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Denmark*

The present report is a summary of 15 stakeholders' submissions¹ to the universal periodic review. It follows the structure of the general guidelines adopted by the Human Rights Council. 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), nor any judgement or determination in relation to specific claims. The information included herein has been systematically referenced in endnotes and, to the extent possible, the original texts have not been altered. Lack of information or focus on specific issues may be due to the absence of submissions by stakeholders regarding these particular issues. The full texts of all submissions received are available on the OHCHR website. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review.

* The present document was not edited before being sent to United Nations translation services.

I. Background and framework

A. Scope of international obligations

1. The Danish Institute for Human Rights (DIHR) reported that Denmark had ratified most core UN human rights instruments.² However, it noted that, unlike the European Convention on Human Rights, none of the United Nations core human rights conventions ratified by Denmark had been incorporated in Danish law. DIHR recommended that Denmark incorporate all core regional and international human rights treaties and protocols.³ The Women's Council in Denmark (WCD) and the Commissioner for Human Rights of the Council of Europe (CoE Commissioner) pointed out the case of the Convention on the Elimination of All Forms of Discrimination against Women.⁴

2. Amnesty International (AI) recommended that Denmark ratify and implement the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Optional Protocol to the International Covenant of Economic, Social and Cultural Rights; and the Optional Protocol to the International Convention on the Rights of Persons with Disabilities.⁵ DIHR added to this list the International Convention for the Protection of All Persons from Enforced Disappearance and the Protocol No. 12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms.⁶ In addition, DIHR recommended that Denmark work to lift its existing reservations to ratified core conventions.⁷

3. DIHR added that ratification, incorporation, as well as lifting of reservations should be carried out in Greenland and the Faroe Islands in cooperation with their governments and legislatures.⁸ Joint Submission 1 (JS1) referred to the reservation made by Denmark for the Faroe Islands upon ratification of the Council of Europe Convention on Action against Trafficking in Human Beings.⁹

4. ECPAT International (ECPAT) reported that Greenland and Faroe Islands were not yet bound by the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children.¹⁰ ECPAT recommended Denmark to extend the applicability of these Protocols to these territories.¹¹

B. Constitutional and legislative framework

5. DIHR reported that the 1849 Constitution contained a catalogue of human rights but was not adapted to modern international human rights standards and was rarely applied by Danish authorities. DIHR recommended that a revision of the Danish constitution be carried out, including an update of the catalogue of human rights. In addition, adequate time should be given for preparing comments to draft legislation in order to secure a thorough review of bills presented to Parliament.¹²

C. Institutional and human rights infrastructure

6. DIHR reported that several Danish public authorities and private actors worked on human rights promotion and protection, as for instance, the Danish Data Protection Agency, The Board of Equal Treatment, The Danish Bar and Law Society and several ministries and other key stakeholders.¹³ DIHR recommended that systematic monitoring of human rights

be carried out by Danish authorities on basis of a mapping of current monitoring initiatives.¹⁴

7. DIHR reported that Denmark also had a wide range of non-governmental organisations working on the promotion of human rights within specific areas.¹⁵

8. DIHR reported that it did not possess a special legally guaranteed right to receive human rights information and recommended that its mandate should be clarified to undertake effective human rights monitoring.¹⁶ In addition, DIHR reported on significant budget cuts since 2004 and on verbal attacks to DIHR and its independence by members of Parliament. DIHR recommended that adequate funding be provided and that the independence of DIHR be at all times respected.¹⁷ Joint Submission 2 (JS2) reported that DIHR did not cover Greenland and the Faroe Islands.¹⁸

9. CoE Commissioner expressed satisfaction with the creation of the Council of Ethnic Minorities and the support provided to it by Danish authorities.¹⁹

10. ECPAT highlighted the establishment of the Danish National Council for Children in 2006, which acted as focal point for the protection of children.²⁰

11. JS3 reported that the Parliamentary Ombudsman had been designated as the National Preventive Mechanism (NPM) in accordance with the Optional Protocol to the Convention against Torture. JS3 recommended that NPM be allocated the necessary resources.²¹ The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of the Council of Europe (CoE-CPT) welcomed the approach used by this body in inspecting police detention facilities.²²

D. Policy measures

12. DIHR recommended that Denmark develop and implement a national action plan for human rights in order to have a systematic approach to the promotion and protection of human rights and to the implementation of recommendations from UN monitoring bodies.²³

13. In light of a lack of systematic and public evaluation of the human rights situation in Denmark, DIHR recommended that domestic human rights indicators be developed and an annual human rights evaluation be carried out in the Parliament, which could feed into a human rights national action plan.²⁴

