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Denmark*

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I. Methodology and consultation process

1. The preparation of Denmark's national report has been coordinated by the Ministry of Foreign Affairs with the involvement of relevant ministries. The report was prepared in dialogue with the Danish Institute for Human Rights (DIHR), which has advised on content and process. The Danish Government has emphasised that the preparation of the report be based on a broad, national consultation process in accordance with the guidelines issued by the Human Rights Council.

2. The consultation process has encompassed public hearings in Copenhagen and Århus, Greenland and the Faroes. The Ministry of Foreign Affairs arranged the meetings in Copenhagen and Århus jointly with DIHR, while the meetings in Greenland and the Faroes were arranged by the Self-Government of Greenland and the Home Government of the Faroes, respectively. The meetings gave civil society organisations and private individuals the opportunity to suggest topics for inclusion in Denmark's report.

3. The Ministry of Foreign Affairs also launched a web-based consultation process via a newly created website where all interested parties could submit suggestions on areas to be covered by the report. The consultation process has helped identify the issues that are addressed in the report. A draft report in Danish was released for public comment on the website. Separate contributions relating to Greenland and the Faroes are included in the report.

II. Legal and institutional framework for the protection of human rights

A. The Danish Constitution

4. Denmark is a parliamentary democracy with a royal head of state. The framework for the system of government is laid down in the Constitution, which was last amended in 1953. The members of Folketinget – the Danish parliament – are elected by a secret ballot in general, direct elections held at least every four years. Every Danish citizen aged 18 and above and permanently residing in Denmark is entitled to vote in elections for Folketinget unless they have been declared incapable of managing their own affairs. The system of government is parliamentary, which means that the Government can be removed by a majority vote in Folketinget.

5. The Constitution guarantees a number of civil and human rights, including religious freedom, personal freedom, the inviolability of the home, the inviolability of property, the right to work and employment, the right to support, the right to education, freedom of opinion and expression, freedom of association and freedom of assembly.

B. Relationship with Greenland and the Faroe Islands

6. The Constitution extends to every part of the Kingdom of Denmark, thus also to Greenland and the Faroe Islands. Self-rule systems have been established for Greenland and the Faroe Islands, (cf. paragraphs 95–97 and 124–126). The civil and human rights laid down in the Constitution apply unrestrictedly in the Faroe Islands and Greenland.

C. Denmark's international human rights obligations

7. Denmark has acceded to the following UN human rights conventions: the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the Convention to Eliminate All Forms of Discrimination against Women; and the Convention on the Rights of Persons with Disabilities. Denmark is also preparing ratification of the International Convention for the Protection of All Persons from Enforced Disappearance. Denmark has acceded to all protocols to these conventions, except for the protocol to the International Covenant on Economic, Social and Cultural Rights and the protocol to the Convention on the Rights of Persons with Disabilities. Denmark has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

8. Denmark has furthermore acceded to a large number of ILO Conventions, including the eight key conventions,¹ as well as ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries. The indigenous population in Greenland (Inuit) is the only indigenous people in the Kingdom of Denmark in the sense of the last-mentioned ILO Convention.

9. Denmark regularly submits periodical reports to the UN Committees on Denmark's compliance with its human rights obligations. Denmark carries out a thorough review of the recommendations set out in the Committees' concluding remarks. Similarly, Denmark takes the Committees' opinions in cases brought against Denmark seriously and carries out thorough follow-up on every case.

10. Denmark has issued standing invitations to the special mechanisms appointed by the UN Human Rights Council.

11. Denmark is a member of the Council of Europe and has acceded to the European Convention on Human Rights (ECHR) and all of its protocols, apart from Protocol 12. Denmark has also acceded to a number of other conventions relating to human rights under the auspices of the Council of Europe. By acceding to the ECHR, Denmark has undertaken to comply with the judgments handed down by the European Court of Human Rights in cases brought against Denmark. This has led to Denmark paying compensation in a number of cases where the Court has found that the Danish state has violated the rights of the applicant under the ECHR and, where necessary, to amendments to Danish legislation.

12. As a member of OSCE, Denmark also complies with the obligations set out in the organisation's human dimension.

13. The Danish legal system has traditionally been described as dualistic, since conventions ratified by Denmark must be implemented by means of incorporation or rewriting in order to become part of national law. The ECHR is the only general human rights convention which Denmark has incorporated. However, conventions which have not been incorporated or rewritten are still a relevant source of law which can be invoked before and used by Danish courts and other authorities applying the law. In case of doubt over interpretation, Danish law must be interpreted in a manner that brings it into accordance with Denmark's international obligations, unless Folketinget has clearly expressed otherwise, which does not occur in practice. In practice Danish courts and other authorities applying the law show restraint when it comes to intensively checking whether Danish legislation complies with conventions which have not been incorporated or rewritten.

D. Institutional framework for the protection of human rights

1. Central, regional and municipal authorities

14. The Constitution and Denmark's other human rights obligations apply not only to national, regional and municipal administration but also to Folketinget and the judiciary. Before the Government introduces a bill in Folketinget, the Ministry of Justice ensures that the bill complies with the Constitution and Denmark's human rights obligations, etc.

2. The judiciary

15. The judiciary is independent of both the administration and the legislature. The ordinary courts handle both civil and criminal cases. No special administrative or constitutional courts have been appointed, and the ordinary courts therefore consider whether decisions made by the public administration are legal and whether laws are contrary to the Constitution. The general rule is that all cases can be heard by two courts.

3. The Danish Parliamentary Ombudsman

16. The Danish Parliamentary Ombudsman is appointed by Folketinget in order to determine whether the public administration is acting contrary to applicable law or good administrative practice. The Ombudsman cannot change the decisions of an authority, but can express criticism and make recommendations. Anyone can bring a complaint to the Ombudsman. The Ombudsman receives around 4,000 complaints each year, including complaints related to access to the documents of public authorities. The Ombudsman can also take up cases on his own initiative and initiate general investigations of an authority's case processing. Furthermore, the Ombudsman performs inspections of public institutions and other administrative units such as prisons and psychiatric hospitals. In partnership with the Rehabilitation and Research Centre for Torture Victims and DIHR, the Ombudsman furthermore fulfils the function as Denmark's national preventive mechanism in accordance with the protocol to the Convention against Torture.

4. Danish Institute for Human Rights (DIHR)

17. DIHR is a national human rights institution with "A status" in accordance with the Paris Principles. The purpose of the institution is to strengthen the research, investigation and information work in Denmark on human rights nationally and internationally. The institution's activities include autonomous and independent research on human rights, advising Folketinget and the Government on Denmark's human rights obligations as well as providing training in and information on human rights.

