

Udkast til Danmarks UPR-rapport 2015

I. Description of the methodology and consultation process for the preparation of the report

1. The Kingdom of Denmark assigns the very highest priority to the protection of human rights. It is a constant endeavour of Denmark to live up to its international obligations. The UPR process has proven an efficient tool to collectively address and improve the human rights situation in Denmark. Denmark is committed to maintaining the standards reached and address challenges when they occur.
2. This report is the result of close consultation and co-operation within the Kingdom of Denmark (Denmark, Greenland and The Faroes) under the coordinating leadership of the Ministry of Foreign Affairs. In preparing the report, public hearings were held throughout the Kingdom. These public hearings offered civil society the opportunity to bring forward their views on human rights in Denmark. People that might not wish to or were unable to give their opinions during the public hearings could send their comments to a dedicated e-mail address. The report was discussed in draft form with representatives of the Danish Institute for Human Rights and other relevant non-governmental organisations, just as the draft was submitted to public consultation.

II. Developments since the first review of Denmark, especially with regard to the normative and institutional framework for the protection of human rights

3. The normative and institutional framework for the protection of human rights stands upon an unchanged solid foundation. Detailed information on this is included in the first national UPR report of Denmark.
4. Since the first review of Denmark, a number of new laws has entered into force or been set in motion, in addition to other steps that have led to improvements of the human rights situation. These include:

Children

- The Government established a special Office for Children in 2012, as part of the Danish Parliamentary Ombudsman Institution, in order to protect and promote children's rights in accordance with the UN Convention on the Rights of the Child.
- In 2012 legislation was adopted to strengthen the advocacy function of the National Council for Children as part of the effort to promote and protect the rights of children in accordance with the UN Convention on the Rights of the Child.
- At present the Ombudsman, the National Council for Children and Children's Welfare are required to coordinate their work on the protection of children's rights. A revision of this set-up is ongoing and the results of the follow-up are expected in autumn 2015.
- Since 2013 the regulation on the education of teachers specifies that the curriculum must include the rights of the child.
- Since 2011 the regulation on social workers education includes knowledge on vulnerable children and youths, marginalised adults and children and adults with disabilities.
- Since 2014 the regulation of the education of social educators has specified that the curriculum must include and emphasize the question of gender and sexual orientation

Vulnerable persons/Persons with disabilities

- A reform of the Disability Pension and Flexi Job scheme entered into force in 2013. As a result the most vulnerable persons on the labour market receive additional help to proceed with their daily lives. The flexi job-system is specifically focused on persons with a very limited ability to work.
- As part of a reform of 2014, persons that are hospitalized with a psychiatric disease have a right to be assigned a “discharge coordinator”. This right applies before, during and after the person has been discharged from hospital. The coordinator will help to restore and support a normal everyday life with home, family, finances, networking and work. In addition, opportunities for mentoring have been strengthened and targeted those unemployed who need it the most.
- In 2014 Parliament passed an amendment to the electoral laws allowing voters with lasting or temporary functional impairment to cast their votes subject to application at another polling station than the one they belong to according to the electoral register thus allowing voters with special needs to choose another polling station where accessibility is better.
- Since 2012, questions have been raised regarding the right to vote for persons, who have been deprived of their legal capacity according to Section 6 of the Act on Legal Guardianship. The Ministry of Justice observes that it follows from Sections 29 and 30 of the Danish Constitution that persons who have been declared legally incapacitated do not have the right to vote and stand as candidates in Danish Parliamentary elections. Therefore, persons, who have been deprived of their legal capacity according to Section 6 of the Act on Legal Guardianship, which is the most serious form of legal guardianship under Danish law, do not have the right to vote and stand as candidates in Danish Parliamentary elections. There are no constitutional restrictions on the right for the persons concerned to vote and stand as candidates in Danish local and regional council elections and in the European Parliament elections. However, such restrictions follow from the Local and Regional Government Elections Act and the Members of the European Parliament Elections Act, from which it follows that persons, who have been deprived of their legal capacity according to Section 6 of the Act on Legal Guardianship, do not have the right to vote and stand as candidates in Danish local and regional council elections and in the European Parliament elections. In this regard, attention is drawn to the fact that – in order to understand the consequences of a possible amendment of the Local and Regional Government Elections Act and the Members of the European Parliaments Elections Act – the Ministry of Social Affairs and the Interior will undertake a study of the institution of legal guardianship and the background for placing persons under legal guardianship. Moreover, it should be noted that persons under less serious forms of legal guardianship, have the right to vote and stand as candidates in both Danish Parliamentary elections and in Danish local and regional council elections and in the European Parliamentary elections. It is the opinion of the Ministry of Justice that Danish law on the right to vote and stand as candidates in elections is in conformity with Denmark’s international obligations, including the European Convention on Human Rights.
- In 2014 a reform of the cash benefit system entered into force. The reform addresses issues regarding support to unemployed persons that due to social or health problems have difficulties finding a job or completing an education. The cash benefit reform focuses on

getting young people under the age of 30, who receive cash benefits, to enrol in education, or if they have already completed an education to get into employment. The reform also aims at getting people above the age of 30 into employment. Non-western immigrants make up 22% of the cash benefit receivers compared to only 7 % of the total working age population (ages 16 to 64).

- A reform of the Disability Pension Scheme will benefit persons who have a very limited capacity to work. The objective of the reform is that persons under the age of 40 should only be eligible for disability pension under very narrow circumstances. Instead they will gain access to a rehabilitation team that cooperates across public disciplines to ensure a coordinated and coherent effort with the purpose of employment, or a so called flexi-job where the employee's reduced working capacity is taken into account and the public authorities provide financial support.