14. DIHR referred to the 2008 action plan on Corporate Social Responsibility (CSR) and to the 2008 bill, which obliged the 1100 largest corporations in Denmark to report on their CSR policies and initiatives. Denmark established a National Contact Point in accordance with the OECD Guidelines for Multinational Enterprises, but DIHR reported about its inefficiency in handling cases. DIHR recommended that Denmark establish an effective mechanism for dealing with complaints concerning actions in third countries by multinational corporations headquartered in Denmark.²⁵

15. In view of the limited use of human rights instruments by Danish courts, DIHR recommended that measures be adopted to enhance the use of human rights instruments in Danish court decisions, e.g. through increased human rights education and training of judges and lawyers at relevant public institutions.²⁶

II. Promotion and protection of human rights on the ground

A. Cooperation with human rights mechanisms

Cooperation with treaty bodies

16. DIHR noted that Denmark systematically reported to the UN treaty bodies, and had extended a standing invitation to UN Special Procedures.²⁷ Although Denmark was the country that has generated most communications according to Article 14 of ICERD, JS3 reported that Denmark lacked willingness in implementing and respecting the decisions of the ICERD Committee.²⁸

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

1. Equality and non-discrimination

17. DIHR recommended that the legislation on discrimination be revised and compiled into one act on equal treatment covering all discrimination grounds and areas of society.²⁹ The European Committee on Social Rights (CoE-ESCR) reported that it had not been established that there was an adequate legal framework to combat age discrimination outside employment.³⁰ Joint submission 4 (JS4) recommended that Denmark recognise gender identity as a ground for discrimination.³¹

18. Since a recent debate on municipality budgets in relation to persons with disabilities contributed to stereotyping and prejudices, JS3 recommended a change of view and attitude towards persons with disabilities.³² JS3 recommended that Denmark implement adequate housing policies for persons with disabilities.³³

19. Association of Women's Organisations in the Faroe Islands (AWO-FI) referred to general discrimination against women in the Faroe Islands.³⁴

20. The Committee for Underground Refugees (CUR) stated that changes in laws, including immigration law, were often creating more exclusion and discrimination. Racist statements by members of Parliament were becoming more and more offensive; immigrants were consistently linked to troubles and criminality.³⁵

21. The European Roma Rights Centre (ERRC) reported that statements by high ranking public officials, in July 2010, singled out Roma accusing them of criminal activity and marking them for expulsion despite the absence of any evidence of criminal activity.³⁶ ERRC recommended that high ranking government officials refrain from making racist or inflammatory statements against Roma.³⁷

22. JS3 reported about a debate concerning the possible abolishment or amendment of section 266 (b) of the Criminal Code on racism on grounds of freedom of expression.³⁸ The European Commission against Racism and Intolerance (CoE-ECRI) regretted that this provision of the Criminal Code was not implemented.³⁹

23. JS4 reported that there was a lack of recognition of same-sex couples with children in administrative practices concerning children.⁴⁰

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

24. CUR reported that the concept of torture was not inscribed in law but was perceived as aggravated assault.⁴¹ JS3 recommended that torture be incorporated as a specific offence

under criminal law.⁴² JS3 also recommended that Denmark abstain from cooperation with foreign intelligence services that are known for their practice of torture.⁴³

25. Grand Parents for Asylum (GPA) reported that about 40 per cent of asylum seekers had been subjected to torture or traumatic experiences prior to their arrival in Denmark but that very few of them were examined or offered treatment, and that their condition played a small role in the process of their request for asylum.⁴⁴

26. CoE-CPT welcomed the action taken by Denmark to provide training to police officers aimed at preventing ill-treatment, but recalled that Denmark had to remain vigilant on the use of excessive force.⁴⁵ CoE-CPT made also recommendations regarding the use of handcuffs in the transportation of prisoners.⁴⁶ CoE-Commissioner recommended that Denmark strengthen the independence and the powers of the Police Complaints Boards.⁴⁷

27. AI reported on inadequate laws relating to gender-based violence and failure to investigate and bring to justice perpetrators of rape and other forms of sexual abuse of women. AI referred to the too narrow definition of rape, notably relating to marital rape, and to the low rate of reported rape cases resulting in conviction.⁴⁸ AI recommended Denmark to amend the Penal Code to align the definition of rape on international standards and to ensure equal protection for all rape victims. AI further recommended that Denmark establish an independent monitoring mechanism to analyze rape investigations that are closed before coming to trial, and to adopt an action plan to prevent and combat rape and other forms of sexual violence.⁴⁹

28. WCD reported that foreign women were in an especially vulnerable situation, as they risk losing their residence permit if they choose to leave the violent spouse.⁵⁰ WCD also highlighted that only 8 out of 40 shelters are accessible to women with disabilities and recommended that Denmark ensure that women with disabilities can get the necessary support.⁵¹

