

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW-UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

No.*	RECOMMENDATION	COUNTRY	DK-RESPONSE 2011*	DK-RESPONSE 2014	DK-RESPONSE IN REPORT 2011*	DK-RESPONSE 2014	MINISTRY RESPONSIBLE
106.1.	Extend the applicability of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children to Greenland and to the Faroe Islands	Hungary	Accepted	Accepted	The Kingdom of Denmark is currently examining to what extent legislative amendments for Greenland and the Faroe Islands would be necessary to meet the obligations under the Optional Protocols and expects this study to be completed in the course of 2011.	Denmark has as of yet not finalized the examination of the need for legislative amendments for Greenland and the Faroe Islands in order to meet the obligations under the optional protocols. As for the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, it should be noted that in order to be subject to the protocol, Greenland and the Faroe Islands must also be subject to the Convention against Transnational Crime. Thus, the examination of the need for legislative amendments also has to be made with regard to the Convention.	GL/FO/JM/STM
106.2.	Withdraw its reservations to the Convention on the Rights of the Child and its Protocols	Brazil	Not accepted	Not accepted	By far the greater number of cases in which appeal requires a special permission from the Danish Leave of Appeal Board are simple and do not present problems as regards the evidence or matters of law. Furthermore, the penalty is often fixed on the basis of a scale.	Upon ratification of the Convention, Denmark made the reservation that article 40, paragraph 2 (b) (v) shall not be binding on DK. Article 40, paragraph 2 (b) (v) concerns access for the child, if considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law. The right to have penal measures imposed by a court of first instance reviewed by a higher court is a fundamental principle in the Danish legal system. Consequently, as a general rule, such decisions may be freely appealed to a higher court. However, in cases where the conviction concerns a minor offence and the sentence imposed is a fine and/or confiscation below a certain amount, appeal requires permission from the Appeals Permission Board. The reservation thus continues to be relevant.	JM/MBLISF

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIOD IC REVIEW MECHANISM (UPR)

106.3.	Sign and ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, sign and ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities	Spain	Not accepted	Part 1: Under consideration Part 2: Accepted	A large part of the provisions of the ICESCR are of a vague and rather imprecise nature. Therefore, the Committee may in some instances be brought in a situation where it must define the more specific content of these provisions and thus act as legislator. In certain instances the Committee will not be able to assess whether there has been a breach of the convention without at the same time taking a position as to the manner in which the particular state distributes its welfare resources. In the opinion of DK, such questions should be dealt with by the Government and the legislative power of the individual state. The CRPD includes various economic, social and cultural rights, which the parties to the Convention must implement gradually within the resources available. These economic, social and cultural rights build on open formulations in the Convention text that are difficult to define accurately and therefore are interpreted more or less extensively. The reason is that economic, social and cultural rights are subject to the principle of gradual implementation, rendering the parties' obligations difficult to define. To this should be added that they will often be of a distribution political nature and therefore unsuitable to be assessed in relation to individual cases. Against this backdrop, the Danish government has found it inexpedient to sign the OP to the CRPD.	Part 1: In December 2012, the Danish Government appointed a Committee of experts with the task of considering, e.g., the positive and negative implications by incorporating additional human rights instruments, and whether DK should sign up to more individual complaints procedures before UN human rights committees. The work of the Expert Committee has not yet been finalized. Further considerations on whether it would be appropriate to sign up to more individual complaints procedures will await the result of the Expert Committee's work. The Committee is working towards concluding its work in the Summer of 2014. Part 2: In February 2014, the Government introduced a proposal for a parliamentary resolution regarding accession to the Optional Protocol of the Convention on the Rights of Persons with Disabilities. The resolution was adopted on 13 May 2014, and Denmark will sign and ratify the Optional Protocol as soon as possible.	JM /M BLISF
106.4.	Ratify the International Convention for the Protection of All Persons from Enforced Disappearance	Spain	Accepted	Accepted	Reference is made to the answer to recommendation no. 106.11.	DK has accepted the recommendation and wishes to ratify the Convention. DK is currently examining to what extent it would be necessary to amend Danish legislation to meet the obligations under the Convention. DK will ratify the Convention when the necessary amendments to Danish law have been adopted and the Danish Parliament has given its consent to ratification.	JM
106.5.	Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights	Palestine	Not accepted	Under consideration	Reference is made to the answer to recommendation no. 106.3.	Reference is made to the response to recommendation no. 106.3.	JM
106.6.	Become party to the Optional Protocol of the Convention on the Rights of Persons with Disabilities	Austria	Not accepted	Accepted	Reference is made to the answer to recommendation no. 106.3.	Reference is made to the response to recommendation no. 106.3.	JM /M BLISF

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UN IVERSAL PERIOD IC REVIEW MECHAN ISM (UPR)

106.7.	Proceed to the ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities as soon as possible	France	Not accepted	Accepted	Reference is made to the answer to recommendation no.106.3.	Reference is made to the response to recommendation no.106.3.	JM /M BLISF
106.8.	Become a party to the Optional Protocol to the Convention on the Rights of Persons with Disabilities	Australia	Not accepted	Accepted	Reference is made to the answer to recommendation no.106.3.	Reference is made to the response to recommendation no.106.3.	JM /M BLISF
106.9.	Sign, ratify and implement the Optional Protocol to the Convention on the Rights of Persons with Disabilities	United Kingdom	Not accepted	Accepted	Reference is made to the answer to recommendation no.106.3.	Reference is made to the response to recommendation no.106.3.	JM /M BLISF
106.10.	Accede to other international human rights instruments to which it is not yet party in order to strengthen its national provisions to ensure human rights specifically with regards to persons with disabilities	Burkina Faso	Not accepted	Under consideration	Reference is made to the answer to recommendation no.106.3.	Reference is made to the response to recommendation no.106.3.	JM /M BLISF

MID-TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW-UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.11.	Ratify as soon as possible the International Convention for the Protection of All Persons from Enforced Disappearance and fully recognize the competence of the Committee on Enforced Disappearances, as provided for in articles 31 and 32 of the Convention	France	Accepted	Accepted	DK is currently examining to what extent it would be necessary to amend Danish legislation to meet the obligations under the Convention. DK expects that this study will be completed in the course of 2011. DK will ratify the convention when the necessary amendments to Danish law have been adopted and the Danish Parliament has given its consent to the ratification. DK converts the remainder of the recommendation into a voluntary commitment, as follows: "DK will consider the possibility of recognizing the competence of the Committee on Enforced Disappearances, as provided for in Articles 31 and 32 of the Convention, after having completed a study of the legal implications. The study is expected to be completed at the time of ratification of the Convention."	Reference is made to the response to recommendation 106.4. DK will consider the possibility of recognizing the competence of the Committee on Enforced Disappearances, as provided for in Articles 31 and 32 of the Convention, after having completed a study of the legal implications. The study is expected to be completed at the time of ratification of the Convention.	JM
106.12	Continue commitment to human rights through the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families in accordance with recommendation 1737 of 17 March 2006, adopted by the Parliamentary Assembly of the Council of Europe, of which Denmark is a member	Algeria	Not accepted	Not accepted	DK has ratified all the ILO core conventions on workers' rights. These also apply to foreign nationals resident in DK. Also, as mentioned in the national report, DK gives high priority to improving the labour market integration of migrants, which is essential in the context of migrants' rights.	DK has ratified all ILO core conventions on workers' rights, which also apply to foreign nationals legally residing in Denmark. DK continues to give high priority to improving the labour market integration of migrants, which is essential in the context of migrants' rights. Furthermore, DK supports the position of the EU Commission that the insufficient distinction in the Convention between the economic and social rights of regular and irregular migrant workers is not in line with national and EU policies – especially when it comes to preventing irregular migration. DK, like the other EU Member States and other Nordic countries, as well as the United States and Canada has not ratified the Convention.	BM / JM
106.13	Sign and ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Egypt	Not accepted	Not accepted	Reference is made to the answer to recommendation no. 106.12.	Reference is made to the response to recommendation no. 106.12.	BM / JM

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.14	Become party to the remaining United Nations human rights instruments, in particular the International Convention on the Protection of the Rights of A ILM igrant Workers and Members of Their Families	Pakistan	Not accepted	Part 1: Under consideration Part 2: Not accepted	The part of the recommendation which concerns the International Convention on the Protection of the Rights of A ILM igrant Workers and Members of Their Families is not accepted. Reference is made to the answer to recommendation no. 106.12 and 106.3.	Reference is made to the response to recommendation no. 106.3. og 106.12.	BM /JM
106.15	Study the possibility of ratifying the International Convention on the Protection of the Rights of A ILM igrant Workers and Members of Their Families	Argentina	Not accepted	Accepted	Reference is made to the answer to recommendation no. 106.12.	A legal analysis on the issue was prepared in the spring of 2013.	BM /JM
106.16	Study the possibility of ratifying the International Convention for the Protection of A ILPersons from Enforced Disappearance	Argentina	Accepted	Accepted	Reference is made to the answer to recommendation no. 106.11.	Reference is made to the response to recommendation no. 106.4.	JM
106.17	Ratify the International Convention for the Protection of A ILPersons from Enforced Disappearance	Brazil	Accepted	Accepted	Reference is made to the answer to recommendation no. 106.11.	Reference is made to the response to recommendation no. 106.4.	JM
106.18	Review its reservations to a number of international human rights instruments with a view to withdrawing them completely	South Africa	Not accepted	Not accepted	D K attaches great importance to promoting a high level of human rights protection in all areas of society. D K has therefore ratified the key human rights instruments. Reservations to these instruments – which are few in number – have been subject to a thorough assessment before adoption.	Reference is made to D K 's response in 2011. D K is paying continuous attention to possibilities of withdrawing or limiting its reservations. For instance, D K is currently in the process of limiting its reservation in respect of Article 14 of the International Covenant on Civil and Political Rights.	JM +

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.19	Ratify and implement the International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families	Morocco	Not accepted	Not accepted	Reference is made to the answer to recommendation no.106.12.	Reference is made to the answer to recommendation no.106.12.	BM /JM
106.20	Adhere to or ratify the International Convention on the Protection of the Rights of Migrant Workers and Members of Their Families	Ecuador	Not accepted	Not accepted	Reference is made to the answer to recommendation no.106.12.	Reference is made to the response to recommendation no.106.12.	BM /JM
106.21	Adhere to or ratify the International Convention for the Protection of All Persons from Enforced Disappearance	Ecuador	Accepted	Accepted	Reference is made to the answer to recommendation no.106.11.	Reference is made to the response to recommendation no.106.4.	JM
106.22	Adhere to or ratify Protocol No.12 to the European Convention for the Protection of Human Rights and Fundamental Freedoms concerning the general prohibition of discrimination	Ecuador	Not accepted	Under consideration	The scope of protocol no.12 is much broader compared to the existing prohibition of discrimination in Article 14 of the Convention. However, nor the protocol, nor the explanatory report is very precise when it comes to defining the scope and content of the protocol. This makes it difficult to assess which consequences the ratification of the protocol will have for important areas of Danish legislation. Against this background, DK has decided not to ratify the protocol. However, DK will - on a continuous basis - consider the question of ratification of the protocol as the case law of the Court evolves.	As mentioned in response to recommendation no.106.3, the Danish Government has appointed a committee of experts in December 2012 for the purpose of considering inter alia the possibility of ratifying Protocol no.12 of the European Convention on Human Rights, including its Article 1 regarding a general prohibition of discrimination. The work of the Expert Committee has not yet been finalized. The Committee is working towards concluding its work during the Summer of 2014. Further considerations on this issue will therefore await the result of the Committee's work.	JM

M ID -TERM PROGRESSREPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIOD IC REVIEW MECHANISM (UPR)

106.23	Accept the right to present individual communications provided for in the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and withdraw the reservation to the International Covenant on Economic, Social and Cultural Rights	Ecuador	Not accepted	Part 1: Accepted Part 2: Under consideration Part 3: Not accepted	Reference is made to the answer to recommendation no.106.3 and 106.18.	Reference is made to the response to recommendation no.106.3 and no.106.18 respectively.	JM /M BLISF/BM
106.24	Greenland and Faroe Islands to ratify the following international instruments: Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and ensure their application	Ecuador	Accepted	Accepted	Reference is made to the answer to recommendation no.106.1.	Reference is made to the response to recommendation no.106.1.	GL/FO
106.25	Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families	Guatemala	Not accepted	Not accepted	Reference is made to the answer to recommendation no.106.12.	Reference is made to the response to recommendation no.106.12.	BM /JM