E. The role of civil society

18. Denmark has a long tradition of its citizens getting involved in voluntary organisations. It is the ambition of the Government to strengthen civil society and ensure a more systematic involvement of civil society in the social intervention by, inter alia, conjoining the activities of civil society activities and the social intervention. The Government has therefore allocated DKK 100 million over the next four years to strengthen civil society in the social arena. In addition, the Government has launched a civil society strategy with the aim of promoting active citizenship and systematically involving civil society and voluntary organisations in helping socially vulnerable individuals and families.

III. Implementation of human rights in Denmark

A. Introduction

19. Denmark has always been among the strongest advocates of independent international monitoring of states' compliance with their human rights obligations. Furthermore, Denmark has taken an active role in the creation of the UN's reporting and complaints procedures under the relevant human rights conventions. The Government looks forward to a constructive dialogue with peer states at Denmark's UPR.

B. Equal treatment and non-discrimination

1. Gender equality

20. In Denmark there is formal and to a wide extent de facto gender equality. Men and women have the same rights, obligations and opportunities in all functions of society, which has been a political priority for many years. Due to structural and cultural conditions in Danish society, the goal, however, has not yet been fully achieved, and the government therefore focuses on a number of specific areas, inter alia, with a view to achieving a higher representation of women in management positions and breaking down gender stereotypes with regard to educational choice. The gender segregation in educational choices, and the consequences this has for the gender-segregated labour market as well as for the salaries of women and men, means that resources and talents are not utilised properly.

21. The Danish Gender Equality Act of 2000 prohibits sexual discrimination outside the labour market. According to this act, women and men must be treated equally in official, public and commercial enterprises. The act obliges public authorities to work to promote equality by taking equality into account in all public planning and activities – the so-called gender-mainstreaming strategy. Additionally, sexual discrimination and sexual harassment are prohibited according to the law. The act also lays down rules for the equal representation of women and men in public councils, boards and committees.

22. The Danish Equal Treatment Act of 1978 bans sexual discrimination in the labour market. The act has the greatest impact with regard to pregnancy and childbirth. Employers must pay large sums in compensation if they dismiss an employee because of pregnancy or maternity/paternity leave. The Parental Leave Act of 2006 guarantees parents individual rights to spend time with their young children.

23. The Equal Pay Act of 1976 prohibits gender-based pay discrimination. The act lays down a number of requirements for employers, requiring them, for example, to compile pay statistics by gender or submit reports on the work done by the businesses to promote equal pay. Every three years the Minister for Employment and the Minister for Gender Equality draw up a report for Folketinget on the efforts to achieve equal pay for men and women. The differences in pay between women and men have been fairly constant over the last 10 years, although many initiatives have been launched to reduce these differences. The high employment rate for women is one of the explanations for the relatively high gender pay gap.

2. Homosexuals

24. In 1989 Denmark made it possible for two people of the same sex to register their partnership. At that time, a registered partnership largely had the same legal effect as a marriage, except in relation to the legislation on fatherhood in respect of certain aspects of adoption and shared parental responsibility. The rules were changed in 2010 so that

registered partners would be able to adopt a child and be given or have the parental responsibility for a child transferred to them according to the same rules as apply for spouses. When adopting children from other countries, it is, however, a prerequisite that the country of origin agrees to adopt children to registered partners.

25. In Denmark a registered partnership can only be entered into by means of a civic authority ceremony. At the request of the Minister for Ecclesiastical Affairs, the Danish National Church has initiated a debate on whether it should be possible to enter into a registered partnership by means of a church service.

3. Persons with disabilities

26. The UN Convention on the Rights of Persons with Disabilities (CRPD) sets a clear framework for Denmark's policy on persons with disabilities. The Government focuses on implementing a large number of initiatives aimed at a progressive realisation of the rights laid down in the CRPD.

27. At the end of 2010 Folketinget decided to assign DIHR the task of promoting, protecting and monitoring the implementation of the CRPD. The Danish Disability Council advises the Government, Folketinget and public authorities and also monitors regulations, legislation and practice relating to the disability area.

28. Denmark faces a line of challenges when it comes to ensuring that persons with disabilities have access to their physical surroundings on an equal footing with others. The Government has therefore launched a number of initiatives with the aim of improving accessibility. As an example, a new set of building regulations came into force on 30 June 2010. These regulations contain provisions on accessibility which have been expanded as a direct consequence of the CRPD.

4. The elderly

29. With the demographic development in Denmark more elderly people will be in need of personal and practical assistance while fewer people will be of working age. In response to these challenges, the Government has, inter alia, allocated DKK 3 billion over a number of years focussing on an early, preventive effort targeted at the elderly through home visits, rehabilitation and maintenance training as well as stimulating and preventive activities. Furthermore, several initiatives have been launched to improve and increase the provision of housing to the elderly.

5. Racism and ethnic discrimination

30. Discrimination on the basis of ethnicity is a violation of the individual's dignity and can be a significant barrier to successful integration.

31. The Constitution contains a principle of equality, according to which discrimination is prohibited on the basis of religion and descent. Similarly, it is unlawful to subject Danish citizens to any form of deprivation of liberty due to political or religious beliefs or descent.

32. Under section 266 b of the Criminal Code, it is a punishable offence, publicly or with the intention of wider dissemination, to make a statement or impart other information by which a group of people are threatened, insulted or degraded on account of race, skin colour, national or ethnic origin, religion or sexual inclination. A violation of this provision is punishable by prison up to two years.

33. According to the Racial Discrimination Act, anyone who, within a commercial or charitable enterprise, refuses to serve a person on the same terms as others on account of the person's race, skin colour, national or ethnic origin, religion or sexual inclination is liable to a fine or prison up to six months. Anyone who, for one of the abovementioned

reasons, refuses to give a person access on the same terms as others to a venue, performance, exhibition, meeting or similar event open to the public is liable to the same punishment.

34. The Act on Ethnic Equal Treatment contains a ban on ethnic discrimination in a number of areas in society such as social protection, education etc.. Finally, the Act on the Prohibition of Discrimination in the Labour Market bans direct or indirect discrimination based on e.g. race, skin colour and national or ethnic origin.

35. The Board of Equal Treatment handles complaints concerning discrimination both outside and in the labour market based on race and ethnic origin etc. In 2009 the Board handled 22 complaints concerning ethnic discrimination, of which four were upheld.

36. Unfortunately, Denmark still faces challenges which may obstruct citizens from taking part in society on an equal footing. Therefore, legislation is being supplemented by initiatives that promote equal treatment. In 2010, the Government launched its “Action plan for ethnic equal treatment and respect for the individual”, which contains 21 initiatives. This includes a research project that will contribute to the development of more accurate methods for measuring discrimination. Another initiative, in the form of an awareness campaign and special training for doormen, concerns an intensified effort to combat discrimination in the nightlife to ensure that the ban on discrimination in the Racial Discrimination Act is upheld in practice.