29. JS1 reported that, in the Faroe Islands, the authorities saw violence against women as a limited problem and that there were no official statistics and only one women's shelter. JS1 stated that the authorities should implement an action plan to end gender-based violence, as recommended by the Committee on the Elimination of Discrimination against Women.⁵²

30. JS3 reported that the Police Activities Act enabled the Chief of Police to administratively establish "stop and search-zones" within which the police may randomly search any person for the purpose of checking whether the person carries knives or other weapons. JS3 recommended that reasonable suspicion of criminal activity should be required to conduct such measures.⁵³

31. JS3 also reported that the Police Activities Act and the Criminal Code authorised the police to make "preventive arrests" (administrative detention) of up to 12 hours, for example at public gatherings/demonstrations, of persons who pose a danger to the public order or to the security of individuals. Preventive arrests happened on 12 December 2009 in connection with the United Nations Climate Conference in Copenhagen where the police carried out mass arrests. The Parliamentary Ombudsman was expected to issue a report on the treatment of the detained persons. JS3 recommended that Denmark abolish the rules on preventive arrests.⁵⁴

32. CoE-CPT recommended that legal provisions be adopted to ensure that all persons detained by the police have a formally recognised right to inform a relative, or another third party of their choice, of their situation, as from the very outset of their detention.⁵⁵ CoE-CPT also recommended that steps be taken to ensure that the right of all detained persons to have access to a lawyer was fully effective as from the very outset of custody.⁵⁶ CoE-CPT

encouraged Denmark to continue monitoring the imposition of disciplinary sanctions in prisons in order to ensure that they are always proportionate to the offence.⁵⁷

33. The Danish Madness Movement (DMM) reported that persons allegedly mentally ill did not meet a judge within 24 hours after being placed in detention, as required by the Constitution, and that psychiatrists were not heard in the courtroom.⁵⁸ CoE-CPT called upon Denmark to review the legislation and practice of immobilising psychiatric patients as a matter of urgency.⁵⁹

34. JS3 recommended that Denmark reduce the use of solitary confinement.⁶⁰ CoE-CPT expressed concerns at the use of police-imposed restrictions on remand prisoners' contacts with the outside world and made recommendations in this regard.⁶¹

35. ECPAT mentioned that, in 2007, Denmark established the Centre against Human Trafficking to coordinate and implement initiatives to counter human trafficking, including child trafficking.⁶² ECPAT also reported that Denmark was part of regional and European networks to combat trafficking in children.⁶³

36. ECPAT reported that Denmark had adopted a multi-stakeholder approach to combat child trafficking; nonetheless, the level of cooperation between governmental bodies and civil society could be developed in a more systematic way.⁶⁴

37. AI was concerned that victims of trafficking were treated primarily as irregular migrants, and that policies and practice emphasised return of the victims to their home countries rather than ensuring redress and protection.⁶⁵ AI recommended that Denmark ensure that all victims of trafficking be offered a 100 day 'reflection period', and to provide additional protection to victims of trafficking who faced a risk of further human rights abuse, including re-trafficking, if returned.⁶⁶ WCD also recommended that the current Action Plan be amended to deal with compensation, and make sure all relevant actors are familiar with compensation claims.⁶⁷

38. ECPAT recommended that Denmark provide foreign children who had been victim of trafficking the possibility of access long term medical, psychological, financial and legal assistance before repatriation.⁶⁸

39. ECPAT reported that Denmark adopted in 2003 an Action Plan for the Prevention of Sexual Abuse of Children (APPSAC), which was still ongoing, and a National Action Plan to Combat Trafficking in Human Beings 2007-2010, which included the protection of children against trafficking.⁶⁹

40. ECPAT reported that APPSAC and follow up initiatives did not have a specific focus on commercial sexual exploitation of children and did not provide indications on what measures would be taken against Danish citizens who abused children abroad.⁷⁰ ECPAT also mentioned that there was no specific body in charge of coordinating and monitoring specifically all initiatives aiming at combating commercial sexual exploitation of children.⁷¹ However, ECPAT mentioned the two-year Project against Child Sex Tourism adopted by various stakeholders in 2008.⁷²

41. ECPAT noted that the Penal Code did not define prostitution clearly and referred instead to "sexual immorality". It criminalized both exploitation and facilitation of child prostitution but was not child-centered and did not indicate any provision for the rehabilitation or compensation for child victims of prostitution.⁷³ ECPAT recommended that Denmark ensure that children victims of sexual exploitation have access to adequate services for their recovery and social reintegration.⁷⁴ More generally, on prostitution, WCD recommended that Denmark prohibit the buying of sexual services.⁷⁵

42. ECPAT acknowledged the existence of three knowledge centers for professionals dealing with child sexual exploitation.⁷⁶ ECPAT recommended that Denmark provide

training and resource material on every aspect of commercial sexual exploitation of children to professionals working with children victims of sexual exploitation or who are at risk of being sexually exploited.⁷⁷