Refugees and immigrants

- Denmark continues to emphasize the importance of a fair reception of newly arrived refugees and immigrants within the framework set out by the Danish Integration Act and the integration programme. A 2013 amendment of the Danish Integration Act aims at ensuring a holistic and inclusive approach to the reception by taking relevant individual considerations into account.
- In 2015 the Danish Parliament passed a bill which introduces a new integration benefit aiming at giving newly arrived refugees and immigrants a greater incentive to work and become integrated in Danish society. The integration benefit applies to newly arrived refugees and immigrants and other citizens, including Danish citizens, who have not been residing in Denmark for the last 7 out of 8 years. Due to the amendments some individuals and families face a reduction of up to 50% in the allowances. During autumn 2015 the Government will present a new bill according to which the amendments shall apply to all citizens already receiving benefits and who have not been legally residing in Denmark for the last 7 out of 8 years.
- In 2013 the Immigration Appeals Board was established. Decisions regarding family reunification may be appealed to the Danish Immigration Appeals Board, which is an independent body regulated by the Danish Aliens Act. Cases are heard by a board consisting of three members and the chairman must be an appointed judge.
- In 2013 the Aliens Act was amended in order to make it possible for asylum-seekers and rejected asylum-seekers who have stayed in Denmark as asylum-seekers for six months, and who co-operate with regard to their return, to work and live outside the asylum centers.
- According to the Danish Aliens Act, victims of trafficking can upon request be granted a reflection period of at least 30 days before leaving the country. During the reflection period victims of trafficking are offered extended medical and psychological assistance, economic support and relevant social arrangements in addition to the offers available to all asylum-seekers and illegal migrants. The reflection period may upon request be extended if particular reasons make it appropriate or if the foreign national is co-operating concerning a prepared return. In 2013 the Aliens Act was amended in order to expand the maximum reflection period for victims of human trafficking from a total of 100 days to a total of 120 days.

- The Aliens Act was amended in 2014 revoking the integration potential criterion in relation to quota refugees and establishing that the selection should be based on an assessment of whether resettlement in Denmark is likely to result in a sustainable improvement of the refugee's life situation. Accordingly, the selection will focus on the capacity of the receiving communities and the needs and expectations of the refugee instead of the skills and capacity of the refugee.

LGBTI

- In 2012 the scope of the Marriage Act was changed in order for the Act to apply to both marriages between two persons of different sex and two persons of the same sex. The change also made it possible for two persons of the same sex to enter into marriage through a church ceremony. At the same time a legislative amendment made it possible for the individual vicar of the Established Church (The Lutheran Evangelical Church of Denmark) not to perform such ceremonies.
- In 2013 the Children's Act was amended with rules on co-maternity in situations where the mother has been treated with assisted reproduction and has a female spouse or partner who has agreed to the treatment and to becoming co-mother. The legal position of a co-mother equals that of a father.
- In 2014 the Danish Parliament passed a law regarding transgender citizens. The law enables citizens over the age of 18 to legally change their gender without undergoing sex-reassignment surgery or psychological evaluation. Permission may be granted if the applicant attest to that the application is reasoned on a feeling of belonging to the opposite gender and if the application is confirmed after a reflection period of 6 months. The citizen will be awarded a new personal identification number in the Civil Registration System in accordance with the new gender. This enables issuance of new personal documents, including birth certificate, passport and driving license. The name of the citizen may also be changed.

Church affairs

- In 2013 an amendment regarding the use of the Established Church made it possible for the parish council to allow members of other Christian Communities to use a church belonging to the Established Church for wedding ceremonies performed by a priest of their own community after obtaining a prior approval from the local bishop.

Nationality

- The Nationality Act was amended in 2014 giving children born in or out of marriage equal access to acquire Danish citizenship by birth.
- In 2014 the Nationality Act was amended allowing dual citizenship.
- A new political agreement was concluded on the conditions for acquiring Danish citizenship by naturalization in 2013 in the light of the UN Convention on the Rights of Persons with Disabilities, providing that persons who are diagnosed with a long-term physical, mental, intellectual or sensory impairment under certain circumstances can be exempted from several requirements.

Business

- In November 2012 a law established the mediation and complaints-handling institution for responsible business conduct. The institution handles cases involving potential breaches of international corporate social responsibility guidelines, including human rights violations, by Danish private or public companies, Danish authorities, Danish private or public organizations and their business associates. The institution is an independent body within the public administration. The institution has been established in accordance with the international criteria for non-judicial mediation and grievance mechanisms in accordance with the UN Guiding Principles on Business and Human Rights, as well as the criteria for national contact points as stated in the OECD Guidelines for Multinational Enterprises.

Administration

- Due to new legislation of 2013 about digitization of processes concerning civil registration, all application processes now starts on a public on-line self-service on the internet. Here citizens can apply for a) Registration of a father to a child (in cases where the parents are not married), b) A name to a new-born child, c) A name change of their own or their children's names and d) Funeral. Civil registrars in the Established Church examine the applications but the applicant no longer has to come into contact with the Established Church or any religious activity.

Other

- The Criminal Code was amended a number of times:
 - i. In 2012 in order to bring the Code in accordance with European Parliament and Council Directive on preventing and combating trafficking in human beings and protecting its victims.
 - ii. In 2013 in order to raise the maximum penalty for coercion to participate in a religious marriage ceremony with no legal effect. The maximum penalty was raised from two to four years of imprisonment, which corresponds to the maximum penalty for coercion into a legally binding marriage.
 - iii. In 2014 in order to implement the European Convention on Preventing and Combating Violence against Women and Domestic Violence.
- A Victims Fund was established in 2014 funding projects and activities that provide further knowledge of or support for victims of crimes and road accidents and groups of such victims.
- The Sentence Enforcement Act was amended in 2012 in order to decrease the number of administrative decisions regarding exclusion of prisoners from association with other prisoners.
- Several legislative and administrative initiatives have been implemented in order to strengthen the alternatives to the enforcement of sentences in prisons, thereby strengthening the overall reintegration into society of convicted persons.

