

Presentation to the UPR-Info Pre-session Meeting

Geneva, 13 February 2026

DRC Danish Refugee Council

I thank the Council for this opportunity to speak about an area of great concern in the field of refugee and immigration rights.

DRC Danish Refugee Council is a private humanitarian organization who gives free legal aid to asylum seekers in Denmark. We are part of a national NGO-coalition in Denmark and have in that context participated in national consultations with the Danish Government.

In the previous session before the Council several countries (Montenegro, Georgia, South Korea, Portugal and Ukraine) recommended that refugees and immigrant rights should be strengthened. Recommendations which were all supported by the Danish Government.

Since then, the Government has continued to restrict the rights of refugees and immigrants. The political rhetoric has been sharpened indicating that Denmark will not comply with international human rights practice in decisions concerning expulsion.

Even though it is a ruling principle that every state has the right to decide entry and residence on its territory, it is of great concern, that Denmark has proposed laws **deliberately contrary** to the rulings of the European Court of Human Rights and other international organs like the UN Committees. In a world where international law and standards are under increasing pressure, it is highly problematic to undermine international law.

The Danish Prime Minister has repeatedly stated that Denmark will not respect the current jurisprudence from the European Court of Human Rights in striking a balance between attachment to Denmark on one side and the public interest to expel a person on the other.

Accordingly, new rules of expulsion were proposed on the 30. January 2026. The Danish Government wants to expel more people and expects the European Court of Human Rights to change its future jurisprudence following a letter directed to the Court from Denmark and other European Council members in December 2025 – a political

pressure unheard of. Denmark will not even wait to see whether the Court will actually change its practice due to the political request so the changes in Danish laws will take effect in full awareness of the conflict with current international human rights law and practice. This is a clear violation of international law.

In the planned proposed legislation, even convictions for very small offences can be combined with an expulsion decision. This includes cases where the person was born and raised in Denmark and has a strong attachment to Denmark.

The task here obviously is to strike the right balance in the assessment of proportionality and necessity in the expulsion, and international human rights law and practice offer important jurisprudence that should not be overseen or ignored – even if it doesn't fit the political winds at a particular point of time in the country at hand.

Already adopted Danish legislation since the last UPR session has made living conditions at return centers for refugees who have been expelled or rejected asylum seekers who cannot be returned even worse than before. With the just mentioned proposal for an increase in expulsion decisions, we expect more people to be transferred to the return centers.

As of 1st of January 2026, people living in return centers must report to the police every day making it impossible to visit family outside the center if the family lives more than a few hours away. It is important to emphasize that a large part of the target group is neither criminal nor pose a danger to the state's security but are simply rejected asylum seekers who cannot be forcefully returned.

Some have spouses and children who legally live in Denmark. The duty to report every day makes it difficult to get back and forth between the family and the return center in due time to report to the police. Children in particular are badly affected when it is difficult to maintain regular and meaningful contact with a parent.

DRC Danish Refugee Council finds it crucial that the law is in accordance with international law and the principle of right to private and family life and the best interest of the child. This relates both to criteria for expelling people and for the conditions while waiting to be returned.

DRC Danish Refugee Council recommends that national legislation on expulsion is always in full accordance with both international law and jurisprudence when adopted, which means that the future rules on expulsion should clearly reference to Denmark's respect for international human rights law.

We further recommend that living conditions at return centers are in full accordance with the right to private and family life and the best interest of the child, which means

that the current rules of reporting daily should be withdrawn and the possibility to have contact with your family should be a priority.

Thank you for your attention!