43. Moreover, ECPAT noted that the domestic law on Criminal Records Disclosures required that all persons working directly with children under 15 had to provide a criminal record regarding sexual crimes against children, but only new employees and volunteers were asked to present criminal records.⁷⁸

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

44. JS3 reported about the decrease of the minimum age of criminal responsibility from 15 to 14 years as well as the increase of the maximum lengths of sentences of persons below 18 years through a law adopted in 2010. Due to the lack of space in secured residential centres, where children sentenced to imprisonment should be placed, the number of juvenile offenders placed in the normal prison system increased. JS3 recommended that the minimum age for criminal responsibility of 15 years of age and the maximum length of imprisonment of 8 years for persons under 18 years of age be reintroduced. It also recommended that children were not to be placed in prisons.⁷⁹

4. Right to privacy, marriage and family life

45. WCD recommended that Denmark guarantee both parents the individual right to an equal part of the parental leave.⁸⁰

46. JS3 referred to the situation of children with disabilities placed in institutions and recommended that Denmark amend its legislation to ensure that families can get the necessary support at home in order to maintain a valuable contact with their children living in institutions.⁸¹

47. CUR reported that children of non-Danish citizens born in Denmark must apply for citizenship when reaching the age of eighteen years.⁸²

48. JS4 reported that if a foreign woman gives birth to a child in Denmark, then if her partner was a Danish man the child gets Danish citizenship, but not if her partner was a Danish woman.⁸³ JS4 recommended that Denmark amend the Children's Act to reflect the diversity of families and thus to ensure equal rights to all children.⁸⁴

49. JS4 also reported that Denmark required hormonal or surgical sex reassignment before legal recognition of gender identity was possible.⁸⁵ JS4 expressed concerns at the fact that gender was indicated in the identification number that each individual was given.⁸⁶ JS4 recommended that Denmark amend its legislation towards legal recognition of gender without sex reassignment, freedom to take a name of own choice regardless of gender indicated by the name, and freedom to decide to have an 'X' as gender specification in the passport.⁸⁷

50. JS3 reported about the "24 years rule" (family reunification can only be granted, if both spouses have attained the age of 24 and if their cumulated attachment to Denmark is greater than that to another country) and the "28 years rule" (the requirement for greater cumulated attachment to Denmark is removed if one spouse had a Danish citizenship for 28 years or more) which are in the Aliens Act. JS3 recommended that Denmark abolish both rules.⁸⁸ CoE Commissioner also expressed concerns at these rules.⁸⁹

51. JS3 and CoE Commissioner also recommended that the maximum age for family reunification of children be increased to 18 years. As of today, non-Danish children between 15 and 18 do not have a statutory right to family reunification with their parents living in Denmark.⁹⁰

52. JS3 also recommended that Denmark abstain from introducing fees for family reunification, as proposed in the draft Finance Act 2011.⁹¹ CUR addressed similar concerns.⁹² CoE Commissioner also expressed concerns at the need to provide a bank guarantee prior to family reunification.⁹³

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

53. JS3 referred to the low percentage of women in high-ranking elected positions, as well as in top management, boards in private companies and in research institutions. JS3 recommended that Denmark develop effective proactive measures to encourage women to apply for high ranking positions and furthermore adopt a strategy on women in management positions in government, academia and businesses.⁹⁴ WCD expressed similar concerns and made a similar recommendation.⁹⁵

54. AWO-FI reported that women were underrepresented in the Faroese Parliament and that not much has been done politically for greater equality in politics and the business sector. AWO-FI referred to Demokratia, a committee that was appointed to take steps in order to improve the role of women in politics, but highlighted the decreasing budget allocated to this institution over the past years.⁹⁶

55. In light of difficulties in freely accessing all case laws, DIHR recommended that case law from Danish courts and administrative organs be made publicly available on the internet.⁹⁷

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

56. AWO-FI reported that, although 83 per cent of women are on the labour market, women in the Faroe Islands earned two-third of what men earn.⁹⁸ More generally in Denmark, CUR stated that women earned 20 per cent less than men.⁹⁹

57. JS3 and WCD reported that, although the Act on Equal Pay stated that women and men should be paid equally for work of equal value, in practice this was not the case. JS3 and WCD also raised concerns at the working conditions of migrant workers, i.e. women working as au pairs in private homes, and women from ethnic minorities, as these groups were not fully integrated into the labour market.¹⁰⁰

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

58. CoE-ESCR asked Denmark to study the consequences of the privatization of health care on equal access.¹⁰¹

59. CUR reported that a special health care system was available in the asylum centers only for emergencies or relief of pain during the asylum seeking process and when asylum was refused. CUR considered that it was problematic for trauma sufferers and asylum seekers, who had to live in centers for many years.¹⁰² CUR added that “undocumented” persons did not have any access to health services.¹⁰³ JS3 reported that undocumented migrants had no right to health care and recommended that Denmark provide public health care for them.¹⁰⁴