- In 2014, a committee of experts in the human rights field delivered its report on several human rights aspects which was subsequently sent into public hearing. After the hearing, the Government decided not to incorporate a number of UN Human Rights Conventions into Danish law, since – as highlighted in the before mentioned committee of experts’ report – such incorporation might entail a risk of a shift in the legislative powers conferred upon the Parliament to the courts. It was the opinion of the Government that it is important to maintain the elected representatives’ responsibility for the compliance with our international obligations. As regards Protocol No. 12 to the European Convention on Human Rights, the Government decided not to accede to the Protocol as such accession also might entail a risk of a shift in the competence conferred upon the legislative power to decide what could serve as a legitimate basis for a differential treatment to the courts and as last resort the European Court of Human Rights.

5. Since the first review Denmark has ratified or signed **the following international conventions:**

- In September 2014 Denmark acceded to the Optional Protocol to the UN Convention on Rights for Persons with Disabilities
- In May 2015 Denmark decided to ratify the third Optional Protocol to the UN Convention on Rights of the Child.
- In April 2014 Denmark ratified the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence
- In June 2013 Denmark signed the Marrakech Treaty. The treaty ensures equal access to books and audiobooks for the blind and visually impaired.

III. **Developments since the first review of Denmark, especially with regards to the promotion and protection of human rights**

Children

6. Since the first review in 2011, Denmark has worked continuously to promote and protect children’s rights. In this regard several initiatives has been introduced, among which the following can be highlighted:
- The Government has put great emphasis on improving the quality of care and treatment in placement facilities and foster homes. In 2014 a supervision reform entered into force with the aim to improve and align the standards and the quality of care and treatment in placement facilities and foster homes. It is now required by law that the social supervisory authority shall have a whistleblower function, where staff, residents and relatives to a resident can anonymously provide information about matters of concern in the facility.
 - In 2014 the government presented a bill in Parliament on early support for vulnerable children. The bill highlights the importance of early, preventive support. The bill entered into force on October 1st 2014. A number of initiatives were launched in relation to the bill including: I) Efforts to strengthen the parental capability of especially vulnerable parents, II) Support for strategic co-operation between municipalities and NGOs e.g. counseling, network groups and therapy for vulnerable children and young persons, III) Initiatives to strengthen the early support for vulnerable children in day care, and IV) Efforts to promote the use of participation in leisure activities such as sports, musical training and scout associations in the municipalities’ early preventive support for vulnerable children.

- The Government strongly supports the right of all children to be assisted by a third party during the consideration of a case by the child's municipality. Therefore the Government has decided to finance an initiative by the NGO "Children's Welfare" (Børns Vilkår) by which children can be assisted by a professional adviser during a case, and during meetings with the public authorities. The purpose of the initiative is to ensure that the child is heard and the child's perspective is taken into consideration when the authorities are to make decisions involving a child.
- In 2013 a committee of experts was established by the Government with the task of reviewing the national legislation concerning the use of forcible measures against children and young persons placed outside their home. It was tasked to describe challenges to the use of such measures and to present proposals for a new regulatory framework with the aim of ensuring the rights and integrity of children. The Committee submitted its report to the Government in 2015. Based on the report, the Government will decide which initiatives are necessary, in order to ensure the rights of children and young people placed outside their homes.
- An initiative of 2013 aimed at strengthening the knowledge and handling in the municipalities of cases concerning abuse. Thus strengthening the knowledge of both children and professionals on the rights of children to be protected from abuse, and how to find help as well as initiatives to ensure professional treatment and support to victims of abuse.
- In 2014 a school reform was introduced in the Danish public schools. One goal was to lower the significance of social background on academic results, strengthening the pupil's well-being in schools and reduce bullying. The reform gives a new framework for differentiation in teaching. The common goals of the Public School Act makes it mandatory that schools teach the pupils about the rights of children, including rights to protection from physical, psychological and digital attacks based on the Convention of the Rights of the Child. The Universal Declaration on Human Rights continues to be a mandatory part of the history class in elementary school, where it is put into perspective in relation to human rights in practical terms and in more recent conventions, such as the Convention of the Rights of the Child. Another major change concerned the inclusion of pupils with special needs into the regular school system in accordance with the Salamanca Declaration on special needs education.

Vulnerable persons/Persons with disabilities

7. The Government formulated a disability policy Action Plan in 2013 which includes a number of long-term visions and goals for the development of disability policies as well as a number of short-term initiatives. The plan contributes to setting up political and economic priorities for the disability-policy initiatives across policy areas and thus functions as a framework for the continued work of implementing the UN Convention on the Rights of Persons with Disabilities. The overall aim and vision of the Action Plan is to ensure participation and inclusion into the community of all persons with disabilities. In the action plan a number of initiatives are aimed at strengthening citizenship and equal participation in community life.
8. During 2015 coping courses for adults with mental disabilities are held by the regions and municipalities. The courses will provide adults with mental disabilities with better opportunities to know and use their rights, make decisions for themselves and exercise their citizenship. The course consists of four topics: 1) Individual rights and possibilities of making decisions for oneself, 2) Communication and dialogue and the possibility of making decisions with others, 3)

Communities in society and the possibility of participation, and 4) Democratic processes and possibilities for influence.

9. In 2014 the Government presented a comprehensive long-term action plan for the future development and expansion of the services to people with mental illness. Psychiatric patients must receive the same attention, have the same rights and receive the same high quality in treatment and rehabilitation as patients with physical illness. The objectives are primarily to reduce waiting lists and create the necessary environments for a reduction in the use of coercive measures. The outcome of the action plan will be monitored annually i.e. how the regions fulfil their goals. The Government is currently considering a revision of the relevant legislation with a view to further improve psychiatric patients' rights.
10. Parliament passed an amendment to the Psychiatric Care Act in 2015, with the purpose to ensure better rights for psychiatric patients who are subject to detention or coercion. The act includes measures clarifying the legal status of minors in psychiatric care and seeking advance indications from the patient regarding treatment during the admission interview.
11. In 2013 the government presented a number of initiatives to identify and prevent types of discrimination based on ethnic origin as well as disabilities in the labour market and in society as a whole.