C. Refugees and asylum-seekers

37. According to the Aliens Act, a residence permit is issued to an alien upon application, if the alien falls within the provisions of the UN Convention relating to the Status of Refugees, or if the alien would risk the death penalty or being subjected to torture or other inhuman or degrading treatment or punishment in case of return to his/her home country. The Aliens Act also states that an alien may not be returned to a country where he/she risks the death penalty or being subjected to torture or other inhuman or degrading treatment or punishment, or where the alien is not protected against being sent to such a country.

38. As a starting point, asylum-seekers should be accommodated in an asylum centre. In special circumstances, however, permission may be granted for private accommodation with or without financial support or annexe accommodation and accommodation in a separate residence outside of the asylum centre. Under certain conditions and after a concrete assessment families with children that have special needs may thus be offered accommodation in a separate residence outside of the asylum centre, provided that this is in the best interest of the family, and particularly the children.

39. The Immigration Service is responsible for providing for asylum-seekers. This responsibility covers accommodation at an asylum centre, necessary social measures, the right to transport to and from appointments with e.g. authorities or hospitals, as well as access to necessary medical treatment. All asylum-seekers are given a medical check-up when they arrive at a reception centre in order to identify any physical or mental problems. On this basis, the extent of the health services provided to the asylum-seekers may vary, so that groups with special needs, such as asylum-seekers who are suicidal or have been subjected to torture, are given extra consideration. In practice children of asylum-seekers have access to the same medical treatment as resident children.

40. The Immigration Service’s duty to provide also encompasses paying cash benefits to asylum-seekers to cover the costs of food, clothes and spending money.² Finally, adult asylum-seekers, including those whose application has been rejected, have access to education and stimulating activities, just as young asylum-seekers under certain conditions

may be permitted to follow a youth education programme, e.g. at a nearby upper secondary school. The children of asylum-seekers attend lessons in the accommodation system, the content and scope of which correspond to the teaching which resident bilingual children receive in the Danish school system. Children of asylum-seekers can also, under certain conditions, be permitted to attend teaching at a nearby school.

41. Unaccompanied alien minors are a particularly vulnerable group, and special guidelines on how to process their applications have therefore been drawn up. The applications of unaccompanied minors must be processed quickly, and the minors must be accommodated in special centres staffed by personnel who have received special training. Every unaccompanied minor is assigned a personal representative who is to look after the minor's interests.

42. Denmark is one of the countries experiencing a dramatic rise in the number of unaccompanied minors entering the country, of which many seek asylum. To deal with this development, an amendment to the Aliens Act, constituting a general revision of the policy, came into force on 1 January 2011.³ The main points of the bill include the establishment of reception and care centres in the country of origin of the unaccompanied children with a view to ensuring a safe return for these children. The scheme is expected to ensure that the reception and care centres are of a reasonable and sound standard, and that there is access to re-integration facilities. For such centres to be considered of a reasonable and sound standard, it is a condition that persons staying there will be safe. These centres will be supervised.

43. A range of measures have been introduced to improve the conditions at the asylum centres. In the summer of 2006, as an extraordinary measure, extra funds were allocated to the accommodation area in order to improve the conditions at the country's asylum centres (conditional resources), particularly for families, children and youth.

44. With regard to case processing, the parameters for 2010 for granting asylum have been expanded, and funds have been allocated to strengthen the case processing at the Immigration Service and the Refugee Appeals Board. As of 15 April 2010, there is now a "handheld procedure" in the asylum area. At the Immigration Service the target for the case processing time for cases submitted after 15 April 2010 is 60 days in the introductory and adjudication phase respectively.

D. Integration

45. The aim of the Integration Act is to ensure that newly-arrived foreigners are given the opportunity to become participatory, self-supporting and contributory citizens. While underlining the individual responsibility of the newcomer, the Integration Act constitutes the legal basis for the integration effort carried out by the authorities. This ensures that newly-arrived foreigners are offered an integration programme consisting of, inter alia, Danish language courses, courses on Danish society and employment training and on this basis have the opportunity to take part in the political, economic and social life of society and gain employment in order to become self-supporting as quickly as possible.

46. Furthermore, the Government has implemented a range of measures designed to promote citizenship and strengthen the employment and education rate among refugees and immigrants. Consequently, the integration of migrants in the labour market has rapidly improved during the last decade. The employment rate for immigrants and descendants from non-western countries has increased from 46 pct. in 2001 to 57 pct. in 2008. The employment rate for immigrant women from non-western countries similarly increased from 36 pct. in 2001 to 49 pct. in 2008. Furthermore, far more immigrants and descendants with a non-western background in the age group 20–24 are undertaking an education.⁴

47. Despite positive results, Denmark still faces challenges in the field of integration. The employment rate for immigrants and descendants from non-western countries remains considerably lower than for ethnic Danes. Far more men with non-western backgrounds fail to complete vocational training, and in several vulnerable housing areas a large number of people with a non-western background have no connection to the labour market.⁵

E. Children

48. The overall purpose of the Act on Social Services is to provide support to children and youth with special needs and give them the best possible conditions of upbringing so that they may have the same opportunities as their peers. Each municipality is obliged to ensure that children in need of special support receive the help they require – such as support in the home, psychological treatment, a contact person, placement outside the home, etc. In all cases of special support for children and youth, the child or young person's views must be taken into consideration according to their age and maturity. The child must be consulted before any decisions are made as to what type of assistance the child should receive. With regard to vulnerable children and youth assuring early and preventive action is a challenge.

49. Acting in the best interest of the child is also the fundamental principle in the Danish authorities' handling of family law cases concerning children. According to the Parental Responsibility Act of 2007, parents have a shared responsibility for the child. All decisions on parental responsibility etc. must be made on the basis of what is best for the child. The child must therefore be involved and its perspective examined, for example by means of a report by a children's expert.⁶

F. Human trafficking

50. Since 2002 Denmark has had national action plans targeted at the effort to fight human trafficking. The first plan focused on the trade in women for prostitution, a new plan focused on children and most recently, in 2007, an action plan targeted at men, women and children was adopted. Women sold into prostitution remain the largest group identified as victims of human trafficking in Denmark.

51. With a view to implementing the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, a provision to the Criminal Code was added in 2002 criminalising human trafficking and setting a prison term of up to eight years if convicted.⁷

52. Denmark ratified the Council of Europe's Convention on Action against Trafficking in Human Beings in September 2007, and the current action plan therefore draws on this Convention. This led to a number of changes in the Aliens Act, including the extension of the reflection period from 30 to up to 100 days for victims of human trafficking. Victims who do not meet the conditions for obtaining a residence permit in Denmark are offered prepared repatriation.