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UN IVERSAL PERIOD IC REVIEW MECHANISM (UPR)

10626	Incorporate into domestic law its international human rights obligations under the Conventions to which it is party	Canada	Not accepted	Under consideration	Reference is made to the answer to recommendation no.10629.	Reference is made to the response to recommendation no.1063.	JM
10627	Bring its national legislation in line with its international obligations	Egypt	Accepted	Accepted	It is the opinion of DK that its national legislation is already in accordance with international human rights obligations. However, DK is paying continuous attention to further improving the level of human rights protection.	Reference is made to DK 's response in 2011.	JM
10628	Incorporate international human rights instruments to which it is party into its legal system , as recommended by the various treaty monitoring bodies	South Africa	Not accepted	Under consideration	Reference is made to the answer to recommendation no.10629.	Reference is made to the response to recommendation no.1063.	JM

M ID -TERM PROGRESSREPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

10629	Incorporate the different provisions of the United Nations core human rights conventions, ratified by Denmark, into national law	NL	Not accepted	Under consideration	<p>DK has decided not to incorporate the UN human rights conventions into national law . This decision is based on several considerations. Firstly, the conventions do not place any obligation on the states as to incorporation into domestic law . When ratifying the conventions, DK assessed whether Danish law was in conformity with the conventions or whether any changes were necessary prior to the ratifications. After the ratifications, DK has also continuously taken steps to ensure that its national law is in conformity with the conventions, for instance when drafting new legislation . Secondly, the conventions are all relevant sources of law regardless of the method of implementation . Against this background, DK finds that it is neither legally necessary, nor politically desirable to incorporate the UN human rights conventions into Danish law .</p>	Reference is made to the response to recommendation no.1063.	JM
-------	--	----	--------------	---------------------	---	--	----

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.30	Extend the applicability of all international human rights instruments to which it has acceded to the whole territory of the country	Azerbaijan	Accepted	Accepted	DK seeks to ensure the highest degree of human rights standards throughout the Kingdom. With a view to, <i>inter alia</i> , ensuring that the peoples of the constituent parts of the Kingdom have real ownership to the democratic process of their respective territories, the Kingdom of DK has established a constitutional system, whereby a number of legislative and administrative powers are exercised by the governments of Greenland and the Faroe Islands. Consequently, the issue of accession to various human rights instruments may vary in time and scope, thereby reflecting individual practical and political priorities of the constituent parts of the Kingdom. Thus, it may occasionally happen that human rights instruments are ratified by the Kingdom with a declaration of limited territorial application, to the extent that the instrument does not prohibit such declarations. It is then for the competent governments in Greenland and/or the Faroe Islands to decide, in accordance with their national procedures and work schedule – and sometimes in dialogue with the Kingdom’s authorities – whether to extend the applicability of the said instrument to the entire territory. This practice is well established and accepted by the relevant depositaries of international conventions, including the UN Secretary General.	Reference is made to DK’s response in 2011.	JM /GL/ FO
106.31	Review its body of legislation prohibiting discrimination to ensure equal protection on all grounds, and in this regard, consider elaborating a single comprehensive act covering all grounds for possible discrimination	Canada	Not accepted	Under consideration	DK attaches great importance to promoting equality and preventing discrimination. The Danish legislation prohibiting discrimination consists of a number of legal acts which offer that very type and level of protection which is best suited depending on the discrimination ground and the area of society in question. In the opinion of DK, the various forms of discrimination call for different solutions in order to provide an overall level of high protection.	Reference is made to the response to recommendation no. 106.22.	JM

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.32	Ensure that all acts of torture are specific offences under its criminal law	Canada	Accepted	Accepted	All actions considered to be covered by the definition of torture in Article 1 of the Convention against Torture – including acts where mental pain and suffering is inflicted on the victim – are already covered by existing provisions of Danish criminal law. Furthermore, there is a special provision in the Danish Criminal Code making torture an aggravating circumstance in the determination of the sentence for violation of the Criminal Code. The Criminal Code explicitly states that a crime of torture can never be subject of limitation.	All actions considered to be covered by the definition of torture in Article 1 of the Convention against Torture – including acts where mental pain and suffering is inflicted on the victim – are already covered by existing provisions of Danish criminal law. Furthermore, there are special provisions in the Criminal Code and the Military Criminal Code making torture an aggravating circumstance in the determination of the sentence for violation of the Codes. The Criminal Code and the Military Criminal Code explicitly states that a crime of torture can never be subject of limitation.	JM
106.33	Incorporate the provisions of the United Nations conventions on human rights into national legislation, to ensure the direct application of international treaties by the courts	Kyrgyzstan	Not accepted	Under consideration	Reference is made to the answer to recommendation no. 106.29.	Reference is made to the response to recommendation no. 106.3.	JM
106.34	Make efforts to correct formulations in the Penal Code that cover rape and sexual abuse which make reference to the marital relations between victim and alleged perpetrator that have an actual influence on sentences	Norway	Not accepted	Accepted	The Government has asked an expert committee on criminal law to make a thorough review of Chapter 24 on sexual offences in the Criminal Code. The committee is expected to finish its work in approximately 1 year. The Government finds that any legislative changes must await the recommendations of the committee.	An act to revise the provisions of the Criminal Code concerning sex crimes entered into force on 1 July 2013. After this revision none of the provisions of the Criminal Code concerning sex crimes make mention of the marital status of the perpetrator or the victim.	JM

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.35	Bring its legislation on rape in line with international law and abolish all references to the status of married couple	Switzerland	Not accepted	Accepted	Reference is made to the answer to recommendation no.106.34.	Reference is made to the response to recommendation no.106.34.	JM
106.36	Remove from the Penal Code (arts.218, 220, 221, 227) any references to marital relations between victim and perpetrator of offences, in order to ensure that there is no impunity in cases of marital rape	Belgium	Not accepted	Accepted	Reference is made to the answer to recommendation no.106.34.	Reference is made to the response to recommendation no.106.34.	JM
106.37	Not to repeal section 266 (b) of the Criminal Code	Pakistan	Accepted	Accepted		The Danish Government does not plan to take steps to repeal Section 266 b of the Criminal Code.	JM

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.38	Establish an independent body to promote and protect the rights of the child and to monitor the implementation of the Convention on the Rights of the Child	India	Not accepted	Accepted	D K has well established institutions such as the National Social Appeals Board, the Danish Parliamentary Ombudsman, and the National Council for Children – which collectively safeguard children's and young people's rights in Denmark. Both the Danish Parliamentary Ombudsman and the National Social Appeals Board have the authority to intervene in specific cases. D K therefore considers that the existing national institutions aimed at securing children's rights are sufficient. D K has initiated a number of initiatives aimed at informing children of their rights and avenues of complaint. Work is ongoing on launching a new website for children aimed at informing children of their rights in a language that is understandable to them. In addition, the government recently decided to increase its financial support to the Danish toll free phone line for children "Børnetelefonen" run by the organization "Børns Vilkår".	D K has well established institutions, such as the National Social Appeals Board, the Danish Parliamentary Ombudsman, and the National Council for Children, which collectively safeguard the rights of children and young persons in D K. In 2012, the Danish Government established a special Office for Children as part of the Danish Parliamentary Ombudsman institution in order to protect and enhance children's rights pursuant to the UN Convention on the Rights of the Child. The Danish Government has allocated DKK 5 million yearly to the Ombudsman's Office for Children. The central tasks of the office are: a) To handle complaints regarding children in cases where the authorities have made a decision, b) To visit institutions for children and monitor authorities' dealings with children – including taking up cases on its own initiative, and c) To contribute to the monitoring of the implementation of children's rights pursuant to the UN Convention on the Rights of Child. In 2012, D K also adopted legislation strengthening the advocacy function of the National Council for Children as part of the effort to promote and protect the rights of children pursuant to the UN Convention on the Rights of the Child. The National Council for Children is an independent institution funded by the Danish state, which advises the Danish Government and Parliament on children's issues. The tasks of the council include pointing out when children's rights are not sufficiently protected in laws and administrative practice. The Danish Government has earmarked additional DKK 2 million each year to strengthen the work of the National Council for Children. Moreover, the Danish Government helps fund the toll free telephone line "Børnetelefonen" operated by the non-governmental organization Children's Welfare in D K. This phone service offers advice to children and young persons, and thus contributes to the enhancement of children's rights. The Ombudsman, The National Council for Children, and Children's Welfare in D K are required to coordinate their work for the protection of children's rights. A follow-up on the construction is planned in 2014.	M B L ISF
106.39	Consider establishing an independent body or organ charged with monitoring the implementation of the provisions of the Convention on the Rights of the Child	Poland	Not accepted	Accepted	Reference is made to the answer to recommendation no. 106.38.	Reference is made to the response to recommendation no 106.38.	M B L ISF
106.40	Consider the establishment of a children's Ombudsman	Norway	Not accepted	Accepted	Reference is made to the answer to recommendation no. 106.38.	Reference is made to the response to recommendation no 106.38.	M B L ISF

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.41	Consider the creation of a separate institution of Ombudsman for children's rights, as previously recommended by the Committee on the Rights of the Child and the Danish National Council for Children	Kyrgyzstan	Not accepted	Accepted	Reference is made to the answer to recommendation no. 106.38.	Reference is made to the response to recommendation no 106.38.	M BLISF
106.42	Develop and implement a national action plan for human rights in order to framework a systematic and comprehensive approach to the promotion and protection of human rights	Indonesia	Not accepted	Not accepted	In all areas of society, DK continuously aims to secure a high human rights standard in policymaking and lawmaking. The various human rights issues are addressed on a concrete basis and initiatives are developed and implemented by the experts responsible for the area of society concerned. This working method allows for an intensive approach to the promotion and protection of human rights. DK does not consider a general national action plan for human rights a necessity in securing an overall high human rights protection.	Reference is made to DK's response in 2011.	JM

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIOD IC REVIEW MECHANISM (UPR)

106.43	Continue efforts to achieve gender equality	Norway	Accepted	Accepted		<p>The Minister for Gender Equality is by law obliged to submit an annual national action plan for Gender Equality inside and outside the labour market to the Danish Parliament. The latest action plan from 2014 presents the four pillars in the Danish government's gender equality policy. (Link to this year's plan in English is to follow.) The four pillars are: Theme-based Efforts: Women and men should enjoy de facto equal opportunities to realize their potential and evolve in all contexts. Thus obstacles must be eliminated and gender equality promoted within those specific areas where their opportunities and conditions differ. All competencies must be brought into play, and gender should hamper neither the scope of women and men within the family, education system or work life nor their participation in decisions about the society we share. Gender Equality Assessment in the Public Sector: Gender and gender equality should be conceptually included in public administration and planning whenever relevant. A special focus should be allocated to core public services and citizen-centred service provision. In 2012, a new strategy on gender mainstreaming was introduced. This strategy includes bringing together municipalities, which are front runners in the field of gender mainstreaming, in order to develop recommendations on how to further strengthen the incorporation of a gender equality perspective. This will contribute to a more efficient resource utilisation, improved quality and increased diversity while at the same time promoting gender equality. Gender Equality as a Fundamental Right: No one should experience discrimination on the grounds of gender, and everyone should enjoy the right to decide over their own bodies and lives. Violence, coercion, human trafficking, and social control springing from lack of gender equality and equal worth are unacceptable. [to be continued]</p>	M BLISF
						<p>As part of the work for gender equality as a fundamental right the Danish Government in 2012 launched a national strategy against honour related conflicts. The strategy addresses prevention and combatting of honour related conflicts and violence such as forced marriages and excessive social control. Gender Equality in an International Perspective: DK must promote high international standards on gender equality. DK has a high level of gender equality nationally and thus a special obligation to work to ensure the rights of women and men internationally and lead the struggle for progress within this area. At the same time, international collaboration should inspire, develop and qualify national efforts, allowing DK to remain among the world's most gender equal countries.</p>	

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UN IVERSAL PERIOD IC REVIEW MECHANISM (UPR)

