

Medlemmerne af Folketingets retsudvalg
og deres stedfortrædere

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**FN's Menneskerettighedskomiteé: Eksamination af Danmarks
5. periodiske rapport i henhold til konventionen om borgerlige
og politiske rettigheder.**

Under den 94. Samling i FN's Menneskerettighedskomiteé, der afsluttedes den 31. oktober 2008, var Danmarks 5. rapport om gennemførelsen af FN's konvention om borgerlige og politiske rettigheder i Danmark til høring i komiteen.

Komiteens konklusioner og anbefalinger vedlægges til orientering.



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
Ninety-fourth session
Geneva, 13-31 October 2008

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

Concluding observations of the Human Rights Committee

DENMARK

1. The Committee considered the fifth periodic report of Denmark (CCPR/C/DNK/5) at its 2570th and 2571st meetings (CCPR/C/SR.2570-2571), held on 13 and 14 October 2008, and adopted the following concluding observations at its 2591st meeting (CCPR/C/SR.2591), held on 28 October 2008.

A. Introduction

2. The Committee welcomes the submission of the fifth periodic report of Denmark, which includes detailed information on the measures adopted to address the concerns expressed in the Committee's previous concluding observations (CCPR/CO/70/DNK), as well as the written replies to its list of issues (CCPR/C/DNK/Q/5/Add.1).

3. The Committee welcomes the dialogue with the delegation of the State party, which included experts from relevant ministries responsible for the implementation of the Covenant.

B. Positive aspects

4. The Committee welcomes the extensive legislative, administrative and policy measures adopted to improve the promotion and protection of human rights since the examination of the fourth periodic report, including:

- (a) the adoption of the Act on Equal Ethnic Treatment and the Action Plan to Promote Equal Treatment and Diversity and Combat Racism;

- (b) the introduction of a special section on torture in the Criminal Code, which inter alia specifies that criminal liability for acts of torture is no longer subject to the statute of limitations;
- (c) the adoption of a number of legislative and policy measures aimed at eliminating violence against women, including the launch of a four-year Action Plan to Combat Men's Domestic Violence against Women and Children 2005/2008 and the elaboration in May 2008 of revised instructions concerning the investigation and prosecution of cases of domestic violence;
- (d) the far-reaching reform of the judicial system, which aims at rationalising the court system and reducing the processing time of criminal and civil cases;
- (e) the establishment, in May 2008, of the Board of Equal Treatment, with competence to receive individual complaints concerning alleged cases of discrimination based on gender, race, colour, religion or belief, disability, political opinion, age or sexual orientation, national, social or ethnic origin.

C. Principal subjects of concern and recommendations

5. The Committee regrets that the State party intends to maintain all the reservations entered upon ratification of the Covenant. It considers in particular that following the recent reform of the jury system (cfr. CCPR/C/DNK/5, para. 350), which has introduced the right to have one's conviction and sentence reviewed by a higher tribunal with respect to the most serious criminal cases, the scope of the reservation to Article 14, paragraph 5, could be reduced.

The State party should keep the reservations to the Covenant under constant review, with a view to withdrawing them in whole or in part. The State party should in particular consider narrowing the scope of the reservation to Article 14, paragraph 5, in the light of the recent reform of the jury system.

6. The Committee notes with concern the decision taken by the State party not to incorporate the Covenant into its domestic legal order, contrary to the recommendation of the Committee on Incorporation of Human Rights Conventions into Danish Law. (Article 2)

The State party should reconsider its decision not to incorporate the Covenant into its domestic legal order, with a view to ensuring that all rights protected under the Covenant are given full effect in domestic law.

7. The Committee notes with concern that, despite the various measures adopted by the State party to promote gender equality and increase the representation of women in publicly-elected bodies, women continue to be under-represented in political decision-making positions, especially at the local level. The Committee is also concerned about the low representation of women in high-level and managerial positions and on boards of private enterprises. (Articles 2, 3, 25 and 26)

The State party should strengthen its efforts to increase the participation of women in political decision-making positions, especially at the local level, inter alia through awareness raising campaigns and, where feasible, the adoption of temporary special measures. The State party should also seek ways to further support the participation of women in high-level and managerial positions and on boards of private enterprises through enhanced co-operation and dialogue with partners in the private sector.