60. AWO-FI reported that Faroese women were the ones that get the most children in Europe (2.3 on average) because, among others, free abortion was not available in the Faroe Islands.¹⁰⁵

61. CUR reported that people, who neither were yet legally resident for seven years nor fully employed for 2.5 years, were eligible to receive about half of a native Dane’s social assistance entitlements.¹⁰⁶ JS3 recommended that this starting allowance be replaced by the ordinary cash allowance.¹⁰⁷ CoE-ESCR added that cash benefits paid to single persons

under 25 years as well as the amount of the starting social allowance for single elderly persons were not adequate.¹⁰⁸ CoE-ESCR also stated that nationals of other States not bound by the European Economic Area agreement or not covered by agreements concluded by Denmark may be repatriated on the sole ground of being in receipt of social assistance for more than six months, unless they have resided in Denmark for more than seven years.¹⁰⁹

62. JS3 reported that more than 5 per cent of children lived in poverty and recommended that a mechanism to measure poverty levels be developed, and reduced social benefits that contribute to poverty be removed.¹¹⁰

63. JS3 recommended that persons with disabilities should be able to maintain compensatory benefits when receiving retirement pension.¹¹¹

8. Right to education and to participate in the cultural life of the community

64. JS3 reported that only children of European Union or European Economic Area citizens were entitled to mother-tongue instruction, and recommended that mother-tongue education be reintroduced for the about 65,000 bilingual pupils who did not receive municipally organised mother-tongue teaching.¹¹²

65. GPA expressed concerns at the fact that children in schools for asylum seekers get a clearly poorer education than Danish children, with no access to final examinations.¹¹³ JS3 recommended that Denmark recognize the right to education to undocumented children.¹¹⁴

66. In light of the lack of adequate services for the education of children with disabilities, JS3 recommended to provide mandatory in-service training related to inclusive education and eventually revise curriculum related to inclusive education in teachers' basic education.¹¹⁵

9. Minorities and indigenous peoples

67. ERRC described the case of 23 Roma individuals, who were arrested and deported in July 2010. ERRC stated that Danish authorities failed to undertake proper and individual assessments. Aside from being administratively fined for squatting on public property, none of the Roma was charged with criminal acts but they were described as a threat against public order and public health.¹¹⁶ ERRC recommended that Denmark provide clarification of the reasons for the deportation of the 23 Roma; ensure that no further arrests of Roma take place in the absence of individualized suspicion of involvement in a crime; and halt further collective expulsions of Roma.¹¹⁷

68. JS2 reported that Denmark did not recognise the Thule Tribe of Greenland (or the *Inughuit*) as a separate group capable of vindicating its traditional rights in spite of recommendations made by UN treaty bodies.¹¹⁸ JS2 described the historic background of the Thule case, which ended up by a decision of the Supreme Court in 2003. JS2 reported that the *Inughuit* were left without an effective remedy after their expropriation in 1951, 1953 and 1955 for the establishment of the Thule Air Base and its expansion.¹¹⁹ JS2 echoed the recommendations made by the ILO Committee of Experts, which stated that the consequences of the relocation that persisted following the entry into force of Convention No. 169 still needed to be considered.¹²⁰

10. Migrants, refugees and asylum-seekers

69. CUR reported that language and continuous full-time employment requirements during the most recent four years for refugees and immigrants, in order to obtain permanent residency or citizenship, were impossible to meet for a large group of them. An increasing

number of refugees' applications for permanent residency were rejected, from 5.3 per cent in 2003 to 54.2 per cent in 2009.¹²¹

70. CUR added that vulnerable groups, such as women, children, the elderly, the mentally and physically impaired as well as those victims of trauma or torture had even less chance to meet those requirements.¹²² JS3 recommended that the regulations on acquisition of citizenship be amended so as to allow persons suffering from post-traumatic stress disorder to apply for dispensation for the language requirement on equal terms with mentally ill persons.¹²³

71. JS3 and CUR noted that requirements for obtaining citizenship have been introduced with retroactive force.¹²⁴ JS3 recommended that the Aliens Act specify the conditions under which an applicant may be exempted from fulfilling one or more of the requirements related to the acquisition of permanent residence. Furthermore, JS3 indicated that Denmark should end the practice of adopting legislation with retroactive force, except under exceptional circumstances.¹²⁵

72. JS3 also reported that, since the 2010 amendments to the Aliens Act, a residence permit for a child could be repealed if the child stayed 3 months outside the country. JS3 recommended that no children raised in Denmark should risk losing their residence permit if sent out of the country by their parents.¹²⁶