Refugees and immigrants

12. New rules on family reunification with children entered into force in 2012. The new rules entail, *inter alia*, that the child's potential for successfully integrating into the Danish society as a requirement to obtain family reunification is not assessed if the child is younger than eight years old. The best interest of the child is always included in the assessment when deciding whether to allow for family reunification.
13. An amendment of the Aliens Act on the rules on revocation of residence permits, issued on the basis of spousal reunification, entered into force in 2013. A time-limited residence permit obtained on the basis of marriage will – in general – be revoked if the spouses no longer live together. It will however, be taken into consideration whether the marriage has been dissolved because of domestic violence, notwithstanding the length of the foreign national spouse's stay in Denmark. At the same time the foreigner's ties with the Danish society will be taken into consideration.
14. A further amendment to the Aliens Act on the rules on revocation of residence permits, issued on the basis of spousal reunification entered into force in 2014. The amendment aims to ensure that a foreign national spouse living in Denmark does not lose his or her residence permit, if the spouse or partner residing in Denmark dies. In order to be allowed to stay in Denmark, the foreign national spouse must have made an effort to integrate into Danish society. As a secondary effect the rule also applies to the children of such a foreign national spouse.
15. In 2015, an amendment to the Aliens Act introduced a new temporary subsidiary protection status for refugees who are entitled to asylum due to a general situation in the home country, in accordance with the case *Sufi and Elmi v. the U.K.* Residence permit will be granted for an initial period of one year and may be extended by two years if the alien still is in need of protection. Due to the temporary nature of the protection, it is as a starting point not possible to obtain family reunification with a foreigner who is granted residence permit in Denmark, on the basis of a

temporary need for protection, unless the person receives an extension of the residence permit after one year. Exceptions can be made under certain circumstances, including where Denmark's international obligations so require. The immigration authorities will perform an individual assessment in each case, ensuring observance of Denmark's international obligations, including relevant case law from the European Court of Human Rights. The rules do not apply to foreigners who are granted a residence permit according to the Convention Relating to the Status of Refugees or because the foreigner risks the death penalty or being subjected to torture or inhuman or degrading treatment or punishment in case of return to his/her country of origin (protection status).

16. The above mentioned amendment to the Aliens Act also introduced a new section similar to Art. 33 (2) (a) of the Directive 2013/32/EU regarding the inadmissibility of applications for asylum in cases where the alien already has obtained protection in another country party to the Dublin agreement.

Gender and equality

17. An annual Action Plan for Gender Equality describes the Government's work for gender equality for the coming year, and also presents the results of the work done in the previous year. In 2015 the focus will be on the combat against everyday sexism, harassment, social control, domestic violence and trafficking.
18. A number of initiatives were conducted or introduced in 2014 in order to promote gender equality and human rights. These included: I) A "rights campaign" targeting women from ethnic minority groups in Denmark and informing them of their rights according to family law, II) A survey on living conditions for LGBT-persons, III) A nationwide information campaign on human trafficking. A new 4-year Action plan on fighting trafficking in human beings was launched in 2015. The pillars of the 2015-2018 Action Plan are: prevention, identification, support of victims, prosecution of traffickers as well as partnerships and co-ordination.

Other

19. A survey on hate crimes or bias motivated crime has been initiated. The survey covers a wide range of bias motivated crimes including crimes based on sexual orientation, race, religion, political orientation, disability and social marginalization. A number of key indicators will be generated, which will enable the government to make a base line and thereby develop a good foundation for further monitoring on the bias motivated crimes in Denmark. The result of the survey is expected in the autumn of 2015.
20. In 2015 the Director of Public Prosecutions' annual report regarding the use of pre-trial custody concluded that the number of pre-trial solitary confinement has decreased drastically from 553 in 2001 (the year of the Director of Public Prosecutions first annual report) to 36 in 2014. Furthermore from 2009 to 2014 only one person under 18 years of age was held in pre-trial solitary confinement.

IV. Developments since the first review of Denmark – The implementation of recommendations accepted by Denmark

21. Over the past four years, Denmark has dedicated itself to the implementation of the recommendations accepted in the 1st UPR. In the following is included mainly developments since Denmark's mid-term progress report of 2014.

22. Denmark continuously aims to exercise its responsibility to protect and secure a high human rights standard in policy and law making. Therefore, all considerations concerning the possible preparation of new legislation are carried out within the framework of Denmark's human rights obligations, which thereby determines the options in this regard. Guidelines issued by the Ministry of Justice regarding the examination of legislation prescribe that the international conventions on human rights that Denmark is a party to must be considered during the preparation of legislation. In 2015 the Ministry of Justice has emphasized in its annual official letter concerning legislative matters to all the ministries that if a proposal entails essential considerations regarding the European Convention on Human Rights, the bill must reflect these considerations (**recommendation 27**).
23. In July 2013, an amendment to the Criminal Code, criminalising any person who is complicit in making a person under 18 years of age engage in sexual intercourse with a client for payment or a promise of payment, entered into force. Furthermore, the acts of procuring and human trafficking for the purpose of exploitation in prostitution are also criminalised (**recommendation 90 and 91**).
24. In May 2014 the Danish National Cyber Crime Centre was established. The National Cyber Crime Centre has dedicated an entire section to combating possession and distribution of child sexual abuse material. The section assists the Danish police in pursuing cases related to child sexual abuse material and is also working on victim identification, based on child sexual abuse material. The results of the work with victim identification are often shared with international partners, including Interpol and Europol. Reference is also made to Denmark's response in 2014 (**recommendation 94**).
25. Children with special needs, who are lawfully staying in Denmark, are entitled to support and protection according to the Act on Social Services. This includes children at risk and child victims of sexual abuse, mistreatment or exploitation. In order to offer children who have suffered abuse specialized treatment, five "Children's Houses" covering all municipalities in Denmark have been established. In these Houses social services, police, therapeutic services and health services are gathered to ensure that abused children receive coordinated and professional help in a child-friendly environment.
26. In 2014 Parliament adopted a bill on vocational training setting up a new combined two-year education. This education is for persons under 25 who do not possess the qualifications for completing a vocational or upper secondary education, enhancing employability and further education for young groups at risk. It is expected that this education will benefit vulnerable groups who today face increased risk of dropping out, not least students belonging to ethnic minorities (**recommendation 112**).
27. In 2014, the Danish Director of Public Prosecutions initiated a revision of the guidelines for the police and prosecution service on the handling of hate crime cases. The revision, *inter alia*, includes new paragraphs directed specifically at the police on the circumstances the police must be aware of when investigating hate crimes. Paragraphs discussing the freedom of expression relative to cases concerning hate speech have been inserted in the guidelines. The revised guidelines were published in 2015. Furthermore, case law concerning violations of Section 266 b of the Criminal Code is available on the intranet and on the website of the prosecution service (Anklagernet and www.anklagemyndigheden.dk) (**recommendation 37, 58, 96 and 101**).