8. The Committee remains concerned about the persistence of violence against women, including domestic violence, in spite of the efforts made by the State party to eliminate this phenomenon. (Articles 3, 7 and 26)

The State party should continue its efforts towards the elimination of violence against women, including domestic violence, inter alia through information campaigns on the criminal nature of this phenomenon and the allocation of sufficient financial resources to prevent such violence and provide protection and material support to victims.

9. The Committee is concerned about allegations that the airspace and airports of the State party have been used for so-called rendition flights of persons from third countries to countries where they risk being subjected to torture or ill-treatment. The Committee notes that the State party has set up a governmental task force to carry out an inquiry into this issue. (Articles 7, 9 and 14)

The State party should provide the Committee with the report of the governmental task force investigating of allegations related to transit through its territory of rendition flights as soon as it becomes available. It should also establish an inspection system to ensure that its airspace and airports are not used for such purposes.

10. While welcoming the acknowledgement by the delegation that diplomatic assurances do not release Denmark from its obligations under international human rights, humanitarian and refugee law, the Committee notes with concern that the State party may be willing to rely on such diplomatic assurances to return foreign nationals to countries where treatment contrary to article 7 of the Covenant is believed to occur. (Articles 7, 9 and 14)

The State party should exercise the utmost care in relying on diplomatic assurances when considering the return of foreign nationals to countries where treatment contrary to article 7 of the Covenant is believed to occur. The state party should also monitor treatment of such persons after their return and take appropriate action when the assurances are not fulfilled.

11. The Committee remains concerned about the use of long-term solitary confinement during pre-trial detention, and in particular about the possibility of unlimited prolongation of

such a measure with regard to persons charged with a crime under Parts 12 and 13 of the Criminal Code, including persons under 18 years of age. (Articles 7, 9 and 10)

The State party should review its legislation and practice in relation to solitary confinement during pre-trial detention, with a view to ensuring that such measure is used only in exceptional circumstances and for a limited period of time.

12. The Committee takes note of the explanation provided by the delegation that the special position granted to the Evangelical Lutheran Church as the "Established Church of Denmark" (Section 4 of the Constitutional Act of Denmark of 5 June 1953) is based on historical and social factors, as well as on the fact that the vast majority of the population belongs to this church. Nevertheless, the Committee notes with concern that the direct financial support that the Evangelical Lutheran Church receives from the State, and the administrative functions entrusted to it such as civil status registration and the management of burial grounds, could lead to discrimination *vis-à-vis* other religious groups. (Articles 2, 18 and 26)

The State party should take steps to ensure equal enjoyment of the right of freedom of religion or belief and ensure that its legislation and practices are in full conformity with article 18 of the Covenant. In particular, the State party should consider reviewing its legislation and administrative practices regarding the direct financial support provided to the Established Church, and entrust the administrative functions relating to civil status registration and the management of burial grounds to State authorities.

13. The Committee notes with concern that in its decision of 28 November 2003, the Supreme Court did not recognise the Thule Tribe of Greenland as a separate group capable of vindicating its traditional rights, despite the tribe's own perception to the contrary. (Articles 2, 26 and 27)

The State party should pay particular attention to self-identification of the individuals concerned in the determination of their status as persons belonging to minorities or indigenous peoples.

14. The State party should publish and disseminate widely the text of its fifth periodic report, the written answers it has provided in response to the list of issues drawn up by the Committee, and the present concluding observations. In addition to Danish, the Committee suggests that the report and the concluding observations be translated into minority languages spoken in Denmark, including Faroese.

15. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the Committee's recommendations made in paragraphs 8 and 11.

16. The Committee requests the State party to provide in its sixth periodic report, due to be submitted by 31 October 2013, updated information on all the Committee's recommendations and on the Covenant as a whole, including detailed information on the implementation of the

Covenant in the Faroe Islands and in Greenland. The Committee also requests that the process of compiling the sixth periodic report involve civil society and non-governmental organisations operating in the State party.