53. If a foreigner, who has been exposed to trafficking, risks persecution in his/her country of origin, the foreigner can apply for asylum in Denmark. In each case the asylum authorities assess whether the conditions for asylum are fulfilled, that is if the foreigner in question risks concrete and personal persecution or is in real risk of being exposed to outrage when returning to the country of origin. Furthermore, a trafficked foreigner can be granted residence permit on humanitarian grounds, if significant humanitarian considerations warrant it, for example if the foreigner suffers from a serious physical or

psychological illness. Residence permit can also be granted if exceptional reasons call for it.

G. Violence in intimate relations

54. Domestic violence is covered by the general violence provisions in the Danish Criminal Code. Great emphasis is put on ensuring that victims of crime, including violence in intimate relations, are treated with dignity and respect, and that they receive the help they need.

55. The Government focuses on combating violence in intimate relations. It is estimated that around 28,000 women and almost 9,000 men are affected by intimate partner violence each year, and that around 21,000 children live in families where violence is a reality.

56. Since 2002 the Government has made a comprehensive effort – with three action plans – to combat violence in intimate relations. Studies suggest that this effort has paid off. According to the statistics, fewer women have been affected by violence since 2000 and fewer children now grow up in families where violence in intimate relations takes place.

57. The Government has launched a new “National strategy to combat violence in intimate relations” with over 30 specific initiatives. The national strategy is designed to target all forms of violence in intimate relations: physical, mental, sexual and material violence.

H. National minorities

58. Apart from the rights guaranteed in the Constitution and other legislation, there are special provisions on the German minority, including in the Free School Act and the Municipal Administration Act.⁸ In 1997 Denmark ratified the Council of Europe’s Framework Convention for the Protection of National Minorities, which applies to the German minority in Southern Jutland. In 2000 Denmark ratified the European Charter for Regional or Minority Languages, which applies to German in respect of the German minority in Southern Jutland.

59. The financial crisis leads to general savings in public spending, and this development also affects the German minority. In certain situations, however, positive discrimination favours the minority since it is not subject to cuts in transport subsidies for free school pupils and subsidies relating to the running of free schools. The subsidy to the German minority schools is increased to ensure full compliance with the principle of equality for these schools.

I. Freedom of opinion and expression

60. Freedom of opinion and expression is, *inter alia*, protected in the Danish Constitution and is a necessary and natural prerequisite for a free debate in a democratic society.

61. The issue of the limits on freedom of opinion and expression has provoked debate both in and outside of Denmark. Particularly, the debate has focused on the limits on freedom of opinion and expression in relation to religious sensitivities and minority groups. The limits on freedom of opinion and expression must be determined by weighing up the relevant considerations. This means that there must be room for political and social debate on issues of public interest. It also means that the media – by virtue of its special role as the public’s information and control body – enjoys a particularly wide level of protection

against interference in its freedom of opinion and expression. On the other hand, freedom of opinion and expression is not absolute, cf. section 266 b of the Criminal Code (see paragraph 32).

J. Freedom of religion

62. The Constitution guarantees freedom of religion. The citizens can thus freely found associations and congregate for religious purposes. Similarly, discrimination on the grounds of religion is banned.

63. The authorities do not register the religious affiliations of citizens who are not members of the Danish National Church, and congregations or religious communities are under no obligation to register with or be approved by the authorities.

64. Under the Constitution the Danish National Church is supported by the State. In 2008-2009 a committee discussed whether the State support for the Danish National Church should be changed to a block subsidy. Other approved religious communities and their members can obtain an indirect subsidy from the State by deducting member contributions from their tax returns. There is no equivalent right of deduction for the church tax, which is the Danish National Church members' contribution to the Church.

65. The State does not provide a financial subsidy for establishing burial grounds, regardless of whether they are for the Danish National Church or for other religious communities. The Ministry of Ecclesiastical Affairs must grant permission if another religious community or a municipality wishes to establish a burial ground.

K. The rule of law

1. Custody and solitary confinement

66. Solitary confinement in Denmark, including extended periods of custody in solitary confinement, has led to criticism from the UN Committee against Torture.

67. In certain serious cases of e.g. organised crime, gang crime, serious drug crime or terrorism, and where there are several offenders, it may be necessary to keep the suspects in solitary confinement for a period of time for reasons pertaining to the police investigation.

68. Solitary confinement can be very stressful for the prisoner and focus is therefore on how to reduce the number of cases of solitary confinement and their duration without compromising the investigation and solving of crimes. The Government has launched several initiatives in this area, and in 2007 the rules on solitary confinement were changed with a view to a general restriction on the length of time spent in solitary confinement.

69. As a result of the amendment to the legislation, the time limits for solitary confinement in the Administration of Justice Act were reduced, and from 2006 to 2007 there was a very significant decline in the number of cases of solitary confinement. From 2007 to 2008 there was an increase in the number of cases of solitary confinement, but also a decline in the average duration of the individual cases of solitary confinement. This means that the total number of days in solitary confinement in 2008 was the lowest ever recorded. The provisional figures for 2009 are not yet fully finalized.

70. In 2008 Folketinget adopted another amendment with the aim of restricting the number of people held in custody for extended periods of time.⁹ Inter alia, limits have been introduced for the duration of custody, and these can only be exceeded in particular or – for young people under the age of 18 – exceptional circumstances. A provisional report for 2009 shows that the number of cases of extended custody has increased compared to 2008,

while the total average length of this type of custody is considerably lower in 2009 than in previous years. The figures will now be analysed and it will then be decided whether new measures in the area are required.

71. As of 1 July 2010 the age of criminal responsibility in Denmark was lowered from 15 to 14 as part of a comprehensive plan, *inter alia*, in the area of social policy on a strengthened effort aimed at youth crime. The lowering of the age of criminal responsibility was criticised in the domestic debate, as it was claimed, *inter alia*, that it did not comply with recommendations from the UN Committee on the Rights of the Child. Critics have particularly referred to the Committee's general recommendation that countries with a criminal age of responsibility lower than 12 should raise it to 12 and continue to raise the level.¹⁰ The Committee, however, has also encouraged countries to apply a level of e.g. 14 or 16 years.

72. As a rule of thumb, young people under the age of 18 who are kept in custody should not be held in a local prison, but in a secure institution for young people. They should, as a rule of thumb, only be held in a local prison if the crime is very serious. However, due to a lack space, some of the young people in custody are held in local prisons until a place at a secure institution becomes available. With a view to ensuring that in the future young people under the age of 18 are not held in a local prison due to a lack of space, funds have been allocated to provide extra places at secure institutions.

2. Use of force by the police

73. Criticism has been raised – *inter alia* from the UN Committee against Torture – of the use of force by the police in connection with the clearing of the building Ungdomshuset (The Youth House) in Copenhagen in 2007. In the wake of this clearance a number of complaints and criminal proceedings were pending, the vast majority of which have now been settled. In some cases compensation has been paid for unauthorised deprivation of liberty. In the criminal proceedings brought against police officers, the officers involved were subsequently acquitted by the courts.