106.44	Consider launching an action plan to combat domestic violence in Greenland	Spain	Accepted	Accepted		In November 2013, the Parliament of Greenland, Inatsisartut, adopted a National Strategy and Action Plan against Violence 2014-2017, which includes 31 activities primarily targeted at combating domestic violence. This includes legislative amendments, campaigns, psychosocial reinforcement and more. The activities of the action plan focus on prevention within four main goals to (1) support the victim, (2) break the circle of violence, (3) upskill professionals, and (4) advance knowledge and information on violence. The Government of Greenland is now implementing the plan.	GL
106.45	Continue the implementation of the national strategy to combat violence in intimate relations for 2009-2012	Moldova	Accepted	Accepted	Combating domestic violence is of high importance to the Danish Government. In order to reinforce the work in this area, the Government presented a new national strategy on domestic violence in June 2010. Several of the initiatives in the strategy are directed at children in homes with domestic violence.	All initiatives in the National Strategy to Combat Violence in Intimate Relations have been implemented. The strategy focus is on: Support for the victims, treatment of perpetrators, training of professionals, and collection and dissemination of knowledge. In addition 36 million DKK on the State Budget has been allocated for a new action plan against violence in the family and intimate relations in the period of 2014-2017 focusing on: Better prevention of dating violence, support for male victims, new forms of violence, and debate/public awareness on violence in intimate relations.	MBLISF
106.46	Continue its efforts aimed at the promotion of human rights expertise and education and public awareness about human rights protection	Azerbaijan	Accepted	Accepted		DK will continue its efforts aimed at the promotion of human rights expertise and education and public awareness about human rights protection. The Danish Institute for Human Rights (DIHR) is by law obligated to implement and promote education in human rights, provide information on human rights, and ensure library facilities regarding human rights. In connection with public education (primary and lower secondary school), the Universal Declaration of Human Rights is part of the national curricula and teaching of other aspects of human rights, e.g. the Convention of the Rights of the Child, is encouraged. Human rights aspects can also be incorporated in the democracy studies, which form part of Social Studies. Also, it is one of the overall aims of the public school system to prepare the students to be able to participate, demonstrate mutual responsibility and understand their rights and duties in a free and democratic society	UM /UVM

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.47	Implement effectively the United Nations Declaration on the Rights of Indigenous Peoples	Iran	Accepted	Accepted		The declaration is implemented with a right to self-determination by Act no. 473 of 12 June 2013 on Greenland Self-Government, which says: "Recognising that the people of Greenland is a people pursuant to international law, the Act is based on a wish to foster equality and mutual respect in the partnership between DK and Greenland. Accordingly, the Act is based on an agreement between Naalakkersuisut [Greenland Government] and the Danish Government as equal partners". According to the declaration from the Danish Government related to the ratification of ILO Convention 169, made with the agreement of the Government of Greenland, there is only one indigenous people in DK, viz. original population of Greenland, the Inuits. The Declaration on the Rights of Indigenous Peoples has been translated into Greenlandic and is shown on the websites of the Government of Greenland and the Inuit Circumpolar Council (ICC) Greenland.	GL/STM
106.48	Undertake a process of broad, national consultations with civil society, including the Danish Institute for Human Rights, in the follow-up to this review	Austria	Accepted	Accepted		DK continues to strive towards an inclusive process of broad, national consultations with civil society, including the Danish Institute for Human Rights (DIHR), in the follow-up to this review. DK has been in close contact with the DIHR also in the preparation of this Mid-Term Progress Report.	UM
106.49	Continue providing ODA in line with the United Nations target of 0.7 per cent of GDP	Pakistan	Accepted	Accepted		DK will continue providing ODA in line with the United Nations target of 0.7 per cent of GDP. Denmark's ODA for 2013 has tentatively by the OECD /DAC been estimated to 0,85 pct. of GNI. Despite the financial crisis, the Danish Government has managed to maintain the budget for development assistance at the same level since 2012, resulting in a nominally larger budget both in 2012, 2013 and 2014. The priorities and budget for Denmark's development cooperation can be found in the annual "Priorities of the Danish Government for Danish Development Cooperation - Overview of the Development Cooperation Budget".	UM

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.50	Continue to support developing countries in the fight against poverty through its development assistance	Bangladesh	Accepted	Accepted		DK continues to support developing countries in the fight against poverty through its development assistance. In May 2012, the Danish Parliament unanimously endorsed the new strategy for DK's development cooperation; "The Right to a Better Life". DK has adopted a human rights based approach to development, which will guide the Danish policy dialogue, concrete development interventions and partnerships, applying human rights as a core value and using the principles of non-discrimination, participation and inclusion, transparency and accountability. The new strategy has two equally important and interdependent aims: to reduce poverty, while at the same time assisting people in realizing their right to a better life. The strategy is built on the belief that respect for human rights is both an end and a means to promote development.	UM
106.51	Enhance accessibility of the United Nations human rights system for all members of Danish society by ensuring the translation into Danish of its UPR outcome, relevant treaty body concluding observations and special procedure country reports	Canada	Accepted	Accepted	Concerning the translation of the treaty body concluding observations based on DK's examination in CRC in January 2011, DK is in the process of translating the concluding observations into Danish and plans to meet with relevant organisations to discuss the process for follow up on the concluding observations.	DK will continue its efforts to enhance accessibility of the United Nations human rights system for all members of Danish society. The Danish Institute for Human Rights (DIHR) – in its capacity as NHRI – continues to disseminate through its website and other informative material the recommendations given by the UN treaty bodies, including by publishing a Danish report translating and evaluating the UPR recommendations. DK will in collaboration with DIHR continue to ensure the translation into Danish of its UPR outcome as well as strive to ensure the translation of relevant treaty body concluding observations and special procedure country reports.	UM +
106.52	Clear the backlog of responses to thematic questionnaires from special procedures of the Human Rights Council	Russian Federation	Accepted	Accepted		DK continues to strive to clear the backlog of responses to thematic questionnaires from special procedures of the Human Rights Council. The Danish Ministry of Foreign Affairs coordinates fully with all relevant Danish authorities in order to ensure that DK to the extent possible respond to the large number of special procedures.	UM +

MID-TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW-UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.53	Respond to the remaining questionnaires on thematic issues sent by special procedures mandate holders	Afghanistan	Accepted	Accepted		Reference is made to the response to recommendation no.106.52.	UM
106.54	Identify, pursuant to the recommendations of the Committee on Economic, Social and Cultural Rights, cases of racism and xenophobia, combat them and foster intercultural understanding and tolerance.	Russian Federation	Accepted	Accepted	<p>DK attaches great importance to combating intolerance and racism. DK has taken and will continuously take a number of measures to protect vulnerable groups in society from discrimination and hate crimes and to combat racism, intolerance and xenophobia. In recent years, the Danish Government has presented two action plans aimed at increasing tolerance in society; an action plan from 2009 aimed at preventing extremist views among young people and an action plan from 2010 aimed at promoting ethnic equality and respect for the individual. The initiatives in both action plans are in the process of being implemented. DK also attaches great importance to combating hate speech, incitement to hatred etc., and the government has taken several steps to ensure that such cases are effectively investigated and prosecuted. The Danish Criminal Code contains a provision – 266 B – that criminalizes threatening, mocking or degrading expressions aimed at specific groups because of that group's race, colour, religion or sexual orientation. At the same time, it follows from the Danish Constitution that anyone is entitled to publish his or her thoughts, yet under responsibility to the courts. In a criminal case regarding hate speech the courts must consider whether a specific expression is protected or whether it violates 266 B in the Criminal Code, and in this regard considerable weight is attached to freedom of expression.</p>	<p>Reference is made to DK's response in 2011. Furthermore, in a joint letter of 22 September 2011 to all Commissioners of Police and Regional Public Prosecutors, the Director of Public Prosecutions and the National Commissioner of Police emphasized the obligation of the police and prosecution service to ensure effective prosecution in hate crime cases. The police and prosecution service were also encouraged to contribute to projects/campaigns concerning hate crime. During 2011 and 2012 seminars on hate crime have been held in all police districts in DK. Police officers as well as prosecutors have attended the seminars that dealt with topics such as international conventions, human rights, as well as identification and registration of hate crimes. As of 2013, the Director of Public Prosecutions is offering an annual seminar on hate crimes. Prosecutors, lawyers, and judges can participate in the seminar which focuses on the identification and prosecution of hate crimes, and which also has a human rights perspective on such crimes. Hate crimes are a special area of focus in the 2012-2015 strategy of the prosecution service, and prosecution of hate crimes is a subject that has been and will continue to be discussed in relevant forums within the prosecution service. Furthermore, hate crimes and questions concerning racism, intolerance and the relationship with minorities are part of the mandatory education for police officers in DK. In September 2013, the Government launched a national anti-discrimination unit that will identify the extent and types of discrimination based on ethnic origin and disabilities in the labour market and in society as a whole. The unit will also carry out publicly funded anti-discrimination campaigns, coordinate inter-municipal efforts against discrimination and support private companies that carry out efforts to combat discrimination in workplaces.</p> <p>[to be continued]</p>	JM /M BLISF

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

						<p>The anti-discrimination unit will initiate campaigns, mapping of discrimination, and other initiatives on anti-discrimination and will work closely together with the Danish Board of Equal Treatment. Furthermore, a grant of 3.2 million Danish Kroner (app. 425,000 Euro) was allocated to support local and national initiatives to combat ethnic discrimination. Public as well as civil society actors have been granted support. As a follow-up on the action plan from 2009, the Government has initiated the development of a new national strategy on preventing extremist views and radicalization. The strategy will be based on the experiences from the action plan from 2009 and among other things focus on strengthening the cooperation with and support to civil society in preventing radicalization. The strategy is planned to be launched in the fall of 2014. Finally, the Danish Government has initiated a survey on hate crimes or bias-motivated crime. The survey has a broad perspective and will cover a wide range of bias-motivated crimes including for example crimes based on sexual orientation, race, religion, political orientation, disability, and social marginalization. As part of the survey there will be generated a number of key indicators, which will enable the Danish Government to make a baseline and thereby develop a good foundation for further monitoring on the bias-motivated crimes in DK. The result of the survey is expected at the end of 2014.</p>	
106.55	Take appropriate measures to protect vulnerable groups from discrimination, racial profiling and hate crimes, and to combat racism and xenophobia	Greece	Accepted	Accepted	Reference is made to the answer to recommendation no. 106.54.	Reference is made to the response to recommendation no. 106.54.	JM /M BLISF

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.56	Take actions to combat racism, xenophobia, and religious intolerance and hatred	Bangladesh	Accepted	Accepted	Reference is made to the answer to recommendation no.106.54.	Reference is made to the response to recommendation no.106.54.	JM /M BLISF
106.57	Monitor the incidence of and combat xenophobia, and promote intercultural understanding and tolerance	Turkey	Accepted	Accepted	Reference is made to the answer to recommendation no.106.54.	Reference is made to the response to recommendation no.106.54. Furthermore, the Danish Security and Intelligence Service issues an annual report on criminal acts motivated by extremist views on race, religion, political views, or sexual orientation. The report ensures continuous monitoring of hate crimes to ensure timely action against negative trends. The report is made public on the webpage of the service (www.pet.dk).	JM /M BLISF
106.58	Take more effective measures to combat racial discrimination and intolerance, including by promptly investigating and taking stern action against the perpetrators of hatred, racist and xenophobic acts, speeches and publications	Malaysia	Not accepted	Accepted	DK finds that effective measures in this field have already been taken. Reference is made to recommendation no.106.54. As mentioned, DK attaches great importance to combating intolerance and racism, hate speech and incitement to hatred. DK has taken and will continuously take a number of measures to protect vulnerable groups in society from racism, intolerance and xenophobia and to ensure that cases regarding hate crimes are effectively investigated and prosecuted.	In November 2011, the Director of Public Prosecutions published a notification regarding the handling of cases regarding violations of section 266 b of the Criminal Code, the Act on Prohibition Against Discrimination on Grounds of Race etc., and cases raising questions regarding the application of section 81 (1) (vi) of the Criminal Code. This notification describes the demands laid down for the investigation and prosecution of cases regarding racial discrimination.	JM /M BLISF
106.59	Step up efforts in promoting intercultural understanding and tolerance between different ethnic groups in the country	Malaysia	Accepted	Accepted	Reference is made to the answer to recommendation no.106.54.	Reference is made to the response to recommendation no 106.54 and 106.55	M BLISF
106.60	Strengthen the legal actions against all forms of discrimination on the basis of race, ethnic origin, language, religion or national origin	Ecuador	Accepted	Accepted	Reference is made to the answer to recommendation no.106.54.	Reference is made to the response to recommendation no.106.54.	JM /M BLISF