28. Rejected applications for asylum are automatically appealed to the Danish Refugee Appeals Board. The Board is a quasi-judicial body. The members of the Board are independent and may not accept or seek directions from anyone including the appointing or nominating authority or organization. The Board is considered to be a court within the meaning of article 39 of the European Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status concerning the right for asylum seekers to have their case examined by court or tribunal. Asylum cases are heard by a board consisting of five members. The chairman must be an appointed judge. It is the Government's opinion that final decisions from the Board comply with the right to a fair trial (**recommendation 61**).
29. Denmark regards unaccompanied minors as vulnerable, and the Aliens Act therefore includes special rules regarding these aliens. A personal representative is appointed for all unaccompanied children, who seek asylum or stay in Denmark without permission. The powers and obligation of a personal representative equals those of a holder of custody. The representative supports and cares for the minor as regards personal issues and attends asylum interviews and other meetings with the authorities (**part 2 of recommendation 119**).
30. The new National Action Plan to Combat Human Trafficking (2015-2018) will further develop the activities launched in the previous action plans. To raise awareness, the Danish Centre against Human Trafficking has conducted extensive training for outreach workers and social workers in close co-operation with major municipalities, governmental and non-governmental social organizations, trade unions, the police, the Danish Prison and Probation Service, Immigration Service, and asylum centers. The campaign "Stop Human Trafficking" has primarily focused on awareness-raising on trafficking to prostitution and trafficking to forced labour. Protection of children has received increased attention (**recommendations 87, 90, 94 and 95**).
31. Although it is too soon to report on direct results of the National Strategy against honour related conflicts, some positive developments can be noted (**recommendation 43**).
32. The 4th Danish action plan against violence in the family and in intimate relations, (2014-2017) entered into force in 2014 (**recommendation 86**). The action plan aims at: strengthening the knowledge about different forms of violence, including male victims of violence in the family, early measures in relation to young people and raising awareness and debate about the consequences of violence in intimate relations.
33. As of 2015, a new national 24-hour hotline for all victims of domestic violence opened. The hotline is supplemented by a counselling service that gives advice on legal and social welfare matters for victims of domestic violence. Since 2015 municipalities are obliged to offer counselling to all women who take residence at a shelter for battered women. Housing, finances and jobs are among the areas included in the counselling with the aim of helping the women establish a new life free of violence (**recommendation 45**).
34. The police is implementing a new tool to evaluate the risk in cases of stalking (**recommendation 83**). Also, an initiative to assist victims of partner stalking will be launched in 2015, as well as the launch of a tender for a pilot project on temporary housing facilities for male perpetrators of domestic violence and a tender for a pilot project on temporary housing for male victims of domestic violence.
35. Regarding the encouragement of women's high level of participation on the labour market and especially within decision-making (**recommendation 85**) the first indications of the impact of the

bill on the number of women in management positions in the private sector were published in 2014:

- 73 % of the private companies included have set a target for the share of underrepresented gender in the supreme governing body
 - The target figures are an average set at 25.5 % to be achieved within the next four years.
 - 50 % of companies state that they have a policy to increase the share of the underrepresented gender in other management levels.
36. Danish Business Information registrations show that the share of female members on large listed company boards in the private sector has increased from 8 % in 2013 to 11% in 2015.
37. In 2014 the first indications of the impact of the bill on the number of women in management positions in the public sector were published:
- 86 % of the included public companies have set a target for the share of underrepresented gender in the supreme governing body
 - The target figures are an average set at 39,5% to be achieved within the next four years.
 - 47 % already have a balanced share of women and men in management positions (40/60).
38. During the negotiations of the bill establishing the Danish Police Complaints Authority it was agreed that the new system should be evaluated 3 years after its commencement, *i.e.* in 2015. In 2014, the Police Complaints Authority granted the Faculty of Law at the University of Copenhagen permission to evaluate the Authority. According to the Authority, the evaluation is expected to be completed at the beginning of 2016. Reference is also made to Denmark's response in 2014 (**recommendation 75, 77 and 78**).
39. By letter of 30 October 2014, the Minister of Justice has asked the National Police to introduce individual identity numbers on all police uniforms as soon as possible. The National Police has opened a tender for the production of the individual identity numbers. The National Police expects the first individual identity numbers to be introduced in February 2016. Reference is also made to Denmark's response in 2014 (**recommendation 76**).
40. The Director of Public Prosecution is still monitoring the use of pre-trial custody closely and submitting annual reports on the use of pre-trial custody. At the present time there are no problems with overcrowding in prisons (**recommendation 101**).
41. New rules regarding Danish citizenship entered into force in July 2014 according to which young foreign nationals who were born and raised in Denmark may in certain circumstances obtain Danish citizenship by handing in a statement to the State Administration. From September 2015 Denmark will allow dual citizenship. Thus Denmark has denounced chapter 1 of the European Convention of on the Reduction of Cases of Multiple Nationality and on Military Obligations in Cases of Multiple Nationality (ETS No. 43).
42. In 2015 a working group appointed by the Danish Court Administration issued recommendations for the content and the structure of a public database on case law. The development of the database will take place parallel to the development of a new system for civil cases for the Danish courts expected to be launched in 2016. Reference is also made to Denmark's responses in 2011 and 2014 (**recommendation 97**).