74. The use of force by the police during the climate summit in Copenhagen in December 2009 has been the subject of public criticism. Especially, it has been criticised that the police allegedly resorted to administrative deprivation of liberty to too wide an extent. Following an amendment of the legislation in November 2009, administrative deprivation of liberty can last for up to 12 hours. In a judgment of 16 December 2010 the Copenhagen City Court found that 250 cases of deprivation of liberty were unlawful, and that the conditions during 178 of these deprivations of liberty were contrary to Article 3 of the EHRC. The Prosecution Service has appealed this judgement to the High Court, which will now rule on the case.

75. In the domestic debate criticism has been raised of the police's access to setting up so-called stop and search zones, where the police have access to search people in order to check whether someone holds or is carrying a weapon, even if there are no specific grounds for suspicion. The Government has assessed the scheme in the light of Denmark's human rights obligations, including case law from the European Court of Human Rights, and on this basis has found no reason to propose changes.

76. Finally, it should be noted that in 2010 the UN Special Rapporteur on Torture announced that Denmark (and Greenland) was the only of the 18 Member States he had visited during his period of office where he did not find clear evidence of torture.

3. Human rights and combating terrorism

77. In 2002, a large majority in Folketinget passed the so-called anti-terrorism package I which, *inter alia*, introduced a separate provision on terrorism into the Criminal Code. The

anti-terrorism package contained a series of initiatives for improving the police's chances of preventing, investigating and combating acts of terrorism, including, inter alia, the introduction of a duty for telecom companies and internet providers to register and temporarily store information which is relevant to the police's investigative work and the prosecution of criminal offences (logging). Additionally, powers were introduced allowing the police to read not publicly available data from a computer or other data system, by means of programs or other equipment without being present at the location where the information system is actually in use. The police still require a court order to access specific data. In 2006, Folketinget passed anti-terrorism package II, which also contained a series of initiatives designed to improve the police's efforts to combat terrorism.

78. In connection with the introduction of the anti-terrorism packages, the Government has focused strongly on ensuring the correct balance between security and legal protection. A thorough examination has been made of whether the rules comply with Denmark's human rights obligations, including the obligation to guarantee every individual the right to privacy.

79. The Government has recently taken stock of the experiences related to the most recent anti-terrorism package and has found no reason to propose changes on the basis of legal protection. However, this conclusion has been criticised by, inter alia, civil society stakeholders. The Government will take this criticism into consideration in its continued efforts to guarantee that the terror legislation provides a basis for an effective combating of terrorism without compromising the fundamental rights of citizens.

80. The Government has been criticised over the Ministry of Justice's decision to extradite the Danish citizen Niels Holck to India for criminal prosecution. As a condition for the extradition, the Ministry of Justice set a number of terms which the Indian Government has confirmed will be met, including that any prison term imposed will be served in full in Denmark, and that the deprivation of liberty as part of the criminal proceedings in India must take place in accordance with, inter alia, the International Covenant on Civil and Political Rights. In its decision of 1 November 2010, the Court of Hillerød, however, found that it could not sanction the Ministry of Justice's decision. The Prosecution Service has appealed this decision to the High Court, which will now rule on the case.

L. Combating poverty

81. Denmark has an efficient, tax-financed and universal social welfare system that takes care of people who cannot take care of themselves. Preventing social exclusion and poverty is a focus area of the Government, and social and labour market policy is constantly adjusted to improve the living conditions of people at risk of social exclusion.

82. The Government has, for example, launched a strategy to eliminate homelessness. By establishing special housing schemes and targeted social initiatives, the Government seeks to guarantee accommodation for the 5,000 homeless people in Denmark. To prevent social exclusion in specific housing areas, the Government plans to draw up an anti-ghettoisation strategy by improving both the physical surroundings and the supply of jobs in these areas.

83. Although Denmark is a well-functioning society, there are people and families who live in poverty. The Government has initiated the development of poverty indicators, which are designed to reflect the fact that poverty is a multi-faceted and complex problem requiring individual solutions and make it possible to identify poor families and individuals, as well as implement specific initiatives to lift them out of poverty.

M. The mentally ill

84. The rights of psychiatric patients are governed by the Health Act and the Psychiatric Care Act. It is a basic and statutory principle of Danish law that the admission, stay and treatment of patients within the healthcare system must be based on voluntary, informed consent. The Psychiatric Care Act does, however, contain an exception to this principle if a patient is mentally ill (psychotic) or is in an equivalent state. These patients can be admitted to and treated against their will in a psychiatric ward, if it would be irresponsible not to deprive the patient of his/her liberty with a view to treatment, either because the prospect of recovery or a significant and decisive improvement of their condition would otherwise be materially impaired, or because the person concerned presents an immediate and significant danger to himself/herself or others. Only the methods of force specified in the Psychiatric Care Act can be used.

85. The Psychiatric Care Act contains a number of rights for patients subjected to force: inter alia the appointment of a patient adviser, the right to appeal to a local psychiatric patients complaint board as well as the opportunity for a court hearing on the deprivation of liberty and coercive measures which may be of a similar nature. Compulsory personal hygiene, examination of patients' mail, rooms and property, body searches and the confiscation and destruction of objects, etc. may be used. These coercive measures may be appealed to the relevant hospital authority.

86. The Government's objective is to reduce the use of force. The Government has focused especially on extended periods of forced restraint.

87. Folketinget has therefore in 2006 and 2010 passed three amending acts to the Psychiatric Care Act, with the purpose of, inter alia, reducing the use of force, including the use and extension of the time spent in forced restraint. Following the revision of the legislation in 2006, a small decline in the time spent in forced restraint has been noted. One of the revisions to the legislation in 2010 introduced more extended monitoring of patients kept in forced restraint for extended periods with a view to further reducing the time that individuals spend in forced restraints.

N. Employment

88. The basic principles and rights in the labour market – the promotion of full employment, social welfare and social dialogue – are cornerstones of the Danish labour market model. “The Danish model” is characterised by strong social partners, a high level of unionisation and a high level of collective agreement coverage. The parties achieve results by demonstrating responsibility, trust and mutual respect and set their salary and working conditions by means of collective agreements.

89. The social partners are valuable cooperation partners for the Government and local authorities with regard to employment and labour market policy. The three-party dialogue is an essential part of the Danish model. This framework ensures a harmonious and stable labour market and helps provide the best possible conditions for securing and protecting the rights of workers.

90. Globalisation and the expansion of the EU have brought about challenges for the Danish model with regard to salary and employment conditions. A system like the Danish one – with very little legislation in this area – is vulnerable to greater use of foreign labour with different salary and employment conditions. For this reason social dumping was a central theme in connection with the collective bargaining for the private labour market in 2010.