73. AI reported that Denmark continued to forcibly return individuals to a third country, contrary to the advice of the United Nations High Commissioner for Refugees, and in violation of the prohibition of *refoulement*.¹²⁷ AI recommended that Denmark stop involuntary or forced removals to particularly dangerous areas of this third country, due to their facing a real risk of persecution or serious harm.¹²⁸ JS3 referred to the deportation of asylum seekers to another third country in spite of a decision of the European Court of Human Rights in June and September 2010.¹²⁹

74. AI reported that, under Danish law, irregular migrants and asylum-seekers could be detained, including ensuring the presence of asylum applicants while their claims were being considered. The Aliens Act did not set a maximum length of detention.¹³⁰ GPA and CUR expressed similar concerns.¹³¹ AI recommended Denmark to ensure that detention of refugees, migrants and asylum-seekers be a measure of last resort.¹³²

75. Amnesty-Nu (A-Nu) reported about asylum seekers who remained for years in the Danish asylum system under the so-called "measures for the encouragement of repatriation", because they cannot be repatriated. A-Nu stated that this situation resulted in limitations to their basic human rights.¹³³ A-Nu recommended that asylum seekers who cannot be repatriated within three years after arrival should be offered a residence permit in Denmark.¹³⁴

76. JS3 also reported on the situation of children of asylum seekers. JS3 recommended that all children in asylum-seeking families reside outside asylum centres; consideration should be granted to the right of the child to his/her own private life and development when forced return was considered, and to the children's right to be heard should be guaranteed.¹³⁵ JS3 reported on a proposed legislation aimed at reducing the special protection rights of separated children and recommended that the best interests of the child be the guiding principle in cases involving separated children.¹³⁶

77. GPA stated that, in a number of asylum procedures, families with children were divided and one of the parents had been expelled.¹³⁷ GPA added that asylum seekers were deprived of the right to education and work.¹³⁸

11. Human rights and counter-terrorism

78. AI expressed concerns that counter-terrorism measures in Danish legislation had given rise to human rights violations regarding the rights to effective remedy, fair proceedings and privacy.¹³⁹ AI was particularly concerned at Denmark's position not to rule out the possibility of deporting individuals suspected of terrorism-related activity to states on the basis of diplomatic assurances despite the real risk of torture and ill-treatment they would face upon being returned.¹⁴⁰ AI referred to the 2009 bill amending the Aliens Act allowing for the use of secret evidence in cases where the authorities wished to expel or deport foreign nationals on "national security grounds". In addition, AI reported that such individuals would be unable to comment on or effectively challenge the secret material or the allegations stemming from it.¹⁴¹ AI also raised concerns at bills passed in 2006 and 2009, which had weakened the independent judicial oversight of police access to private and confidential information.¹⁴² JS3 raised similar concerns and recommended that the anti-terrorism provisions in the Administration of Justice Act allowing "classified court evidence", "secret lawyers" and storage of large amounts of personal information be revoked. Alternatively, the scope of these rules should be limited considerably by law.¹⁴³

79. AI recommended that Denmark stop requesting or agreeing diplomatic assurances in cases where the individual concerned would face a real risk of serious human rights abuses if returned. AI also recommended that Denmark ensure the right to privacy including by strengthening judicial oversight of requests to intercept electronic or telephonic communications.¹⁴⁴

80. JS3 reported that Danish and Greenlandic airports and airspace were used by a third country to transport prisoners as part of its renditions program. Although an inter-ministerial working group concluded that the Danish authorities had no knowledge of these flights, JS3 recommended that an independent investigation be made.¹⁴⁵

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

81. JS2 described the situation of "fatherless children", persons born out of wedlock before and after the entry into force, in 1974, of the law for Greenland on the legal status of children.¹⁴⁶ JS2 stated that this maintained in Greenland a discriminatory distinction between children born in and out of wedlock under two laws for Denmark of 1937 (the Legitimacy Act and the Illegitimacy Act), which were abolished for Denmark in 1960.¹⁴⁷ JS2 considered that no appropriate and effective remedies had been made available to the "fatherless children" neither in respect of their personal identity nor in respect of inheritance rights.¹⁴⁸

III. Achievements, best practices, challenges and constraints

N/A

IV. Key national priorities, initiatives and commitments

N/A

V. Capacity-building and technical assistance

N/A

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 non-governmental organization in consultative status with the Economic and Social Council - Two asterisks denote a national human rights institution with “A” status).