V. Description of achievements, of "best practices" as well as of challenges in implementing the recommendations accepted by Denmark

43. The human rights situation in Denmark is addressed on an on-going basis both at governmental level and throughout civil society, in public debate including in the annual four-day event "People Meeting" held during the summer recess of Parliament, where the parliamentarians participate in a "festival of politics" for direct interaction with the people. Also Danish Public Broadcasting focus on human rights related issues across the board in a number of high quality programmes touching on immigration, education and discrimination to mention but a few.
44. In 2015 the Government established a permanent inter-ministerial committee which amongst other tasks will be coordinating Denmark's international reporting obligations on human rights issues.
45. As part of the consultation process for this report a number of public hearings offered the general public the possibility to present their views on the human rights situation in Denmark. The issues brought forward covered a wide range: access for people with disabilities in general but also in cyberspace, discrimination due to ethnicity not least in the labour market, discrimination against young women in the labour market, digital supervision, long pre-trial detention were among the many examples brought forward at the meetings. Two issues, both involving children: custody cases and children with mental challenges (autism etc.) constituted the numeric bulk of examples brought forward and were also amongst the qualitatively most challenging cases described. The hearings gave valuable insight and were most helpful for the drafting of the report and in the wider work of the Government on human rights issues.
46. The State Administration (Statsforvaltningen) is a state authority handling tasks in areas where it is considered to be an advantage that administration and contact between authorities and citizens are taken care of at local level. As part of the work on developing the quality of the State Administration's services in the area of family law, the State Administration has been working on developing means aimed at settling conflicts between parents on access and custody.
 - In 2014 the State Administration established a telephone line for children – the Children Divorce Phone. The phone is aimed at giving children direct access to qualified guidance and support from a counsellor employed at the State Administration. The counsellor can guide and advise the child and relieve the child in relation to many of the thoughts and concerns the children of divorced parents often have
 - The State Administration is part of a pilot project by the NGO "Children's Welfare" (Børns Vilkår) offering children a companion when they are interviewed by the State Administration during a case on access or custody.
 - After having been interviewed by the State Administration in a case on access or custody the children may be offered follow-up counselling with the child expert that they have spoken with, if the decision does not follow the child's wishes in full.
47. In an effort to increase well-being and reduce bullying in the Danish public schools all pupils must fill-in an annual survey about their well-being. The survey will enable local municipalities and school leaders to identify schools or classes for further actions. The data made available for the municipalities and school leaders is generalised on class or school level and not on an individual level.

48. The Government has launched an ambitious experimental programme designed to examine the effects of different teaching modules that aim to develop or build on the mother tongue of minority students. When results covering the period 2014-2016 are in the government will make an assessment on how to make use of this knowledge to activate the mother tongue proficiency of minority students as an asset in schools.
49. In 2014 the Ministry of Education and the Ministry of Foreign Affairs decided to establish a team of ‘international advisors’ to guide schools on topics such as the rights of children, global citizenship and education for sustainable development into the curriculum. In order to provide support and inspiration to teachers in fulfilling their curricular obligations to include the Convention on the Rights of the Child and other human rights instruments into their instruction, the Ministry of Education has entered into a cooperation with the Danish Institute for Human Rights to produce examples of teaching modules, teaching activities and other relevant materials on teaching human rights in compulsory schools.
50. In order to ensure the right to education of children placed in alternative care the current and the former municipality of residence must co-operate on the offered education to the child in the cases where a child is placed in alternative care in another municipality than the municipality of residence. The child must receive an educational offer within 3 weeks, in which time there must be offered one-on-one education of the child, unless the former municipality of residence can approve another educational offer for the child.
51. The Ministries’ Disability Committee (Ministeriernes Handicapudvalg) is acting as a forum for dealing with cross-cutting challenges, networking and knowledge sharing on current disability policy issues, including the continued implementation of the UN Convention on Rights for Persons with Disabilities. The Committee has an ongoing dialogue with stakeholders and actors in civil society regarding the concluding observations received by Denmark from the Committee on the Rights of Persons with Disabilities.
52. Any voter may request the assistance needed to cast their vote. The Danish electoral acts provide assistance in voting rendered by two polling supervisors or appointed electors. Instead of one of the polling supervisors or appointed electors the voter can always demand assistance in voting by a person of his/her own choice. If the voter demands assistance in voting, this assistance must thus always be supervised by at least one impartial election official. This is to ensure that assistance in voting would not lead to abuse in the form of undue influence of the voter and to ensure public confidence in the electoral process and its neutrality. If the voter needs assistance to cross off the ballot paper, this assistance may only be rendered when the voter is able to indicate direct and unambiguously to those rendering assistance the party or candidate for which he/she wants to vote. It should be noted that the election officials are subjected to strict confidentiality regarding what they learn about a voter’s choice. Breach of confidentiality is punishable by fine or up to four months of imprisonment.
53. A number of guidelines and manuals, all with the aim of raising awareness on human rights in the business world, have been developed including the following:
- A National Action Plan on the implementation of the UN Guiding Principles on Business and Human Rights (published in 2014).
 - A manual for Strategic Corporate Social Responsibility (CSR) in small and medium enterprises (published in 2015).
 - A CSR-Compass – Guidance to companies to comply with international CSR Guidelines in the supply chain targeted at small and medium-sized enterprises (latest update launched 2014).

- Guidance to public procurers on CSR and CSR Guidelines in tenders and in public procurement (launched 2013).