O. Education

91. Schooling in the 10-year compulsory school system and in youth education programmes aims to prepare the pupils for participation, joint responsibility, rights and obligations in a free and democratic society. A compulsory syllabus containing 29 points has been introduced for the history subject. One point is “The Universal Declaration on Human Rights”, which is meant to provide pupils with knowledge of different forms of democracy and teach them how to form an opinion on rights and obligations in a democratic society.

92. A relatively large proportion of primary and lower secondary school pupils do not have sufficient language skills to complete a youth education programme; a high drop-out rate for these programmes is one consequence of this. A national “Bilingual Taskforce” has been appointed and initiatives have been put in place with a view to getting 95 pct. of the year groups enrolled in youth education programmes to complete their programme.

IV. National human rights priorities

93. Respect for human rights is fundamental to the life, integrity and dignity of each individual and constitutes a core value for the Danish Government. Human rights are universal and have equal status, and all Member States are obliged to protect and promote all human rights. The Government takes this obligation very seriously and at all times strives to uphold all of Denmark’s human rights obligations.

94. In the government platform titled “Denmark 2020 – Knowledge, growth, prosperity, welfare” from 2010, the Danish Government has decided to make a special effort in the following areas:

- To work for a Denmark where everyone has the same opportunities, and where as few people as possible experience social problems or lose their link to society for extended periods. This involves inter alia:
 - A strong focus on combating poverty, including developing poverty indicators.
 - Protecting the weakest and most vulnerable groups in society.
 - Confronting the issue of homelessness.
 - Greater involvement of civil society in the social work.
 - A strategy for countering ghettoisation and social exclusion.
- To continue to work towards a society where the freedom of the individual is at the centre, inter alia, by emphasising the protection of freedom of opinion and expression with the aim of maintaining and strengthening the democratic debate.
- To strengthen democratic integration by focusing on integrating non-western immigrants and their descendants into the labour market.

V. Contribution by the Greenland Self-Government

A. Greenland Self-Government

95. On 21 June 2009, the Act on Greenland Self-Government came into force replacing the former Greenland Home Rule Act of 29 November 1978, and on 7 October 2009

Denmark submitted a notification on the Act to the Secretary-General of The United Nations.¹¹

96. The Act in its preamble recognises that the people of Greenland is a people pursuant to international law with the right to self-determination. The Act provides for Greenland to assume a number of new fields of responsibility and thus opens for expansion of further competences and responsibilities to Greenland. Furthermore, the Act describes Greenland's access to independence.

97. The Government of Greenland is a democratically elected public government. Currently all members of the Parliament of Greenland (Inatsisartut) (31) and Government of Greenland (Naalakkersuisut) (9) are of Inuit descent.¹²

B. Gender equality

98. Equal representation of men and women in public office is actively promoted. Currently, 4 out of 9 cabinet ministers are women.

99. Parliament has passed broad based legislation concerning gender equality. Equal representation of men and women on boards and committees is strongly emphasized with respect to publicly owned companies and institutions. Fair and equal wages are ensured through the collective agreements in the public and private sector.

C. Promotion and protection of human rights

100. The promotion and protection of human rights and fundamental freedoms in accordance with the Universal Declaration of Human Rights and subsequent international human rights instruments is a priority for the Government. Successive governments have made it a core principle to ensure that fundamental human rights principles are incorporated into legislative measures and that civil society participates in the preparation of new legislation to the largest extent possible.

101. While the current mandate of the Danish Institute for Human Rights covers Greenland, the Government is currently studying the possibilities of establishing a national human rights institution in Greenland based on a request by parliament.

102. The Parliamentary Ombudsman is, on behalf of Parliament, responsible for assessing whether the government and the municipalities act in accordance with existing law, including human rights law. Furthermore, the Ombudsman has been appointed the National Preventive Mechanism under the Optional Protocol to the Convention against Torture (OPCAT).

D. Judicial reform

103. On 1 January 2010, a new Administration of Justice Act and Criminal Code entered into force in Greenland.

104. In the public debate criticism has been raised of the fact that some criminal Greenlanders are being sent to Denmark to serve their sentences in an institution under psychiatric management in which they are far away from their family and culture. The reason for this practise is the fact that there are no suitable institutions in Greenland for persons sentenced to safe custody. As part of the judicial reform it has been decided to build a new prison in Nuuk with the ability to hold the persons who are now being sent to Denmark. The completion of the prison is expected at the earliest by the end of 2015.

E. Language and cultural identity

105. Pursuant to the recognition of Greenlandic as the official language in Greenland in the Act on Greenland Self-Government, Parliament on 19 May 2010 passed an act on language policy and integration aimed at strengthening the role and use of Greenlandic. Private companies, public authorities and institutions are required to adopt language policies, which promote, inter alia, Greenlandic language use and identity, integration and cultural understanding.

106. The Act establishes that Greenlandic consists of three major Inuit dialects spoken in North Greenland (Avanersuaq), East Greenland (Tunu) and West Greenland (Kitaa). Greenlandic is the primary language of parliament with simultaneous interpretation to or from Danish.

107. The Government is concerned by the fact that the use of Greenlandic as legal language remains a significant challenge both in the judicial system and in society at large. A number of initiatives are in place to ensure language development and training. The Greenland Language Secretariat and Greenland Language Council are responsible for language retention and development, and the Language Center is responsible for language training together with other educational facilities. The Administration of Justice Act establishes that the court languages are Greenlandic and Danish and that an interpreter must be used if not all members of the court and parties to the case understand the language used. The Act also establishes that translations, to the largest extent possible, be made by trained translators. However, it remains difficult finding Greenlandic-speaking jurists and qualified interpreters in Greenland.

F. Indigenous peoples

108. On 18 January 1996, at the request of Greenland, Denmark ratified ILO Convention No. 169 of 27 June 1989 Concerning Indigenous and Tribal Peoples in Independent Countries. Greenland reports jointly with Denmark to the Convention.

109. The Government strongly endorses the UNDRIP. While the establishment of the Self-Government arrangement is an illustration of Denmark's de facto implementation of the UNDRIP vis-à-vis Greenland, the Government strives to implement important provisions of the UNDRIP in its day to day work, although the government is categorized as a public rather than an indigenous government.

110. The Government supports the traditional occupation of the hunting and fisheries industry. The latter continues to be the primary industry of Greenland, even though there is an increasing focus on the development of other industries, such as tourism and service, mining and resource extraction industries.¹³ The legislative competence lies with the Government. Quota and license regulations for renewable resources are based on biological advice to ensure sustainable use. Stakeholder consultation procedures are defined by legislation establishing advisory councils on fisheries and hunting.