Civil society

AI	Amnesty International, London, United Kingdom [*] ;
A-Nu	Amnesti-Nu, Denmark;
AWO-FI	Association of Women’s Organisations in the Faroe Islands, Faroe Islands, Denmark;
CUR	The Committee for Underground Refugees, Denmark;
DMM	Danish Madness Movement, Rødokro, Denmark;
ECPAT	ECPAT international, Bangkok, Thailand [*] ;
ERRC	European Roma Rights Center, Budapest, Hungary [*] ;
GPA	Grand Parents for Asylum, Denmark;
JS1	Joint submission 1 : Amnesty International, Føroya deild; Kvinnuhúsið, Tórshavn, Faroe Islands, Denmark;
JS2	Joint Submission 2: The Inuit Cicompar Council, Nuuk, Greenland, Denmark [*] ; The Association Hingitaq 1953 (The Outcasts), Thule, Greenland, Denmark; Kattuffik Ataata (The Association Fathers), Greenland, Denmark;
JS3	Joint submission 3: Danish Association of Legal Affairs, Danish Helsinki Committee for Human Rights, Danish-Russian Organization, Danish United Nations Association [*] , Disabled Peoples Organization, European Network Against Racism and Documentary and Advisory Centre on Racial Discrimination-Denmark, Rehabilitation and Research Centre for Torture Victims-Denmark [*] , Rule of Law Foundation and Save the Children-Denmark; Denmark;
JS4	Joint submission 4: The Danish National Organisation for Gay Men, Lesbians, Bisexuals and Transgendered Persons (LGBT Denmark) [*] ; Danish National Association of Transvestites and Transsexuals (Trans Danmark), Copenhagen, Denmark;
WCD	Women’s Council in Denmark, Denmark.

National human rights institution

DIHR Danish Institute for Human Rights, Copenhagen, Denmark^{**}.

Regional intergovernmental organization

CoE	Council of Europe <ul style="list-style-type: none"> • CoE-ESCR: European Committee on Social Rights, Conclusions XIX-2 (2009), Articles 3, 11,12, 13and 14 of the Charter and article 4 of the 1988 Additional Protocol, January 2010; • CoE-CPT: Report to the Government of Denmark on the visit to Denmark carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 11 to 20 February 2008, CPT/Inf (2008)26, 25 September 2008; • CoE Commissioner: Memorandum to the Danish Government, Assesment of the progress made in implementing the 2004 recommendations of the Council of Europe Commissioner for Human Rights, CommDH(2007)11, 11 July 2007; • CoE-ECRI: European Commission Against Racism and Intolerance, Third report on Denmark adopted on 16 December 2005, Strasbourg, 16 May 2006.
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² DIHR, para.3.

³ DIHR, para. 8; see also JS3, para. 1; CoE-ECRI, paras. 8–10.

⁴ WCD, p. 1; CoE Commissioner, paras. 42–43.

⁵ AI, p. 5; see also DIHR, paras. 6–7; JS3, para. 1.

⁶ DIHR, para. 6.

⁷ DIHR, p. 2.

⁸ DIHR, p. 2.

⁹ JS1, p. 2.

- ¹⁰ ECPAT, p. 1.
¹¹ ECPAT, p. 3.
¹² DIHR, paras. 9–12.
¹³ DIHR, para. 4.
¹⁴ DIHR, para. 22.
¹⁵ DIHR, para. 5.
¹⁶ DIHR, para. 23.
¹⁷ DIHR, paras. 24–25.
¹⁸ JS2, para. 2.
¹⁹ CoE Commissioner, paras. 33–35.
²⁰ ECPAT, p. 2.
²¹ JS3, para. 5.
²² CoE-CPT, para. 13.
²³ DIHR, p. 1.
²⁴ DIHR, para. 26.
²⁵ DIHR, paras. 15–18.
²⁶ DIHR, paras. 19–20.
²⁷ DIHR, para. 3.
²⁸ JS3, para. 7.1.
²⁹ DIHR, paras. 13–14.
³⁰ CoE-ESCR, pp. 34 and 38.
³¹ JS4, pp. 3–4.
³² JS3, para. 9.3.
³³ JS3, para. 9.1.
³⁴ AWO-FI, p. 1.
³⁵ CUR, p. 1.
³⁶ ERRC, paras. 2.1 and 3.1.
³⁷ ERRC, p. 3.
³⁸ JS3, para. 7.3.
³⁹ CoE-ECRI, paras. 17–20.
⁴⁰ JS4, p. 2.
⁴¹ CUR, p. 3; see also CoE Commissioner, paras. 51–52.
⁴² JS3, para. 4.1.
⁴³ JS3, para. 4.4.
⁴⁴ GPA, p. 2; see also CUR, p. 3.
⁴⁵ CoE-CPT, para. 11.
⁴⁶ CoE-CPT, para. 27.
⁴⁷ CoE Commissioner, paras. 61–63.
⁴⁸ AI, pp. 3–4.
⁴⁹ AI, p. 5.
⁵⁰ WCD, p. 2; see also JS3, para. 8.2.; CoE Commissioner, paras. 73–76.
⁵¹ WCD, p. 3; see also JS3, para. 8.2.
⁵² JS1, pp. 1–2.
⁵³ JS3, para. 2.2.
⁵⁴ JS3, para. 2.4.
⁵⁵ CoE-CPT, para. 16.
⁵⁶ CoE-CPT, para. 17.
⁵⁷ CoE-CPT, para. 67.
⁵⁸ DMM, p. 1.
⁵⁹ CoE-CPT, para. 127.
⁶⁰ JS3, para. 4.2; CoE-CPT, paras. 41–42; CoE Commissioner, paras. 47–50.
⁶¹ CoE-CPT, paras. 43–44.
⁶² ECPAT, p. 2.
⁶³ ECPAT, p. 3.
⁶⁴ ECPAT, p. 3.
⁶⁵ AI, p. 4; see also CUR, p. 3; ECPAT, p. 2; JS3, para. 8.4; WCD, p. 1; CoE Commissioner, paras. 64–