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.61	Fully respect the human rights of foreigners, regardless of their migratory status	Ecuador	Accepted	Accepted	The recommendation is accepted as DK finds that the current rules in the Danish Aliens Act are in full accordance with DK 's international obligations.	Reference is made to DK 's response in 2011. DK finds that both the current rules and the administration of the rules comply with DK 's international obligations. Furthermore, it should be noted that as of 1 January 2013, decisions regarding family reunification may be appealed to the newly established Immigration Appeals Board, which is an independent body regulated by the Aliens Act. According to its rules of procedure the Board must submit a report every year regarding its functioning, which is made publicly available. Ensuring a more balanced set of rules on family reunification involving children has been a priority matter for the current Danish Government. New legislation was adopted in 2012 placing further emphasis on best interests of the child. Under the new legislation the integration potential of a child is considered only if the child has reached the age of 8, has a parent in a country other than DK and a parent in DK, and if the parents have decided that the child should not to apply for family reunification in DK within the first 2 years after the conditions for family reunification were fulfilled. The rule encourages parents to apply for family reunification for the child as soon as possible, which must be considered to be in the best interest of the child, if the child is going to live in DK. The immigration authorities always, where relevant, include the child's best interests in their assessment. As regards decisions regarding asylum, the Government can inform that the decisions of the Danish Immigration Service are automatically appealed to the 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 EU Council Directive on asylum procedures (2005/85/EC) 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.	JM
106.62	Strengthen and effectively implement its legislation to prohibit, prosecute and punish hate speech, incitement to hatred and acts of religious profiling	Egypt	Accepted	Accepted	Reference is made to the answer to recommendation no. 106.54.	Reference is made to the response to recommendation no. 106.54.	JM /M BLISF

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.63	Take effective measures to prevent and prohibit racial profiling by the police	Egypt	Accepted	Accepted	Reference is made to the answer to recommendation no.106.54.	The Danish National Police attaches great importance to teach the cadets at the Police Academy to fight and prevent ethnic profiling. Reference is also made to the responses to recommendations no.106.54 and 106.79.	JM /M BLISF
106.64	Identify cases of racism and xenophobia and combat them, as well as continue to foster intercultural understanding and tolerance	Uzbekistan	Accepted	Accepted	Reference is made to the answer to recommendation no.106.54.	Reference is made to the response to recommendation no.106.54.	JM /M BLISF
106.65	Remove the obstacles preventing victims of discrimination from effective access to justice, adopt appropriate measures to facilitate reporting on this crime by national, ethnic and religious minorities	Mexico	Accepted	Accepted	Reference is made to the answer to recommendation no.106.54.	Reference is made to the response to recommendation no.106.54.	JM /M BLISF
106.66	Intensify efforts to eliminate all forms of practical discrimination against children	Palestine	Not accepted	Not accepted	As it is unclear what is meant by the recommendation, DK cannot accept it.	As it is still unclear what is meant by the recommendation, DK cannot accept it. However, reference is made to the response to recommendation no.106.22.	JM /M BLISF
106.67	Continue combating the phenomena of racism and xenophobia and promote tolerance between cultures and religions	Palestine	Accepted	Accepted	Reference is made to the answer to recommendation no.106.54.	Reference is made to the response to recommendation no.106.54.	JM

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.68	Undertake measures to tackle racial discrimination and to combat more resolutely all forms of racism	Iran	Accepted	Accepted	Reference is made to the answer to recommendation no.106.54.	Reference is made to the response to recommendation no.106.54.	JM
106.69	Continue its efforts to combat xenophobia	Argentina	Accepted	Accepted	Reference is made to the answer to recommendation no.106.54.	Reference is made to the response to recommendation no.106.54.	JM
106.70	Monitor the incidence of and combat racism and xenophobia	Brazil	Accepted	Accepted	Reference is made to the answer to recommendation no.106.54.	Reference is made to the response to recommendation no.106.54 and no.106.57 respectively.	JM
106.71	Strengthen measures to promote tolerance and combat attitudes, behaviours and reflexes not covered by the law as well as stereotypes directed, inter alia, at the Muslim minority	Morocco	Accepted	Accepted	Reference is made to the answer to recommendation no.106.54.	Reference is made to the response to recommendation no.106.54.	JM
106.72	Implement the recommendation of treaty bodies and special procedures to introduce the offence of torture into the Criminal and Military Criminal Codes, as well as align rules and provisions on the statute of limitations with the Convention against Torture	Russian Federation	Accepted	Accepted	Reference is made to the answer to recommendation no.106.32.	Reference is made to the response to recommendation no.106.32.	JM

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.73	Specifically envisage including the offence of torture in the penal and military codes	Uzbekistan	Accepted	Accepted	Reference is made to the answer to recommendation no.106.32.	Reference is made to the response to recommendation no.106.32.	JM
106.74	Incorporate the crime of torture in the Criminal Code and the Military Criminal Code	Spain	Accepted	Accepted	Reference is made to the answer to recommendation no.106.32.	Reference is made to the response to recommendation no.106.32.	JM
106.75	Ensure that conditions are created so that any reports of violations committed by law enforcement officials are investigated independently, in partially and in a timely manner	Uzbekistan	Accepted	Accepted		By Act No. 404 of 21 April 2010, which entered into force on 1 January 2012, the "Independent Police Complaints Authority" was established. The authority is headed by a council and a chief executive. The Police Complaints Council is the supreme governing body of the Authority and consists of a Chair, who must be a High Court judge, one private practicing attorney, a professor of law, and two representatives of the general public. The authority handles investigation of criminal cases against police officers and considers and decides complaints of police misconduct. Anyone can file a complaint about the police to the Police Complaints Authority free of charge if one finds that the police have acted in a criticisable manner. When the Independent Police Complaints Authority has finished its investigation in criminal cases involving police personnel, the authority will forward the case to the regional public prosecutor. The regional public prosecutor then decides whether prosecutions should be brought. The regional public prosecutor's decision in respect of prosecution may be appealed by either party to the case, or by the Independent Police Complaints Authority, to the Director of Public Prosecutions. Regarding complaints of police misconduct the Independent Police Complaints Authority decides whether or not to express criticism of the police. The decision made by the authority is final and cannot be appealed. The Government will initiate that the new police complaint system is subject to an evaluation three years after it entered into force (in 2015).	JM

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.76	Introduce proper identification for its law enforcement officials	Slovakia	Accepted	Accepted	In D K , police officers are required, upon request, to give their name and place of service to a citizen with whom they come in contact as part of their duties - except in certain circumstances, including in cases where the citizen is intoxicated or clearly mentally ill. It is therefore the opinion of the Danish Government that police officers can be properly identified by the citizens and that the recommendation is already implemented.	Reference is made to D K 's response in 2011. Furthermore, by letter of 10. April 2014 the Ministry of Justice has asked the National Police and the Police Union to present a model to ensure proper identification of law enforcement officials. The Ministry of Justice has asked that the task is completed by the Summer of 2014.	JM
106.77	Review the existing mechanism and framework for handling allegations of excessive use of force, including the use of weapons by law enforcement officials, in order to ensure full compliance with the Convention against Torture	Uzbekistan	Accepted	Accepted		Reference is made to the response to recommendation no. 106.75.	JM
106.78	Ensure a timely and in partial investigation of all complaints and reports against such illegal acts	Uzbekistan	Accepted	Accepted		Reference is made to the response to recommendation no. 106.75.	JM

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.79	Adopt appropriate measures to ensure that the establishment of so called arrest and search zones is not done on the basis of criteria which might be equivalent to racial, ethnic or religious profiling	Algeria	Accepted	Accepted	Reference is made to the answer to recommendation no. 106.54.	Arrest and search zones are regulated by section 6 of the Danish Police Act. The determination of the geographical scope of application of the specific decision establishing an arrest and search zone is based on the circumstances, which gave reason for the assessment of the police that there exists a heightened risk of someone committing a criminal act, which entails danger to someone's life, health, or welfare through the use of weapons. Within the designated zone the police is hence authorised to conduct spot checks without a specific suspicion towards the person subjected to the search. The decision of the police to establish arrest and search zones is thus always based on a police professional assessment of the threat level and has hence no relation to racial, ethnic, or religious matters. Visitation zones have so far mainly been set up in Copenhagen in relation to clashes between rival gangs in the metropolitan area. In these cases, the primary purpose of establishing a visitation zone has been to disarm gang members. In cases, where the police has decided to establish a visitation zone due to an ongoing dispute between criminal gangs in the immigrant community, it is unavoidable that among those, who are stopped and searched by the police, there will be a relatively high percentage of people from ethnic minority backgrounds. However, in general Copenhagen Police District is committed to avoid discrimination of any kind and the prevention of ethnic profiling is part of the general strategy for the police force in Copenhagen. On that basis the ruling of the Court of Human Rights of 28 June 2010 in the case Gillan and Quinton v. the United Kingdom does not apply directly to the Danish regulation, and, therefore, the Government did not find cause to change the rules in force. The Government did, however, inform all police districts about the court ruling and the conclusion of the Government's examination.	JM
--------	--	---------	----------	----------	---	--	----

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.80	Continue to ensure effective protection of victims of domestic violence, including through considering the adoption of a specific law on violence against women, including domestic violence	Austria	Part 1: Accepted Part 2: Not accepted	Part 1: Accepted Part 2: Not accepted	<p><u>Part 1:</u> Reference is made to the answer to recommendation no. 106.45.</p> <p><u>Part 2:</u> It is a basic principle in DK that criminal law provisions are drafted in a gender neutral manner whenever possible. Thus, the provisions in the Danish Criminal Code concerning violence apply irrespectively of the gender of the victim .</p>	<p><u>Part 1:</u> All the activities in the latest national strategy to combat domestic violence have been implemented. So far, DK has implemented three action plans in the field, and many results have been achieved due to the action plans. There has been a decrease in the number of battered adult women and young women. Several campaigns on domestic violence and dating violence have been initiated such as information and school campaigns, and an application with information on dating violence and where to seek help/support. More than 4000 municipality professionals have participated in a major capacity building project on domestic violence against women and children. Treatment offers for male perpetrators have been initiated. Funds for a new action plan against violence in intimate relations are about to be allocated. <u>Part 2:</u> DK does not accept the second part of the recommendation concerning adoption of a specific law on violence against women, as it continues to be a basic principle in DK that criminal law provisions are drafted in a gender neutral manner whenever possible. Thus, the provisions in the Danish Criminal Code concerning violence apply irrespectively of the gender of the victim . The NHRI shares the position of the Danish Government in this regard.</p>	JM /M BLISF
--------	--	---------	--	--	--	---	-------------

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIOD IC REVIEW MECHANISM (UPR)

106.81	Continue efforts to prevent and combat violence against women and domestic violence, in particular in the Faroe Islands and Greenland.	Poland	Accepted	Accepted		DK has well-established services in the social, health, and judicial systems that provide victims of violence with the necessary support and treatment and the perpetrators are prosecuted. The national action plans to combat violence in intimate relations (so far three plans has been implemented) have provided the opportunity to explore new methods and measures and thereby improving and developing the permanent services in the field. In an effort to, inter alia, prevent and end violence against women, the <u>Faroese Government</u> in 2011 adopted an Action Plan to Combat Violence in Close Relationships. This is the first such plan in the Faroes. The Action Plan to Combat Violence in Close Relationships is a 5-year plan, which defines violence as physical, psychological, sexual, financial, and material violence. The plan contains 18 different initiatives, which can be classed as follows: "Information and prevention", "Assistance and support for the victim", "Initiatives targeting occupational groups", and "Treatment options for those who perpetrate violence". A full-time project coordinator has started implementing the Action Plan, which will be phased in over a five year period starting from 2012. A number of information campaigns have been launched to create awareness about the issue of violence. As regards <u>Greenland</u> , reference is made to recommendation no. 106.44.	M BLISF/GL/FO
106.82	Ensure more effective protection of victims of domestic violence	Slovenia	Accepted	Accepted		Reference is made to the response to recommendation no. 106.45 and 106.81.	JM

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIOD IC REVIEW MECHANISM (UPR)