111. Pursuant to the Act of Self Government, Greenland assumed responsibility for the oil- and mineral resource area and is thus entitled to command and exploit these resources. Parliament of Greenland Act No. 7 of 7 December 2009 on mineral resources and mineral resources activities establishes the regulatory regime. Following civil society concerns over inadequate consultation mechanisms, Parliament decided to bring the provision of consultation in line with related UNDRIP provisions. The Government followed suit by stating its willingness to develop public hearing mechanisms. Given its expertise, the ICC, an indigenous peoples' organization with NGO consultative status with the ECOSOC has been asked to contribute.

G. Children and youth

112. In May 2010, the Government launched the programme “Safe Childhood 2010” as a first step to improve the living conditions of children in Greenland. A comprehensive strategy, aimed at improving the lives of children and youth, is under preparation. The Children and Youth Strategy outline adopted in June 2010 is based on the UN Convention on the Rights of the Child (CRC) and links a number of concrete measures and future activities to specific provisions of the CRC.

113. In August 2010 the Government furthermore entered into a cooperation agreement with UNICEF aimed at promoting the best possible upbringing for children in Greenland. This initiative includes a nationwide campaign to promote a change of attitude and a review of existing legislation on children aimed at further strengthening the rights of children and youth.

114. In 2010, Parliament unanimously decided to pass legislation providing for the establishment of a children’s council and a children’s spokesperson, which include the Documentation Centre on Children & Youth (MIPI).

H. Persons with disabilities

115. As part of a major municipal reform, responsibilities are transferred from the Government to the municipalities to ensure that decisions are taken closer to the citizens. Residential homes for severely disabled persons in Greenland and Denmark are exempt from this devolution.

116. The Government has just concluded an assessment of the accessibility for disabled persons to all public buildings. On this basis, municipalities and publicly owned companies will be required to ensure accessibility to public buildings, where this is not already in place. Private companies are encouraged to make the accessibility a priority.

I. Health care

117. The demography of Greenland makes health care delivery a challenge. A reform of the health care sector, to be implemented in 2011, aims at giving equal opportunities for appropriate health care to all citizens, regardless of where they live. To ensure transparency in the planning and implementation of the reform, the Government is convening town hall meetings in various communities.

118. The public health programme “Inuuneritta – let us have a good life” from 2007 aims at tracking rapid epidemiological transition towards more chronic and lifestyle related diseases. It focuses on substance abuse, sexual health, diet and physical activity, violence and suicide. The focus groups are children and elderly people using indicators for evaluation.

119. In 2010, Parliament approved a report on the status of psychiatric treatment focussing on the needs of children, youth and the elderly as well as psychiatric patients that have committed crimes, psychiatric patients with substance abuse, and violent patients. Among the key recommendations were a call for a modernization of the law on psychiatry and the need for a new law on the rights of mentally ill patients.

J. Reconciliation issues

120. In November 2010, the Danish Government and the Government of Greenland agreed on devising a historical report on the legal status of children born out of wedlock before the entering into force of the Law for Greenland on children.¹⁴ The report, which will include a description of the considerations behind the maintaining of the legal status and its modification in 1963/1974, will be devised by three scientists with legal and historical qualifications and is expected to be finished by June 2011.

VI. Contribution by the Government of the Faroe Islands

121. Given the limitations in terms of volume the Government of the Faroes has had to rigorously limit the scope of this contribution.

122. The Government has chosen to structure its contribution on the basis of the issues that arose during the consultations with NGOs and at the public hearing. The Government believes that this is in keeping with the spirit of the open and inclusive process and will allow for a focus on the critical human rights issues. Reference will be made to reports submitted under other human rights instruments.

123. The Government of the Faroes has sought an open and transparent process, involving government agencies, civil society and other stakeholders. The Ministry of Foreign Affairs of the Faroes has coordinated the preparatory process in close cooperation with other ministries as well as with the Danish Ministry of Foreign Affairs.

A. Legislative and administrative powers of the Government of the Faroes

124. The Faroe Islands are a self-governing country within the Kingdom of Denmark. When an area of jurisdiction is governed by the Faroese authorities, legislative power rests with the Parliament of the Faroes and administrative power rests with the Government of the Faroes.

125. In 2005 the Danish Government and the Government of the Faroes agreed to modernise the legislation concerning Faroese Home Rule. For a general description of the modernisation and the Faroese Home Rule arrangement, reference is made to the fifth periodic report on the International Covenant on Civil and Political Rights (CCPR/C/DNK/5.add.paras 29-55) concerning the Faroe Islands.

126. The Government of the Faroes has since 2004 actively engaged in submitting substantial contributions to reports of the Kingdom of Denmark to the relevant UN treaty bodies, jointly with Denmark and Greenland.¹⁵

B. Promotion and protection of human rights

127. Human rights and democracy are fundamental values in Faroese society. Proceeding from these values, the Government is firmly committed to ensuring full respect for human rights in the Faroe Islands. Our long-standing democratic system of government and legislative framework continue to form the basis of the enjoyment of all rights, while the general welfare system has contributed to the practical enjoyment of a number of rights and overall high standards of living. The Government is responsible for all or most of the costs related to education, health care, child care, elderly care and pensions.

128. At the same time, problems and challenges impeding the full enjoyment of human rights remain in many areas. Further, efforts are needed in combating discrimination and

protecting the rights of persons who have special needs, or who find themselves in vulnerable situations.

129. The Government of the Faroes recognises this fundamental challenge of securing the implementation of all human rights at all levels of society. This report will be important for the continued work on human rights issues in the Faroe Islands. The Government intends to maintain a high level of ambition regarding the systematic work on human rights and intends to collaborate closely with all relevant stakeholders when following up on this report and the results of the upcoming review.

C. Human rights in the preparation of new legislation

130. The Ministry of Internal Affairs is currently preparing guidelines to improve the way in which new legislation is prepared and assessed. A new procedure is envisioned where every proposed piece of legislation must be explicitly assessed in relation to the international obligations of the Faroes, primarily with regards to the human rights instruments to which the Faroe Islands are party. This should allow for a direct and continuous assessment of rights conferred to the people of the Faroes. Explicitly addressing the effects a proposed bill has on human rights will ensure that new legislation is not in conflict with the various instruments and should increase awareness of the various human rights instruments in the legislative process which will ultimately further improvement of these rights.

D. Judicial reform

131. On March 1st 2010 the Faroese authorities assumed legislative and executive powers with regards to the Penal Code. Prior to the assumption of power the penal code was revised. These revisions involved *inter alia* that the penalty for a number of violent crimes was increased and it contains new provisions that makes female genital mutilation a criminal offence. Furthermore, new provisions also make all involvement in the trafficking of human beings a criminal offence. In 2007, Section 266 B of the Faroese Penal Code was amended so that it is now prohibited to discriminate on the basis of sexual orientation.