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- 66 AI, p. 5; see also JS3, para. 8.4; WCD, p. 1.
- 67 WCD, p. 1.
- 68 ECPAT, p. 3.
- 69 ECPAT, p. 1; see also CoE Commissioner, paras. 67–68.
- 70 ECPAT, p. 2.
- 71 ECPAT, p. 2.
- 72 ECPAT, p. 3.
- 73 ECPAT, pp. 1–2.
- 74 ECPAT, p. 3.
- 75 WCD, p. 2.
- 76 ECPAT, p. 2.
- 77 ECPAT, p. 3.
- 78 ECPAT, p. 2.
- 79 JS3, para. 6.2; see also CoE-CPT, para. 53.
- 80 WCD, p. 2.
- 81 JS3, para. 6.3.
- 82 CUR, p.4.
- 83 JS4, p.2.
- 84 JS4, p. 4.
- 85 JS4, p. 3.
- 86 JS4, p. 3.
- 87 JS4, p. 4.
- 88 JS3, para. 2.1.
- 89 CoE Commissioner, paras. 7–13.
- 90 JS3, para. 6.5; CoE Commissioner, paras. 18–20.
- 91 JS3, para. 2.3.
- 92 CUR, p. 2.
- 93 CoE Commissioner, paras. 14–17.
- 94 JS3, para. 8.3.
- 95 WCD, p. 1.
- 96 AWO-FI, p. 1.
- 97 DIHR, para. 21.
- 98 AWO-FI, p. 1.
- 99 CUR, p. 3.
- 100 JS3, para. 8.1; WCD, p. 2.
- 101 CoE-ESCR, p. 12.
- 102 CUR, p. 2.
- 103 CUR, p. 2.
- 104 JS3, para. 3.2.
- 105 AWO-FI, p. 1.
- 106 CUR, p. 2; see also CoE Commissioner, para. 38; CoE-ECRI, paras. 41 and 45.
- 107 JS3, para. 3.1.
- 108 CoE-ESCR, pp. 26–27 and 35.
- 109 CoE-ESCR, p. 27.
- 110 JS3, para. 6.4.
- 111 JS3, para. 9.2.
- 112 JS3, para. 6.5; see also CoE Commissioner, para. 40.
- 113 GPA, p. 2.
- 114 JS3, para. 3.2.
- 115 JS3, para. 6.1.
- 116 ERRC, pp. 1–2.
- 117 ERRC, p. 3; see also JS3, para. 2.10.
- 118 JS2, paras. 6–7.
- 119 JS2, paras. 19–34.
- 120 JS2, para. 33.

- 121 CUR, pp. 1–2.
122 CUR, p. 3.
123 JS3, para. 2.8.
124 CUR, p. 1; JS3, para. 2.7.
125 JS3, para. 2.7.
126 JS3, para. 6.5.
127 AI, pp. 2–3.
128 AI, p. 4.
129 JS3, para. 2.9.
130 AI, p. 3.
131 GPA, p. 1; CUR, p. 3.
132 AI, p. 4.
133 A-Nu, pp. 1–2; see also CUR, p. 3.
134 A-Nu, pp. 1–2; see also CoE Commissioner paras. 28–32.
135 JS3, para. 6.6; see also CoE Commissioner, paras. 31–32.
136 JS3, para. 6.7.
137 GPA, p. 2.
138 GPA, p. 2.
139 AI, p. 1.
140 AI, p. 1; see also JS3, para. 4.3.
141 AI, p. 1; see also CUR, p. 3.
142 AI, p. 2.
143 JS3, para. 2.6.
144 AI, p. 4; see also JS3, para. 4.3.
145 JS3, para. 2.5.
146 JS2, paras. 35–43.
147 JS2, para. 38.
148 JS2, para. 43.
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