106.83	Continue its efforts to combat domestic violence, especially against vulnerable groups such as women and children	Republic of Korea	Accepted	Accepted	Reference is made to the answer to recommendation no. 106.45.	As already described (see response to recommendation 106.81), there are well-established permanent services for battered women and national action plans to supplement these services. Also activities to combat dating violence among young women and girls are being initiated such as; information campaigns, hotlines and web-sites, apps for smartphones etc. Funds for a new action plan have been allocated (see the answer to recommendation no. 106.80). Furthermore, until February 2012, provisions on stalking were regulated by several different statutes. In February 2012, new legislation was adopted by the Danish Parliament whereby, the provisions came into a single act (Act no. 112 of 3 February 2012 on restraining orders, exclusion orders, and expulsion). Following the adoption of the new act, the office of the Director of Public Prosecutions has issued revised and instructive guidelines to the police and prosecution service concerning the handling of cases on restraining orders, exclusion orders and expulsion. Furthermore, the Danish National Police have recently updated the guidelines on victim offender conferences used in these cases. The new legislation came into force on 1 March 2012. The overall purpose of the act was to strengthen the protection of persons against persecution, harassment, and violation of privacy, including stalking. The aim was also to improve the possible measures that can be taken against stalkers. The act authorizes the police to issue restraining orders, exclusion orders or expulsions. Finally, reference is made to the response to recommendation no. 106.45.	M BLISF/JM
--------	---	-------------------	----------	----------	---	--	------------

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIOD IC REVIEW MECHANISM (UPR)

106.84	Provide foreign married women who are victims of domestic violence with legal safeguards and administrative guidelines for their protection, giving particular consideration to residence permits	Honduras	Accepted	Accepted	<p>It is directly stipulated in the Danish Aliens Act, cf. section 19 (8) of the Danish Aliens Act that if a residence permit has been granted on the basis of marriage or marital cohabitation, and this basis is no longer present, the authorities must pay special regard to whether the marriage or co-habitation has ended as a consequence of the foreigner concerned having been exposed to outrages, abuse or ill-treatment, etc., by the spouse. The Danish immigration authorities will decide, whether revocation or refusal must be assumed to be particularly burdensome owing to the foreigner's personal circumstances. This decision is made on the basis of a specific, individual assessment of the circumstances in each case. Thus Danish legislation ensures clear legal guarantees and administrative guidelines for the protection of immigrants, who are victims of domestic violence with regard to their residence permits. Furthermore, all victims of domestic violence have access to support, legal aid and shelters.</p>	<p>An amendment to the Danish Aliens Act on the rules on revocation of residence permits issued on the basis of spousal reunification entered into force on 3 May 2013. A 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. At the same time, the foreigner's ties with the Danish society must be taken into consideration. Until this recent amendment, foreigners who had lived in DK for less than two years would often not be considered to have such ties with the Danish society that their residence permit would not be revoked, regardless of domestic violence. The amendment entails that the length of the foreigner's residence in DK shall no longer be taken into consideration, when deciding whether a foreigner can retain his or her residence permit, when the abuse has caused the cessation of cohabitation and the invoked abuse has been substantiated. Considerable weight must, however, be placed on the foreigner's demonstration of – during cohabitation – ability and willingness to be integrated into the Danish society, e.g. through studies, work, etc. The Government finds that this requirement is important to ensure a successful future integration in DK. It will be taken into consideration if the foreigner's lack of integration is caused by the violent spouse, for example through confinement in the home.</p>	JM
--------	---	----------	----------	----------	--	---	----

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.85	Adopt effective policy measures aimed at combating and eliminating violence against women, including domestic violence, and encourage the high level participation of women in the labour market and especially decision making	Azerbaijan	Accepted	Accepted	Reference is made to the answer to recommendation no.106.45.	Since 2002, DK has had national action plans with national policy framework for combating violence in the family/violence against women. In general the policy framework is: Support for the victims, treatment of perpetrators, training of professionals, and collection and dissemination of knowledge. All activities in the latest action plan have been implemented and funds for a new action plan have been allocated (reference is made to the answer to recommendation no.106.80). With regard to women's high level participation in the labour market an act has been adopted (Dec.2012) according to which more than 1000 of the largest companies are required to set a target figure for the proportion of the under-represented gender in the supreme management body, and have a policy for increasing the proportion of the under-represented gender at the management levels of the companies in general. Companies must report on the status of fulfilment of the target and implementation of their policies. All state-owned companies must set targets and prepare a policy to increase the share of women in management. Local and regional authorities are encouraged to prepare common guidelines on gender equality in management.	M L ISF / JM
106.86	Establish specific mechanisms and formulate specific programmes geared to addressing the issue of violence against women and children, including by harmonizing national legislation with international human rights standards	Indonesia	Accepted	Accepted	Reference is made to the answer to recommendation no.106.45.	So far three national action plans have been implemented with specific focus on help and support for battered women. As a part of the two latest action plans, focus has also been on dating violence among young women and girls. Different evaluations of the action plans show that they have served as a good supplement to the permanent services in the field and that the plans have created awareness and contributes to the improvement of cross-sectorial cooperation. Reference is also made to the response to recommendation no.106.45.	M B L ISF / JM
106.87	Strengthen the capacities for identifying victims of trafficking	Austria	Accepted	Accepted		DK has stepped up training efforts and expanded the range of authorities and professionals who receive training. Local and national police, as well as prosecutors and judges have received training. Tax Authorities, Danish Working Environment Authorities, and Trade Unions have received training especially regarding trafficking for forced labour. Health care personnel, staff in asylum centres and shelters, and local authorities have been trained in recognizing signs of trafficking in order to identify victims.	M B L ISF

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.88	Strengthen the identification of human trafficking victims	Slovakia	Accepted	Accepted		Reference is made to response to recommendation no.106.87. In order to ensuring that potential victims are not re-victimized, treated as offenders or detained, the Danish Centre against Human Trafficking (CM M) is conducting training of relevant partners on how to identify a victim of trafficking, and what assistance they are entitled to. At the same time, the Centre participates in working groups and other forums, where procedures are discussed and agreed upon. The people trained by CM M include amongst others relevant staff in 15 municipalities, Red Cross staff and closed care facilities for adolescents and health care personnel at hospitals nationwide.	M BLISF
106.89	Ensure that victims of human trafficking are not detained but instead granted proper protection, as well as expand the reflection period while making it entirely unconditional	Slovakia	Not accepted	Accepted	The reflection period is only relevant for trafficked foreigners, who have to leave DK, because they (if they have applied for a residence permit) do not fulfil the conditions in the Danish Aliens Act. Furthermore, the different offers of special aid and assistance to trafficked foreigners in the Aliens Act are unconditional of a trafficked foreigner's willingness to participate in criminal investigations or proceedings. The foreigner's "cooperation in planning the prepared return" does not mean cooperation with the police regarding criminal investigations, but that the foreigner accepts the offered aid and assistance and signs necessary applications for travel documents etc. and if possible provides the authorities with information needed in order to establish necessary contacts in the country of origin.	The recommendation is accepted. Victims of human trafficking may be detained pursuant to the same rules as other illegal aliens. However, special protection rules apply if an illegal alien is identified as a victim of trafficking by the Immigration Service. In that case, the alien will be granted a 30 days reflection period during which the said person is allowed to stay legally in DK. In May 2013, legislation was passed, which allows the reflection period to be prolonged up to 120 days if appropriate due to special circumstances or the alien cooperates on his/her prepared return. Victims of trafficking are offered aid and assistance unconditionally of whether they cooperate with law enforcement authorities.	JM

M ID -TERM PROGRESSREPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIOD IC REVIEW MECHANISM (UPR)

106.90	Take necessary measures to combat child prostitution and ensure that those children have access to adequate services for their recovery and social reintegration	Indonesia	Accepted	Accepted		<p><u>Part 1</u>: An act to revise the provisions of the Criminal Code concerning sex crimes entered into force on 1 July 2013. After this revision the Criminal Code contains a specific provision 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.</p> <p><u>Part 2</u>: Children with special needs, who have legal right of residency in DK are entitled to support and protection according to the Danish Act on Social Services. This includes children at risk or victims of sexual abuse, mistreatment, or exploitation.</p>	JM /M BLISF
106.91	Prevent commercial sexual exploitation of children and ensure additional protective measures for all victims of trafficking	Azerbaijan	Accepted	Accepted		Reference is made to the response to recommendation no. 106.90 and no. 106.94 respectively. DK is giving increased attention to children as persons vulnerably to human trafficking through the Danish action plan to combat Human trafficking (2011-2014). The Danish Center against Human Trafficking (CM M) has been in charge of several law awareness raising campaigns in DK. The campaigns have primarily focused on trafficking to prostitution, but attention is also given to e.g. child trafficking and trafficking to forced labour. CM M reports, education materials, and public campaigns contribute to the Danish Government's effort to prevent trafficking and reduce consumer demand for services offered by victims of e.g. trafficking to prostitution.	JM /M BLISF
106.92	Take more effective measures to prevent sexual exploitation of children, including through criminalizing the production and distribution of pornographic or erotic images including children, and prosecute Danish citizens who abused children abroad	Malaysia	Accepted	Accepted	The distribution and production of child pornography is already criminalized, and the Criminal Code also provides for the prosecution of Danish citizens or other persons living in DK, who sexually abuse children abroad.	Reference is made to the response in 2011.	JM
106.93	Adopt all necessary measures to combat the phenomenon of child sex tourism, including by consistently prosecuting offenders on their return for the crimes committed abroad	Greece	Accepted	Accepted	Reference is made to the answer to recommendation no. 106.92.	Reference is made to the response in 2011.	JM

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.94	Strengthen the capacity of the criminal police to deal with crimes related to child pornography on the Internet and to inform children and their parents about the safe use of the Internet.	Iran	Accepted	Accepted		When child pornography material is found on a Danish web site, the police, without delay, initiate investigation of the case with a view to ensure evidence subject to criminal assessment. In connection with the investigation effort as regards combating possession and distribution of child pornography, the police apply a number of investigation steps, including, when possible, removal of child pornography material placed on Danish servers, either after having obtained the consent of the server owner or pursuant to a court order on seizure. The vast majority of child pornography material is, however, placed on servers in foreign countries, including countries outside the EU. If the police establish that a server with child pornography material is placed in a foreign country, the police consult, within Interpol cooperation, the law enforcement authorities of the country in question with a view to carrying out relevant and necessary investigation steps, including removal of the web site from the server. It is the experience of the Danish National Police that, in several countries, it can take time before the law enforcement authorities initiate investigation steps. Also, in some cases, the investigation is not even initiated. As a supplement to the removal of web sites with child pornography content by means of seizure of servers in DK, and until web sites with child pornography content on servers placed in foreign countries are possibly removed, internet providers are encouraged to block the access to the internet addresses in question. It is thus the internet providers who block the web sites with reference to their terms of business. Furthermore, the Danish National Police continuously cooperate with "Save the Children Denmark" and other NGOs and private organisations in order to prevent that child abuse takes place. In this context, the Danish National Police have e.g. launched initiatives together with the travel industry focusing on travellers to certain destinations. DK will continue its efforts to inform children and parent about safe internet use, inter alia through the instruction in compulsory school, for which a web portal on this subject has been made available.	UVM / JM
106.95	Develop a more systematic approach to cooperation between governmental bodies and civil society to combat child trafficking	Australia	Accepted	Accepted		DK is giving increased attention to children as persons vulnerable to human trafficking through the Danish action plan to combat human trafficking (2011-2014). To raise awareness, the Danish Centre against Human Trafficking (CM M) has conducted extensive training for outreach workers and social workers in close cooperation with municipalities, governmental and non-governmental social organizations, trade unions, the police, the Danish Prison and Probation Service, Immigration Service, and asylum centres.	M B L ISF

