
116 JS6, p. 8.
117 HR2W, paras. 8 and 9.
118 For relevant recommendations see A/HRC/32/10, para. 120.156.
119 JS6, para. 3.1.
120 JS6, para. 3.4.
121 JS6, pp. 5-6.
122 For relevant recommendations see A/HRC/32/10, paras. 120.62, 120.117, 120.157–120.160 and 120.180.
123 JS3, p. 10.
124 JS3, p. 10.
125 HR2W, paras. 3 and 6.
126 AI, p. 5.
127 For relevant recommendations see A/HRC/32/10, paras. 120.69, 120.71, 120.72, and 120.105–120.111.
128 EU-FRA, p. 7.
129 EU-FRA, p. 8.
130 AI, para. 18.
131 JS3, p. 10.
132 JS5, paras. 1 and 3.
133 JS5, paras. 12 and 14.
134 JS5, p. 4.
135 For relevant recommendations see A/HRC/32/10, paras. 120.54, 120.114 and 120.118.
136 JS1, paras. 19, 20, 34 and 35.
137 JS7, p. 4.
138 CoE, p. 8.

- ¹³⁹ For relevant recommendations see A/HRC/32/10, paras. 120.163.
- ¹⁴⁰ CoE-ACFC, para. 111.
- ¹⁴¹ CoE-ECRML, p. 13, See also CoE-CM and CoE-ACFC, para. 99.
- ¹⁴² CoE-ECRI, para. 90. See also CoE-ACFC, para. 5.
- ¹⁴³ CoE-ACFC, para. 85.
- ¹⁴⁴ CoE-ACFC, para. 79.
- ¹⁴⁵ CoE-ACFC, para. 5.
- ¹⁴⁶ CoE-ECRI, para. 92.
- ¹⁴⁷ CoE-ACFC, paras. 21 and 81.
- ¹⁴⁸ CoE-ECRI, para. 93.
- ¹⁴⁹ For relevant recommendations see A/HRC/32/10, paras. 120.34, 120.39, 120.104, 120.168–120.171 and 120.174–120.192.
- ¹⁵⁰ JS4, p. 9.
- ¹⁵¹ CoE-GRETA, para. 143. See also HN, pp. 3-4.
- ¹⁵² AI, para. 16. See also JS3, p. 5.
- ¹⁵³ HN, p. 2.
- ¹⁵⁴ CoE-CPT, p. 6. See also JS3, p. 6; AI p. 4 and HN p. 3.
- ¹⁵⁵ CoE-CPT, p. 6. See also CoE-ECSR 2019, p. 11.
- ¹⁵⁶ EU-FRA, pp. 13-14. See also JS3, p. 1; CoE-ECRI, p. 9; AI, para. 3 and GICJ, para. 15.
- ¹⁵⁷ CoE, p. 2.
- ¹⁵⁸ JS3, p. 12.
- ¹⁵⁹ CoE-ECRI, p. 10 and paras. 75, 77 and 79. See also GICJ, para. 21, JS3, p. 12 and JS4, p. 9.
- ¹⁶⁰ JS3, p. 12.
- ¹⁶¹ EU-FRA, p. 12.
- ¹⁶² JS4, p. 9.
- ¹⁶³ CoE-ECRI, p. 10.
- ¹⁶⁴ For relevant recommendations see A/HRC/32/10, paras. 120.193–120.196.
- ¹⁶⁵ JS2, p. 11.
- ¹⁶⁶ JS2, para. 34 and p. 11.
- ¹⁶⁷ GICJ, para. 14.
- ¹⁶⁸ GICJ, para. 13.
- ¹⁶⁹ GICJ, para. 21.
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