VI. Projects to further improve the human rights situation in Denmark

54. In 2015 Denmark decided to accede to the Optional Protocol (on a communications procedure) to the UN Convention on the Rights of the Child.
55. The special educational offers of municipalities for the inclusion of children with special needs in elementary schools will be evaluated in the coming 4 years, in order to monitor the academic achievement in special needs education, the well-being and development of pupils with special needs. The first results are expected in 2016. This will inform the practice of the educational offers to pupils with special needs and increase the quality of the offers.
56. An experiment with force-free units in psychiatry will run over a four year period (2014-2017). A Task Force for psychiatry will be following the development of the area in general, including monitoring the goal regarding the 50 % reduction of coercive measures.
57. The Danish National Police has decided to intensify the efforts to combat hate crimes. As part of these efforts, a new monitoring system is expected to be established. In this context, the Danish National police intends to enter into a dialogue with a range of different civil society groups, aimed at establishing a closer co-operation and to receive relevant input on the future efforts against hate crimes.
58. All Danish institutions of law and justice have access to a list of about 1.700 independent interpreters, presenting a broad scope of languages including languages from small language groups and languages that are predominant among present refugees and immigrants. Currently the list is being revised. In order to secure a high quality of interpretation resources a committee with participation of relevant law and justice authorities is looking into upgrading the information on education and skills regarding interpreters on the list. The committee is also considering new initiatives in the area of the education of interpreters with a more law and justice related focus and incentives for interpreters to upgrade their skills regarding tasks of interpretation within the field of law and justice. In addition the committee is considering the establishing of a formal certification scheme for interpreters on the list. The committee is also making a feasibility study on the possibilities of a more flexible use of interpretation resources, e.g. use of video conferencing facilities, so that resources mostly accessible in larger urban centers are easier to access also from more distant locations in Denmark.
59. Solitary confinement as a disciplinary measure may only be used towards inmates having committed certain specific offences, such as escape, violence against other inmates or staff, smuggling into the institution of alcohol, drugs or weapons, and other violations involving a breach of the order or security of the institution. The duration of the disciplinary measure must be fixed in view of the nature and scope of the offence and cannot exceed 4 weeks. Only in exceptional cases is placement in a disciplinary cell for more than 14 days used by the prison and probation service. The authorities are currently working on reducing the use of solitary confinement as a disciplinary measure, particularly in cases concerning juveniles. In October 2014, the Danish Prison and Probation Service instructed the institutions to exercise particular restraint in the use of disciplinary cells for juveniles. When assessing the need for applying this measure, the institutions were furthermore instructed to always consider whether a suspended measure would be sufficient to achieve the intended purpose. The Danish Prison and Probation Service is aware of the risk of negative effects of solitary confinement as a disciplinary measure.

In 2012 a working group was set up for the purpose of reducing the use of disciplinary cells. The working group was suspended in 2014, but the work is being continued on the basis of a partnership model between the regional areas of the Danish Prison and Probation Service and the Department of Prisons and Probation. In connection with the further work under the new partnership strategy, the Danish authorities will thus consider different means of reducing the use of disciplinary cells.

VII. Contribution by the Government of Greenland

Human Rights Council of Greenland

60. On 1 January 2013 the Greenland Human Rights Council was established (Inatsisartut Act No. 23 of 3 December 2012). The task of the Council is to promote, protect and contribute to the advancement of knowledge and skills of human rights in Greenland. The Council is composed in a way to reflect the views which exist among civil society with specific focus on human rights. The Council is funded through grants from the Greenlandic treasury. It co-operates with the Danish Institute for Human Rights (DIHR) whose mandate was extended to Greenland.

Reconciliation Commission

61. The Reconciliation Commission was established by the National Budget Proposal for 2014 as approved by the Parliament of Greenland, Inatsisartut, with the desire for reconciliation to take place amongst the population of Greenland. The Reconciliation Commission has initiated various activities to uncover cultural and societal challenges resulting from the colonial heritage that generate tension in the present. A series of public meetings in different settlements is being conducted by the Commission along with collection narrative perspectives as told by the residents of Greenland. The Commission will complete its work by the end of 2017 by presenting the recommendations and conclusions in a final report.

The "Legally fatherless"

62. Until 1963 (1974 for North and East Greenland) the legislation for Greenland did not contain rules on paternity for children born out of wedlock. Thus, children born out of wedlock had no right to inheritance after their father. The term "legally fatherless" is used when referring to such persons.

In 2014 the Danish Parliament passed an Act aiming at improving the legal status of the "legally fatherless" by giving them the possibility to initiate proceedings to legally determine who their biological father is. Paternity established according to these rules has the same legal consequences as ordinary paternity, including normal inheritance rights. However, paternity will not entail the reopening of closed estates. In practice this means that it is not possible to reopen an estate which has been completed before initiating the paternity case.

A number of "legally fatherless" Greenlanders have for many years been in a difficult situation due to not having a legal father. Thus, when adopting the Act on the "legally fatherless", the Danish Parliament called for a number of initiatives to be initiated concerning the "legally fatherless", including identifying human consequences of having been "legally fatherless" and offering assistance to help coming to terms with having been "legally fatherless". A joint working group with participation of Greenlandic and Danish authorities has been established to follow up on these initiatives.

Public hearing regarding human rights in Nuuk, Greenland

63. The Government of Greenland, Naalakkersuisut and the Greenlandic Council for Human Rights and the DIHR held a public hearing in Nuuk, Greenland March 17th 2015 regarding human rights. The main themes which were highlighted by the participants;

- *Insufficient overview of the appeal system*: Difficulties in figuring out where to complain and where to find information on the appeal procedure and how to figure out the structure of the appeal.
- *Overburdened judicial system*: The overburdened judicial system results in long processing times, which means that the affected citizens have a difficult time getting on with their lives.
- *Insufficient access to information and counseling regarding legal rights*: It is difficult to find out which laws are applicable in Greenland and there is a great need for counseling because people often do not know their rights.