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.96	Maintain article 266 (b) of the Criminal Code and adopt measures to avoid that the shelving of cases related to racial or religious hatred does not dissuade victims from continuing to file complaints, and does not lead to impunity for the perpetrators of such crimes	Algeria	Accepted	Accepted	Reference is made to the answer to recommendation no. 106.37 and 106.54.	Reference is made to the responses to recommendations no. 106.37 and no. 106.54 respectively.	JM
106.97	Make case law from Danish courts and administrative organs publicly available and free of charge	Hungary	Accepted	Accepted	The Danish Court Administration initiated preparations of a public database on case law in the autumn of 2010. It is expected that the database from the outset will contain case law from the Danish Supreme Court, the High Courts and the Maritime and Commercial Court, which will then be available to the public at no expense. All case law will be anonymised according to Danish law in order to protect the persons involved. DK has a comprehensive legislation in place to ensure the fundamental principle of openness in public administration. Reference can especially be made to the Access to Public Administration Files Act. Subject to some exceptions, e.g. concerning the protection of privacy, the Act gives right of access to documents of the public administration, inter alia case law and internal guidelines for the consideration of specified classes of matters. When giving access to public administration files a reasonable fee may be required for transcripts and office copies. The Danish Parliament is currently considering a proposal for a revision of the Access to Public Administration Files Act put forward by the Danish government. The proposal inter alia introduces a new right of access to so-called overviews of practice. In addition, the proposal obliges the ministerial departments, subordinate agencies and directorates, independent councils and boards as well as the central administration in municipalities and regions to provide information on their Internet websites – free of charge – to the general public about their activities (e.g. overviews of practice).	Reference is generally made to DK's response in 2011. The process of establishing a public database on case law, which was initiated in the autumn of 2010 by the Danish Court Administration, is currently ongoing. At present the public can upon request obtain a specific judgment from the court which passed the judgment. Furthermore, judgment abstracts are available and collected on the courts' joint website www.domstol.dk. In addition, all judgments passed by the Supreme Court and the Maritime and Commercial Court already are available at the courts' joint website www.domstol.dk. Moreover, there are several judgment databases available. Most of these require a licensed access; however, some public libraries have access to these databases, which are then free to use by the public. On 12 July 2013 the Danish Parliament adopted an act amending the Access to Public Administration Files Act. The amendment act inter alia introduces a new right of access to so-called overviews of practice. In addition, the amendment act obliges the ministerial departments, subordinate agencies and directorates, independent councils and boards, as well as the central administration in municipalities and regions to provide information on their Internet websites – free of charge – to the general public about their activities. The amendment act entered into force on 1 January 2014.	JM

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.98	Limit the use of long periods of pre-trial custody	United Kingdom	Accepted	Accepted	In 2008, the Danish Parliament adopted an amendment to the Danish Administration of Justice Act which aims at restricting the number of people held in detention for extended periods of time. The rules include specific limits on the duration of the detention period which can only be extended when certain strict requirements have been met. DK will consider the need for additional measures to restrict the use of lengthy pre-trial detention.	Since 2012, the Director of Public Prosecution has initiated a number of initiatives in order to limit long-term pre-trial detention (pre-trial detention for 3 months or longer). These initiatives include, inter alia, that decisions to request long-term detentions extended beyond certain time limits shall be approved by the State Prosecutor, introduction of a systematic access to overview the number of persons held in custody, and a new concept for investigating criminal cases concerning suspects held in pre-trial detention. The number of long-term pre-trial detentions have decreased from 1,764 in 2010 to 1,427 in 2012. In the same period of time the average duration of long-term pre-trial detentions have decreased from 6.8 months to 6.0 months.	JM
106.99	In light of the 1 July 2010 amendments to Danish legislation reducing the age for criminal responsibility to 14, bring it into line with the recommendations of the Committee on the Rights of the Child	Kazakhstan	Accepted	Accepted	The lowering of the age of criminal responsibility from 15 to 14 is in accordance with the recommendations of the Committee on the Rights of the Child.	On 1 March 2012 the age of criminal responsibility was raised from 14 to 15.	JM

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.100	Prohibit incarceration of minors together with adults, as well as solitary confinement of minors	Belgium	Not accepted	Not accepted	<p>Minors are as a rule placed outside the prison system . They can, however, be placed in the prison system if for example the charge against the minor concerns a particularly gross or dangerous crime. Minors will in that case as a rule be placed in a special unit for juveniles or in a local prison having social intercourse with other young offenders. If social intercourse with other young offenders is not possible, the staff must consider if it is in the young offender's interest to have social intercourse with older inmates in order to avoid social isolation . The staff has to be particularly aware that the young offender is not exposed to negative influence from older inmates and that the social intercourse will benefit the young offender. Solitary confinement may only be initiated or continued for persons under the age of 18 if exceptional circumstances require it and for a maximum of 4 weeks, unless the charge concerns offences against the independence and security of the State or offences against the Constitution and the supreme authorities of the State, terrorism , etc. In 2009, no person under the age of 18 was held in solitary confinement in connection with arrest and custody.</p>	<p>Denmark does not accept the recommendation, as Danish legislation does not contain an absolute prohibition. Reference is made to Denmark's answer in 2011. Denmark would like to add that Denmark acknowledges that minors as a basic principle should not be incarcerated with adults. This follows inter alia from the Danish Government platform from 2011 according to which the Government wishes to secure that no children under 18 years of age are incarcerated with adult inmates. It should be added that in 2012, no person under the age of 18 was held in solitary confinement in connection with arrest and custody. As regards solitary confinement of persons under the age of 18 in state and local prisons, it can be informed that a total of 39 decisions regarding solitary confinement were made in 2012. In 2013, the number was 30. Of the 39 decisions made in 2012, 34 of the decisions concerned placement in disciplinary cells as a disciplinary punishment, and 4 decisions concerned exclusion from association with other inmates. One decision concerned voluntary exclusion from association with other inmates. Of the 30 decisions made in 2013, 23 of the decisions concerned placement in disciplinary cells as a disciplinary punishment, and 5 decisions concerned exclusion from association with other inmates. 2 decisions concerned voluntary exclusion from association with other inmates. Please note that the above mentioned numbers for 2013 are provisional.</p>	JM
---------	--	---------	--------------	--------------	---	---	----

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIOD IC REVIEW MECHANISM (UPR)

106.101	Take further steps to solve the problem of overcrowding in prisons and to ensure legal responsibility for the spread of racial and religious intolerance through the press	Belarus	Accepted	Accepted	DK accepts the first part of the recommendation as the Danish government has already taken several steps to resolve the problem of prison overcrowding and has committed itself to addressing this problem in the future. With regard to the second part of the recommendation reference is made to the answer to recommendation no 106.37.	An agreement running from 2013 to 2016 concerning the Danish Prison and Probation Service aims at reducing the problem of overcrowded prisons permanently, inter alia, by expanding the prison capacity by 200 new units and by increasing the use of other sanctions than imprisonment, such as community service and electronic foot shackles. 50 new units have already been established and approx. 130 units are expected to be established in 2014. 40 of these will be established in Copenhagen. With regard to the second part of the recommendation reference is made to the response to recommendation no. 106.37 regarding section 266 b of the Danish Criminal Code. Please note that section 266 b also applies to hate speech disseminated through the press.	JM
106.102	Ensure that the right to family life, marriage and choice of spouse is guaranteed to every person without discrimination based on national or ethnic origin	Turkey	Accepted	Accepted	The recommendation is accepted with regard to non-discrimination.	It should be noted that new rules on family reunification with a spouse or partner entered into force on 15 May 2012. The former rules on family reunification entailed a condition that the spouses' aggregate ties with DK had to be significantly stronger than their ties with any other country, unless the spouse living in DK had held a Danish citizenship for at least 28 years, or was born and raised in DK, or had entered DK as a small child, and had been lawfully residing in DK for the same period. According to the new rules, the spouses' aggregate ties with DK must be stronger – but not significantly stronger – than their ties with any other country unless the spouse living in DK has held a Danish citizenship for at least 26 years or is born and raised in DK, or has entered DK as a small child, and has been lawfully residing in DK for the same period.	JM

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIOD IC REVIEW MECHANISM (UPR)

106.103	Abrogate the provisions of its internal legislation which prohibit, in practice, the union with a person who has family links abroad and those which prohibit reunification of spouses who have not yet reached them in an age of 24 years	France	Not accepted	Not accepted	DK does not accept the recommendation, which is based on a misunderstanding. The rules regarding spousal reunification in the Danish Aliens Act do not regulate the right to marry. It is furthermore the Danish Government's opinion that the current rules regarding spousal reunification in the Danish Aliens Act are in accordance with DK's international obligations. Exemptions from the requirements – that normally have to be fulfilled to obtain spousal reunification – are granted if DK's international obligations require this. The consideration of family unity is directly mentioned in the legislation regarding family reunification. In June 2011, the Danish Parliament adopted a bill submitted by the Government in March 2011. The new act is going to reform the legislation regarding spousal reunification and modernize the 24-year requirement. The new rules will enter into force 1 July 2011.	The 24-year rule was abolished in July 2011 and reintroduced by the current Government in May 2012 (see also the response above to recommendation no. 106.102). The intention of the 24-year rule is to counteract problems with integration and to protect young people from being pressured or forced into a marriage. The 24-year rule ensures a clear, simple, and objective age limit in cases of family reunification. The rule will, of course, be administered in accordance with DK's international obligations, including the obligation to protect the right to a family life. The age requirement will therefore in some cases be deviated from. This may, for example, be the case if the spouses are otherwise relegated to living in a country which the spouse residing in DK cannot enter or in which the spouses cannot take up residence together.	JM
106.104	Further strengthen the foundation of family and avoid resorting to measures and legislation which endanger the very foundation of family in society	Iran	Accepted	Accepted	The family plays a central part in Danish society, and Danish legislation seeks to promote family life. Being a democratic state, DK leaves it to the individual citizen to decide how to organize his or her family life. Thus, a family may establish itself within the concept of marriage, registered partnership or cohabitation, or a family may consist of a couple not living together or of one single person. The different possibilities for establishing family life form the basis of childhood and the formation and wellbeing of children.	DK does not accept the implication that DK resorts to any measures and legislation, which endanger the very foundation of family in society. Reference is made to the response in 2011.	M B L ISF

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.105	Ensure that contested children in a marital dispute have the possibility of maintaining effective contact with the foreign parent living abroad	Italy	Accepted	Accepted	According to Danish law, a child and his or her parents have the right to obtain and maintain regular contact with each other, provided that this is in the best interests of the child. This also applies when a parent is living abroad. The Hague Convention of 1980 on the civil aspects of international child abduction has established an international cooperation, through which a parent living in a contracting state may forward an application on contact to the competent Danish authority.	Reference is made to the response in 2011. According to the Act on Parental Responsibility, the same rules on access apply, whether the parents have Danish or non-Danish nationality.	M BLISF
106.106	Take effective measures to strengthen the institution of family, including awareness-raising activities which should focus on raising awareness in society, especially of young people, on the traditional understanding of family and its social significance	Belarus	Accepted	Accepted	Reference is made to the answer to recommendation no.106.104.	Reference is made to the response to recommendation no.106.104 in 2011 and 2014.	M BLISF
106.107	Continue to take serious measures to promote inter-religious and intercultural dialogue in the country and to prevent the reoccurrence of irresponsible acts which perpetuate religious hatred and intolerance	Indonesia	Accepted	Accepted	Reference is made to the answer to recommendation no.106.54.	Reference is made to the response to recommendation no.106.54.	JM /M BLISF

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.108	Strengthen measures for the promotion of intercultural understanding and tolerance in order to overcome unacceptable cases of intolerance and absence of respect for the religion of others in the country	Azerbaijan	Accepted	Accepted	Reference is made to the answer to recommendation no.106.54.	Reference is made to the response to recommendation no.106.54.	JM
106.109	Take concrete legal and practical measures to combat incitement to religious hatred and intolerance	Pakistan	Accepted	Accepted	Reference is made to the answer to recommendation no.106.54.	Reference is made to the response to recommendation no.106.54.	JM
106.110	Pay due attention to commensurate responsibility in protecting the rights of others and respect for others, while promoting and protecting freedom of expression and opinion	Bangladesh	Accepted	Accepted	Reference is made to the answer to recommendation no.106.54.	Reference is made to the response to recommendation no.106.54.	JM