E. Gender equality

132. Promoting gender equality has been an important political priority on the Faroes for many years (see CEDAW/C/DNK/7). The Government underlines the importance of an equal distribution of power and influence between men and women in all aspects of community life and recognises that gender equality contributes to economic growth by promoting all persons' skills and creativity. Despite these efforts, gender inequality still exists in most sectors of society. Gender pay gaps, unequal career opportunities, an under-representation of women in executive positions in decision-making bodies and in the private sector continue to give cause for concern.

133. The Government is therefore currently developing its first unified plan of action to deal with gender inequality. The aim of the action plan is to counter systems that preserve the gender-based distribution of power and resources on a societal level and to create conditions for women and men to enjoy the same opportunities.

134. There has been a growing recognition that violence against women is an issue that needs to be addressed by means of a comprehensive and coherent effort by the Faroese authorities. Lately, several NGO's have voiced their concerns about the issue and in its latest concluding comments the Committee on the elimination of all discrimination against

women also pointed to improvements that could be made. There is broad political agreement on the need to give high priority to the effort to prevent and combat men's violence against women.

135. Ultimately, it is a question of gender equality and women's full enjoyment of all human rights. A working group has been charged with developing a unified plan to prevent and combat violence against women. The plan will include greater protection and support to those exposed to violence, in particular women subjected to violence and children who have witnessed violence, greater emphasis on preventive work, measures targeting violent offenders, and increased cooperation between the respective authorities and improved knowledge. The working group aims to present the unified action plan by March 8th 2011.

136. According to Faroese legislation, women of foreign nationality married to Faroese nationals are awarded a residence permit after only three years in the Faroes. Thus they are granted the right to receive social benefits as Faroese nationals. One challenge that persists is to ensure that these women have access to satisfactory information services that can inform them of their rights.

F. Rights of persons deprived of their liberty

137. On May 1st 2010 a new Act on Guardianship was enacted. Earlier it was only possible to fully deprive a person of his or her financial or personal authority. The new legislation allows for various degrees of guardianship, individual assessment of the need for guardianship and thus ensures that persons are not unnecessarily deprived of their rights as citizens.

138. On October 1st 2009, a new Act on Psychiatric Care entered into force, which significantly improved the rights of persons suffering from mental illness. This new legislation builds on the premise that the use of force in relation to commitment, confinement and treatment at the psychiatric ward should be used to the least possible degree, and only in due consideration of the health and well-being of the patient in question or relevant others. The act contains a number of rules and procedures for the use of force in treatment at the psychiatric ward. A new board of appeal has been established to review complaints on the use of forced consignment, confinement, recovery, involuntary treatment, fixation, the use of personal tags and special locks, personal confinement exceeding 24 hours as well as the locking down of psychiatric wards. The primary motivation for establishing the psychiatric board of appeals has been to improve the rights of patients and to ensure a more speedy and flexible treatment of complaints.

139. Legislation has recently been amended to improve the rights of persons suffering from mental illness and who have been committed to psychiatric wards. According to these amendments cases where persons are sentenced to confinement at a mental hospital will be reviewed no later than 5 years after the sentence has been passed. Rules and procedures have been put into place to ensure that the review is fair and just. In cases where a person suffering from mental illness has received a milder sentence, e.g. been placed under institutional supervision by the primary care services, *Nærverk*, the sentence must be reviewed no later than 3 years after it has been passed. In special cases, subject to a request from the prosecution, the courts can rule that the date of the review can be increased by a further two years. Previously, there was no delimitation on when a sentence should be reviewed.

140. Legislation recently enacted has also improved the rights of persons committed to a psychiatric ward or to institutional care. These new rules have simplified procedures and reduced the often cumbersome administration of leaves as well as placed the decision of granting leaves in the hands of the most qualified professionals.

G. Persons with disabilities

141. In 2009 the Faroese Parliament adopted a resolution on the accession to the UN Convention on the Rights of Persons with Disabilities.

142. In recognition of the need for a higher prioritization of the area of rehabilitation, the Ministry of Health has increased the grant for rehabilitation as well as the number of qualified staff with a view to establishing a centre specializing in rehabilitation at the hospital in *Klaksvík*.

143. Continuous improvements have been made in the field of social psychiatrics. Furthermore, an increasing public openness with regards to mental illness has among other things led to the annual Mental Health Day. Yet, further improvements can be made in several areas. More housing designated for persons suffering from mental illness is needed, and a better coordination of efforts must be achieved between the respective authorities and institutions. Housing for persons suffering from mental illness is a highly prioritized area and is expected to reach satisfactory levels in 2011 and 2012.

144. The Faroese housing market is predominantly private and in recognition of the challenges this poses to persons with special needs the Ministry of Social Affairs has put forward an action plan to establish 80 new housing offers by the year 2015, which is expected to satisfy the demand for special needs housing.

Notes

¹ Nos. 87, 98, 29, 105, 100, 111, 138 and 182.

² Some asylum-seekers receive their meals free of charge at a cafeteria in the asylum centre.

³ Act No. 1543 of 21 December 2010 amending the Aliens Act and the Integration Act (Revision of the regulations on unaccompanied alien children, etc.).

⁴ The rate rose from 10 pct. in 2000/2001 to 21 pct. in 2009/2010, while the rate for descendants rose from 19 pct. in 2000/2001 to 30 pct. in 2009/2010.

⁵ Between 50 and 60 pct. of the non-western immigrants in certain areas.

⁶ The Act will be assessed in 2011 and as part of this evaluation, the effects of the Act will be examined.

⁷ Section 262 a of the Criminal Code.

⁸ The further legal basis stems from the Copenhagen Declaration of 29 March 1955.

⁹ I.e. custody of a duration of more than three months.

¹⁰ Cf. General Comment, No. 10 (2007) of the UN Committee on the Rights of the Child.

¹¹ Cf. UN General Assembly, doc. (A/64/676).

¹² For a general description of the Greenland Self-Government arrangement, reference is made to the report from Denmark and Greenland to the United Nations Permanent Forum on Indigenous Issues, Eighth Session (E/C.19/2009/4/Add.4) and to the General Assembly (A/64/676).

¹³ See E/C.12/DNK/5.

¹⁴ The law entered into force in 1963 in Western Greenland and in 1974 in Eastern Greenland.

¹⁵ For a full description of Faroese legislation and the implementation of human rights in Faroese society, please refer to; Annex 2 of the fifth periodic report by the Kingdom of Denmark on the International Covenant on Civil and Political Rights; Appendix B of the seventh periodic report on Convention on the Elimination of All Forms of Discrimination Against Women; Section 3 of the fourth report on the Convention on the Rights of the Child; Annex 2 of the 18th and 19th report on the Convention on the Elimination of All Forms of Racial Discrimination; and Annex II of the fifth periodic report on the International Covenant on Economic, Social and Cultural Rights.