Children and Youths

64. In 2012 the Government of Greenland and the Parliament of Greenland have endorsed that the geographical reservation to the optional protocol to the UN Convention the Rights of the Child is to be repealed. The formal procedure to implement this will be performed by the Danish Ministry of Justice.
65. In 2015 the Parliament of Greenland, Inatsisartut, approved a proposal by the Danish Government on the setting into force for Greenland the Danish Act on Parental Responsibility. The Act strengthens the best interest of the child and the hearing of children in cases of custody and access. The Act also aims at ensuring equal rights for the mother and father in relation to custody and access as well as the child's right to both parents. Furthermore, it abolishes corporal punishment of children in Greenland. The Danish Parliament is expected to adopt the necessary legislation by 2016.
66. A children's council and a children's spokesperson were appointed in 2012 as part of the new Children's Rights Institution (MIO). All three are politically independent and financially supported by the Government of Greenland. Collectively, their role is both to improve and increase the awareness of children's rights and living conditions in the Greenlandic society. Moreover they work for the implementation of the UN Convention on the Rights of the Child.
67. UNICEF Denmark and the Government of Greenland agreed upon a project for 2011-15, named "Nakuusa". The objective of the project is to create the best possible opportunities for growth and development of children throughout Greenland, based on the Convention on the Rights of the Child and respecting the culture of Greenland.

Elders

68. Elders in Greenland have established an NGO "Kattuffiat Utoqqat Nipaat". This NGO is an important partner for the municipalities and the government with regard to initiatives regarding elders.

Persons with disabilities

69. In 2010, the Parliament of Greenland passed an Act transferring all responsibilities regarding assistance to persons with disabilities from the Government of Greenland to the municipalities.

70. In 2009 the Government of Greenland established IPIS, the national information and counselling center on disabilities. IPIS is specifically targeted Greenlandic speaking persons with disabilities, their families, professionals and institutions. At least 5 NGOs for persons with disabilities are active in Greenland.
71. In 2012 the Parliament of Greenland decided that Greenland should be subject to the UN Convention on the Rights of Persons with Disabilities.

Illiteracy

72. There is no illiteracy in Greenland, as all children of school age receive education. It is estimated, however, that about 2–5 per cent of the population have reading difficulties, including dyslexia. The Parliament of Greenland has decided to carry out a mapping of children's reading difficulties in primary and secondary school.

Prohibiting gender-related discrimination

73. In 2013, the Parliament of Greenland passed an act on gender equality among women and men, in which there are paragraphs regarding prohibition on gender-related discrimination.
74. In 2010 the Parliament of Greenland asked the Danish government for legislation that would allow same sex marriages. In May 2015 the Parliament of Greenland, Inatsisartut, approved a proposal by the Danish Government on the setting into force for Greenland of the Danish legislation on same sex marriages. The Danish Parliament is expected to adopt the necessary legislation by 2016 and thereby allowing same sex marriages in Greenland.

Human Rights Centre?

75. In 2015 the Parliament discussed a motion from a Inatsisartut member to setup a Human Rights Centre and hereunder the establishment of an Equality board. The decision was postponed for the next meeting. In autumn 2015 the Parliament will discuss a proposal by the Government of Greenland to evaluate the Parliament Act on Greenland's Human Rights Council.

Women/gender equality

76. Equal representation of men and women in public office is actively promoted. Currently, 3 out of 9 cabinet ministers are women. Likewise, in the Parliament, 13 out of 31 are women.
77. In addition to the above section concerning the Act on Gender Equality, promotion of equal representation of men and women on boards and committees is a legal requirement with respect to publicly owned companies and institutions.

National strategy and Action Plan against Violence

78. In 2013 the Parliament of Greenland adopted a National Strategy and Action Plan against Violence 2014-2017, which includes 31 activities primarily targeted at combatting domestic violence. This includes legislative amendments, campaigns, psychosocial reinforcement and more.

Criminal Code/Law Enforcement

79. In 2013 the judicial system was reformed reducing the number of district courts and raising the required level of education needed to be appointed district judge. As a result of the reform, a recruitment problem in the courts has contributed to the emergence of a large number of pending cases awaiting court proceedings.

In 2014 a number of amendments were therefore made to the Administration of Justice Act for Greenland. These changes allowed for Danish court jurists to be appointed districts judge in Greenland on a temporary basis.

Other initiatives included transferal of most civil cases from the district courts to the Court of Greenland (a court in Nuuk with competence for all Greenland, staffed by court jurists) which was deemed better equipped to handle civil disputes. Furthermore the possibility for extended use of assistant district judges and temporary appointment of former district judges was prolonged.

The above described initiatives are expected to reduce the case backlog and stabilize the case load in the district courts. The current system is to be evaluated in 2017 by a working group under the auspice of the courts.

Video questioning of child witnesses

80. A trial scheme with video questioning of children in cases involving sexual offenses was initiated in 2002. In practice it follows the rules in the Danish Administration of Justice Act. In 2014 the Administration of Justice Act for Greenland was amended allowing for video questioning of children younger than twelve. The amendment requires that a defense lawyer is appointed to be present during the questioning of the child. The act codifies the practice since 2002.

Pre-trial custody/incarceration/detention

81. The placements of convicted Greenlanders in the Danish institution Herstedvester under psychiatric management have been criticized several times both in the press and by the United Nations Committee Against Torture (CAT) in recent years. The main point of the criticism is, that the placement of inmates in Denmark several thousand kilometers away from their family and culture, could be in violation of the European Convention on Human Rights article 8 concerning the right to family life.

The reason for placing convicted Greenlanders in Danish institutions is that there is no suitable institution in Greenland for persons sentenced to safe custody. In 2009, as part of the judicial reform, the Danish parliament therefore decided, to build a new prison in Nuuk, with the ability to hold the persons who at present are being sent to Denmark. The new prison is expected to be completed by 2017. Placement in Denmark is no longer possible, once the new prison has been put into service.

IIX Contribution by the Faroes

82. The contribution by the Faroes is pending political approval in light of the recent election on the Faroe Islands.