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.111	Give equal recognition to the right of undocumented children to education	Honduras	Accepted	Accepted		<p>Asylum seeking children of schoolage are, like other children in DK, subject to compulsory school attendance. This means that the children must receive tuition, which in content and coverage is equivalent to tuition received by bilingual pupils in the Danish public schools. The children are taught in schools at the asylum centres, but they can also attend public schools if certain conditions are met. Upon arrival in DK, introductory tuition is offered at the Red Cross asylum school. The purpose of this is to clarify each child's vocational level and provide the children with basic knowledge about the Danish language and society. A few weeks, tuition at the normal Red Cross asylum classes or at public schools is offered. Children, who are qualified for attending public schools, can be given this offer. The condition for this is acceptance from the parents, and that the school in question finds the child qualified. At asylum centres run by the municipalities, the children are in general offered tuition at public schools, normally equivalent to tuition in reception classes. The children are gradually introduced to the ordinary classes. Non asylum seeking children of schoolage are also subject to compulsory school attendance. This applies to children who will be staying in the country for at least 6 months.</p>	UVM / JM / MBLISF
106.112	Address in particular high school dropout among students belonging to ethnic minorities	Slovakia	Accepted	Accepted		<p>DK has launched a range of initiatives aimed at reducing high school dropout, particularly among students belonging to ethnic minorities, including a "Retention Task Force"; an advisory team for schools on addressing dropout; and an increased effort towards ensuring training places for all students. In the Spring of 2014, the Parliament adopted a bill on vocational training, which i.e. focuses on dropout rates by increasing effort towards securing training places and alternative ways of completing a vocational education. It is expected that these amendments will benefit particularly vulnerable groups, who today face increased risk of dropping out, including students belonging to ethnic minorities.</p>	UVM

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.113	Adopt stronger measures to protect minorities and indigenous peoples from discrimination and to ensure their access to public facilities	Republic of Korea	Not accepted	Accepted	As it is unclear what is meant by the recommendation, Denmark cannot accept it.	DK already has adequate and robust safeguards in place to protect minorities and indigenous peoples from discrimination and to ensure their access to public facilities. Legislation concerning the structure of the Council for Ethnic Minorities (Rådet for Etniske Minoriteter) has been changed as of March 2014 in order to strengthen the Council. Among other things, this provides the basis for a higher degree of representation from all 98 municipalities throughout Denmark. The Council for Ethnic Minorities was established in 1999, inter alia, to promote participation by ethnic minorities in all areas of society. The Council will continue to advise the responsible minister on issues of relevance to refugees and immigrants in DK. Furthermore, reference is made to DK's response to recommendation no. 106.54	JM / MBLISF / BM
106.114	Remedy the difficulties in terms of access to health care for asylum seekers created by the fact that they do not have the social security number required for identification and support	France	Not accepted	Not accepted	DK cannot accept the recommendation, as it is based on a factual misunderstanding. The Danish Immigration Service already provides for the healthcare treatment of asylum seekers – including rejected asylum seekers. Asylum seekers under the age of 18 are entitled to the same healthcare as children who are residents of DK. In the case of adult asylum seekers, the Immigration Service covers the expenses for healthcare provided that the treatment is necessary, urgent and alleviating/soothing. In addition, all persons – including asylum seekers and illegal immigrants – staying in DK are entitled to free emergency hospital treatment, for example in cases of an accident, sudden illness and birth or worsening of chronic illnesses, etc. under the same conditions as persons residing in this country.	Reference is made to DK's response in 2011.	JM / (SUM)

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIOD IC REVIEW MECHANISM (UPR)

106.115	Oversee the citizenship policy regarding the granting of citizenship to stateless persons in order to ensure that it corresponds with the Convention on the Reduction of Statelessness	Finland	Accepted	Accepted	The citizenship policy corresponds with the Convention on the Reduction of Statelessness. Moreover, a number of initiatives have been initiated to ensure future compliance with the convention.	Denmark maintains a high focus on the UN Convention on the Reduction of Statelessness and on ensuring that persons covered by the convention are treated accordingly. The Danish Government has in May 2013 concluded a new political agreement on the conditions for acquiring Danish nationality by naturalization in which a separate chapter has been dedicated to stateless applicants, born in Denmark, who are covered by the UN Convention on the Reduction of Statelessness and the UN Convention on the Rights of the Child. A separate chapter on the rights of stateless persons born in Denmark ensures a high focus on the continuing compliance with the conventions and makes it possible for applicants to read the relevant conditions for acquiring Danish nationality directly from the agreement. The agreement entered into force in June 2013.	JM
106.116	Allow for family reunification for children in as many cases as possible and ensure that Danish jurisprudence on family reunification is in accordance with its human rights obligations	Greece	Accepted	Accepted	Family reunification with children is granted upon application if the conditions stipulated in the Danish Aliens Act have been met - residence permits are therefore granted in as many cases as possible according to the Danish Aliens Act. It is the Danish Government's opinion that the rules in the Danish Aliens Act are in accordance with Denmark's international obligations.	Reference is made to Denmark's response in 2011. Furthermore, new rules on family reunification with children entered into force on 20 June 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 until the child is 8 years old. In some cases, a child's residence in Denmark will be made conditional depending on whether they can be integrated. This will be the case if the child is older than 8 at the time of applying, and one of the child's parents still lives in his/her native country or in another country, where the child also lives. The integration requirement will be waived in exceptional circumstances, including consideration of the right to family life, if the application for residence is submitted no more than two years after the parent living in Denmark meets the requirements to apply for residence for the child, or if the parent is prevented from obtaining residence for the child before the two year deadline expires due to a disagreement over parental custody, or the child's place of residence is unknown and the parent living in Denmark applies for residence for the child without unnecessary delays, once the hindrances cease to exist. The best interest of the child is always included in the assessment when deciding whether to allow for family reunification.	JM

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIOD IC REVIEW MECHANISM (UPR)

106.117	Review its practice of returning aliens to regions where they may encounter real risks of persecution or serious harm , particularly in Iraq	Sw itzerland	N ot accepted	N ot accepted	D K cannot accept the recom m endation, as it is based on a factual m isunderstanding. A cording to section 7 of the D anish A liens A ct a residence perm it w ill be issued - upon application - to a foreigner if the foreigner falls w ithin the provisions of the Convention relating to the Status of Refugees or if the foreigner risks the death penalty or being sub jected to torture or inhum an or degrading treatm ent or punishm ent in case of return to his or her country of origin .D ecisions are m ade after a concrete and individual assessm ent of the inform ation in the applicant's case in conjunction with background inform ation on the conditions in the applicant's country of origin .Reference is also m ade to the answer to recom m endation no . 106.118 .	The recom m endation still cannot be accepted, as it is based on a factual m isunderstanding, and D K does not accept the in plication that there exist a D anish practise of returning aliens to regions, where they may encounter real risks of persecution or serious harm .Reference is m ade to D K 's response in 2011 .Furthermore, it should be added that the asylum authorities are in possession of an extensive collection of background m aterial concerning the situation in the asylum seekers' countries of origin, which is updated on a regular basis.	JM
---------	--	--------------	---------------	---------------	---	--	----

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIOD IC REVIEW MECHANISM (UPR)

106.118	Strictly observe the principle of non-refoulement and not resort to diplomatic assurances to circumvent it	Switzerland	Accepted	Accepted	Pursuant to section 31 in the Danish Aliens Act a foreigner may not be returned to a country where he/she will be at risk of the death penalty or of being subjected to torture or inhuman or degrading treatment or punishment, or where the foreigner will not be protected against being sent on to such country. The safeguard against refoulement is absolute.	According to section 31 of the Danish Aliens Act an alien may not be returned from DK to a country, where he will be at risk of the death penalty or of being subjected to torture or inhuman or degrading treatment or punishment, or where the alien will not be protected against being sent on to such country. By Act no. 479 of June 12 2009, a new chapter to the Danish Aliens Act regarding judicial review on certain decisions on administrative expulsion was amended. The explanatory notes to the bill lay down the limits and conditions for DK to return an alien relying on diplomatic assurances. According to the explanatory notes certain criteria must be fulfilled in order to rely on diplomatic assurances. For example the receiving country must have a stable government, which can control the executing authorities. Furthermore, there are demands regarding the agreement on diplomatic assurance. The agreement must be precise, detailed and regarding a specific alien. An element in the assessment of the assurance would be monitoring the respect of the assurance. Thus independent, qualified persons must be able to visit the returned person without prior notice and to question the returned person without witnesses when desired. If an agreement on diplomatic assurances actually were reached with a receiving country, it shall be noticed that any decision on the return of an alien, whether a diplomatic assurance provides sufficient protection of an alien against torture or inhuman or degrading treatment or punishment, is made by the Danish Immigration Service and the Refugee Appeals Board or in some specific cases by the courts. The above mentioned section 31 will thus be applied and upheld in all cases, where DK considers relying on diplomatic assurances, for which reason there will be no circumvention of the principle of non-refoulement. DK has not returned any aliens from DK to countries known for practicing death penalty and torture relying on diplomatic assurances from the receiving country. [to be continued]	JM
---------	--	-------------	----------	----------	---	--	----

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIOD IC REVIEW MECHANISM (UPR)

						<p>The question of monitoring and appropriate action in case of non-fulfilment has therefore not yet arisen in practice. With regard to extradition, according to section 6 of the Extradition of Offenders Act a person shall not be extradited if, on account of national origin, affinity to a certain ethnic group, religion, or political opinion, or otherwise on account of political circumstances, he will be exposed to persecution directed against his life or freedom or if it is otherwise of a serious nature. Moreover, the person shall not be extradited if there is a danger that, after extradition, he will suffer torture or other inhuman or degrading treatment or punishment. DK may in some conditions on extradition and require a guarantee from the receiving country on these conditions. The person who is to be extradited according to a decision made by the Ministry of Justice always has a right to demand that the police shall bring the issue of the legality of the decision before the court at his venue. The judicial review includes all aspects of the case. DK has not extradited a person from DK to countries known for practicing torture relying on diplomatic assurances from the receiving country.</p>	
106.119	<p>Revise the proposed amendments to the Danish Aliens Act with respect to unaccompanied children seeking asylum and ensure that the necessary protection and assistance is provided to unaccompanied children seeking asylum</p>	Poland	Part 1: Not accepted Part 2: Accepted	Part 1: Not accepted Part 2: Accepted	<p>DK regards unaccompanied minors as vulnerable, and the Danish Aliens Act therefore contains special rules regarding these foreigners.</p>	<p><u>Part 1</u>: The proposed amendment to the Aliens Act mentioned in the recommendation was passed by the Danish Parliament in December 2010 and came into force on 1 January 2011 (act no. 1543 of 21 December 2010). <u>Part 2</u>: Reference is made to DK's response in 2011.</p>	JM

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.120	Ensure that any decision obliging a foreigner to leave the country is in accordance with international standards and under no circumstances should a person needing international protection be expelled, in accordance with the Convention Relating to the Status of Refugees, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights, to all of which Denmark is a party	Mexico	Accepted	Accepted	Prior to the return of a foreigner who has been expelled after he/she was granted a residence permit as a refugee the Danish authorities decides whether the foreigner can be returned. Reference is made to the answer to recommendation no. 106.118. If the foreigner cannot be returned, the authorities must also decide whether the foreigner should be granted asylum again - or stay in DK without a residence permit (exceptional leave to remain).	Reference is made to the response to recommendation no. 106.120 in 2011.	JM
106.121	Take the necessary legal or administrative measures to ensure that migratory status does not depend on conjugal relations in cases in which gender violence is reported	Mexico	Not accepted	Accepted	Reference is made to the answer to recommendation no. 106.84.	Reference is made to the response to recommendation no. 106.84.	JM

M ID -TERM PROGRESSREPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIOD IC REVIEW MECHANISM (UPR)

106.122	Give due consideration to the cultural and religious sensitivities of newly arrived foreigners and migrants when designing social integration policies and programmes	Pakistan	Accepted	Accepted		DK emphasizes a good reception of newly arrived refugees and migrants within the frames set out by the Danish Integration Act and the integration programme. The latest amendment to the Danish Integration Act (by 1 July, 2013) aims at ensuring a holistic and inclusive approach, where relevant individual considerations are taken into account in order to facilitate each new com er's integration process. The National Integration Barometer, which was launched a year ago by the Ministry of Children, Gender Equality, Integration, and Social Affairs, measures nationwide developments towards meeting the Government's nine integration goals in terms of work, education, Danish language skills, responsible citizenship, equal treatment, self-determination, self-support, vulnerable neighbourhoods and crime. The first readings of the Barometer show improvements in the educational field, a negative development in the number of vulnerable neighbourhoods, and no changes in the field of employment, the share of recipients of public benefits and the crime rate. The Barometer also reveals the first measurements of the progress made to reach the goals of active citizenship, equal treatment, self-determination, and Danish language skills.	M BLISF
---------	---	----------	----------	----------	--	--	---------

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIOD IC REVIEW MECHANISM (UPR)

106.123	Review the requirements for migrants and asylum - seekers to obtain permanent residence and citizenship and consider removing retroactive elements of these requirements	United States	Not accepted	Accepted		<p>With regard to Danish citizenship, it is with a few exceptions a requirement for all applicants that they have been granted a permanent residence permit in DK and have had continuous residence in DK for a specified period of time. Refugees must, however, only fulfil a more lenient requirement with regard to continuous residence in DK . In May 2013, the Danish government has concluded a new agreement on the conditions for acquiring Danish nationality by naturalization (see the response to recommendation no. 106.115). The new agreement contains a number of changes to promote the integration of foreigners in the Danish society. New rules regarding permanent residence permits entered into force on 1 July 2012. With the new rules the so-called point requirement was abolished. Now the applicant must meet the following requirements in order to qualify for a permanent residence permit: <u>The applicant must:</u> a) still qualify for residence; b) be over the age of 18; c) have resided in DK legally for at least five years; d) not have committed a serious crime; e) not have received certain types of public benefits for a period of three years prior to submitting an application for permanent residence, or while the application is being processed; f) have submitted a signed declaration of integration and active citizenship in DK ; g) have passed a Danish language test on level 1 (Prøve i Dansk 1) or a Danish language test of an equivalent or higher level, h) have held regular full-time employment and/or been enrolled in an educational programme in DK for at least three of the five years prior to submitting the application for permanent residence, or i) be working or studying at the time of becoming eligible for permanent residence. [to be continued]</p>	JM
---------	--	---------------	--------------	----------	--	---	----

						Special rules apply if the applicant: a) has had a residence permit on grounds of asylum in D K for the past eight years, and have shown a willingness to integrate, b) is between the ages of 18 and 19, and have worked or studied continuously since completing primary school, c) has strong ties to D K , or d) is a pensioner or early age pensioner. One or more of the above-mentioned requirements are not imposed if D K 's international obligations – e.g. the UN Convention on the Rights of Persons with Disabilities – require that exemptions should be made. In compliance with the Convention, applicants who are unable to fulfil one or more of the conditions due to a disability will thus not be required to fulfil these requirements. If the foreigner cannot obtain a permanent residence permit, he or she can instead apply for an extension of the time-limited residence permit and reapply for a permanent residence permit at a later date. The new rules apply to all foreigners with a residence permit (including refugees, but not asylum seekers).	
106.124	Strengthen its protection of trafficking victims, specifically by offering longer-term alternatives that would allow them to stay in the country on a work or residency permit, rather than solely offering repatriation or asylum	United States	Not accepted	Part 1: Accepted Part 2: Not accepted	D K cannot accept the recommendation if this implies the introduction of a special residence permit for trafficked foreigners. According to the Danish Aliens Act, a residence permit cannot be granted only for the reason that a foreigner has been exposed to trafficking. This applies to both adults and minors. However, a trafficked foreigner, who risks persecution in his/her home country, can be granted asylum . In each individual case the asylum authorities make an assessment of whether the foreigner is in a concrete and individual risk of persecution or need of protection. If significant humanitarian considerations warrant it, for example serious illness, residence permit can be granted on humanitarian grounds. Residence permit can also be granted if exceptional reasons make it appropriate.	Part 1: Obviously, victims of trafficking may already, in line with everyone else, apply for residence permit under the general rules of the Aliens Act, including asylum , work, and study permits. In the Danish Government Platform 2011, it was stated that the Government would work to ensure that victims of trafficking are offered better protection in D K . Accordingly, an amendment of the Danish Aliens Act entered into force on 3 May 2013 (act no. 432 of 1 May 2013), which inter alia extended the prolonged reflection period to 120 days and introduced a specific provision in the Aliens Act according to which a temporary residence permit may be granted in cases where an alien assists a criminal investigation or prosecution. The introduction of the new provision serves to clarify this option. Work permit may be granted to an alien holding such temporary residence permit. Part 2: An alien cannot obtain a residence permit pursuant to the Danish Aliens Act solely on the basis of the fact that the alien is a victim of trafficking.	JM

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.125	Further stream line the Aliens Act to ensure that acts which may lead to expulsion are in line with international refugee and human rights law	NL	Not accepted	Accepted	It is the Danish Government's opinion that the current rules in the Danish Aliens Act are in accordance with DK's international obligations.	The Danish rules on expulsion are in line with international refugee and human rights law. The rules on expulsion in the Danish Aliens Act were amended on 1 July 2012. It is thus no longer a requirement for refraining from expulsion that the expulsion "with certainty" will constitute a violation of DK's international obligations. In deleting the wording "with certainty" of the rules on expulsion, the rules are considered to be more transparent and precise. According to section 22 of the Aliens Act, a foreign national holding a residence permit under section 7 or 8 (1) or (2) (refugees) can be expelled if the foreign national is sentenced to imprisonment for a specific time period (at least 1 or 3 years of imprisonment) or in imprisonment for more serious crimes as specified in section 22 of the Danish Aliens Act. An alien must be expelled unless this would be contrary to Denmark's international obligations.	JM
106.126	Strengthen safeguards against potential refoulement of persons in need of international protection, including by closely monitoring the situation in the countries of origin of the asylum-seekers	Republic of Korea	Not accepted	Not accepted	The rules stipulated in the Danish Aliens Act offer sufficient protection in accordance with DK's international obligations.	Reference is made to DK's response in 2011 to recommendations no. 106.117, 106.118 and 106.126. Furthermore, it should be added that the asylum authorities are in possession of an extensive collection of background material concerning the situation in the asylum seekers' countries of origin, which is updated on a regular basis.	JM
106.127	Take further concrete steps to ensure the rights of all its citizens in relation to the 24-year rule	United Kingdom	Not accepted	Not accepted	DK does not accept the recommendation according to which further steps must be taken. Reference is made to the answer to recommendation no. 106.103.	Reference is made to the response to recommendation no. 106.103.	JM /M B L ISF
106.128	Ensure that non-Danish residents can also fully enjoy their basic human rights, paying special attention to access to justice	Brazil	Accepted	Accepted	It is the opinion of DK that non-Danish residents already fully enjoy their basic human rights, including access to justice.	Reference is made to DK's response in 2011.	JM

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.129	Implement the recommendations of the Committee on the Elimination of Racial Discrimination with regard to the conditions for family reunification of spouses	Sweden	Not accepted	Not accepted	Reference is made to the answer to recommendation no.106.103.	Reference is made to the responses to recommendations no.106.102 and 106.103.	JM /M BLISF
106.130	Implement the legal provisions and, where necessary, adopt legal reforms to guarantee family reunification of foreigners who have settled in Denmark, particularly family members of refugees, in accordance with the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, as well as the 1954 Convention Relating to the status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness	Ecuador	Not accepted	Accepted	DK finds that the current rules in the Danish Aliens Act are in full accordance with DK 's international obligations. Reference is made to the answer to recommendation no.106.103.	DK has implemented the legal provisions in accordance with the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, as well as the 1954 Convention Relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. However, DK does not accept the implication that there is need for adoption of further legal provisions, as the current rules in the Danish Aliens Act and the administration thereof are in full accordance with DK 's international obligations. In cases concerning family reunification between a refugee living in Denmark and a foreign person, the Immigration Service assesses whether there is a continued risk for persecution for the refugee who live in Denmark. The assessment is relevant for the family reunification. A refusal of family reunification may be appealed to the Immigration Appeals Board. The Board can try the case concerning family reunification in its entirety.	JM

M ID -TERM PROGRESSREPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIOD IC REVIEW MECHANISM (UPR)

106.131	Ensure that detention of refugees, migrants and asylum -seekers is applied only as a last resort	Slovakia	Accepted	Accepted		The Danish National Police has set out a strategy for the use of detention under the Danish Aliens Act. The strategy was most recently updated in October 2012. It follows from the strategy that the detention shall always be used with consideration and only if and as long as it is necessary to reach the objective aim. Furthermore, it must always be based on a specific assessment in each individual case and only be effected if less coercive measures are insufficient. Detention must thus always be proportional and as short as possible. If an alien is being deprived of his liberty, the case must be prioritised and expedited as quickly as possible, and special consideration must be taken in cases concerning vulnerable aliens (e.g. psychologically and physically ill, elderly, minors, pregnant women, etc.). It must be noted, that a doctor, nurse and psychologist are attached to the institution E. Lebbæk, and that all detainees are being attended by a nurse as soon as possible after the detention. The detainees are being attended by a doctor by reference from the nurse or by his own request. If there are problems related to the detainee's mental health, the examination by the nurse will be expedited, just as there if necessary will be taken measures in relation to psychiatric consultations.	JM
106.132	Assess in an open and transparent manner the consequences of flights conducted over Danish territory and landings that took place in the context of the Central Intelligence Agency extradition programme	Switzerland	Not accepted	Accepted		Danish investigations have been carried out in an open and transparent manner in order to assess the alleged CIA flights over airspace in Denmark, Greenland, and the Faroe Islands. In 2008, the Danish Government published a report after an inquiry by an Inter-Ministerial Working Group, and DK, furthermore, refers to the thorough and in partial investigation carried out by Danish Institute for International Studies, which was concluded in the Summer of 2012	UM / JM

M ID -TERM PROGRESS REPORT 2014

UPDATE BY DENMARK ON FOLLOW -UP OF THE RECOMMENDATIONS OF UNHRC UNDER THE UNIVERSAL PERIODIC REVIEW MECHANISM (UPR)

106.133.	Carry out an inclusive evidence-based evaluation of the Danish anti-terrorism legislation	NL	Not accepted	Under consideration	The Government has recently prepared a report on the experiences related to the so-called anti-terrorism packages and has found no reason to propose changes on the basis of legal protection. In connection with the preparation of the report, the Danish Ministry of Justice received statements from the Security and Intelligence Service, the Director of Public Prosecutions and the National Police. Furthermore, other relevant ministries contributed to the report. As it is stated in DK's national UPR report, civil society criticized the report. The Government will take the criticism from civil society into consideration in its continued efforts to guarantee that the terrorism legislation provides a basis for effectively combating terrorism without compromising the fundamental rights of the citizens.	According to the 2011-Government Platform (p. 61), the government intends to form a comprehensive strategy for DK's efforts to combat international terrorism and the threat of terrorism to DK. To that end, the government intends to set up a committee tasked with reviewing the instruments used to date for counterterrorism and the effectiveness and cost of DK's counterterrorism effort. The committee's work will provide the future basis for the government's comprehensive strategy for effectively combating terrorism without compromising the fundamental rights of citizens. The specific mandate for the committee is currently under preparation.	JM
----------	---	----	--------------	---------------------	--	---	----

Total number of recommendations NOT ACCEPTED :	49	16
Total number of recommendations ACCEPTED :	82	102
Total number of recommendations "Part 1: Accepted Part 2: Not accepted"	1	2
Total number of recommendations "Part 1: Not accepted Part 2: Accepted"	1	1
Total number of recommendations "Part 1: Accepted Part 2: Under consideration Part 3: Not accepted"	0	1
Total number of recommendations "Part 1: Under consideration Part 2: Not accepted"	0	1
Total number of recommendations "Part 1: Under consideration Part 2: Accepted"	0	1
Total number of recommendations "Under consideration"	0	9
Total number of recommendations**	133	133

* Number of the recommendation in the report of the UPR Working Group (A/HRC/18/4/Add.1), 13 September 2011

ABBREVIATIONS

BM	Ministry of Employment / Beskæftigelsesministeriet
FO	Government of the Faroe Islands / Færøernes Hjemmestyre
GL	Government of Greenland / Grønlands Selvstyre
JM	Ministry of Justice / Justitsministeriet
UVM	Ministry of Education / Undervisningsministeriet
OM	Ministry for Economic Affairs and the Interior / Økonomi- og Indenrigsministeriet
MBLISF	Ministry of Children, Gender Equality, Integration and Social Affairs
STM	The Prime Minister's Office / Statsministeriet
SUM	Ministry of Health / Ministeriet for Sundhed og Forebyggelse
UM	Ministry of Foreign Affairs / Udenrigsministeriet
JM +	Ministry of Justice as well as other relevant ministries / Justitsministeriet og andre relevante ressortministerier
UM +	Ministry of Foreign Affairs as well as other relevant ministries / Udenrigsministeriet og andre relevante ressortministerier