Ministry of Foreign Affairs of Denmark

SIXTH PERIODIC REPORT OF DENMARK CONCERNING THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

29 September 2015

Contents

Abbreviations

CMM	Danish Centre against Human Trafficking
CSR	Corporate Social Responsibility
DIHR	Danish Institute for Human Rights - Denmark's National Human Rights Institution
DIIS	Danish Institute for International Studies
DKK	Danish Kroner (national currency)
ECHR	European Convention on Human Rights
HRC	Human Rights Committee
ICCPR	International Covenant on Civil and Political Rights
ILO	International Labour Organization
OECD	Organization for Economic and Cultural Development
KL	Local Government Denmark
LoI	List of Issues (CCPR/C/DNK/Q.6)
NGO	Non-governmental organization
SFI	Danish National Center for Social Research
UNHCR	United Nations High Commissioner for Refugees
UPR	Universal Periodic Review

I. Introduction

1. This report is submitted in pursuance of article 40 of the International Covenant on Civil and Political Rights (ICCPR), which entered into force in Denmark on 6 January 1972. The report is organized in conformity with the new optional reporting procedure which Denmark accepted on 2 March 2011.

2. The report deals with changes in legislation and legal and administrative practice relating to the material provisions of the Covenant made since the Government of Denmark (hereinafter 'the Government') submitted its fifth periodic report (CCPR/C/DNK/5), with reference to the latest list of issues (CCPR/C/DNK/Q.6).

3. The Kingdom of Denmark is the Contracting Party to the ICCPR. The Faroe Islands and Greenland are, however, separate jurisdictions in certain matters hence there are separate reports from the Faroe Islands and Greenland in relation to the review of the implementation of the obligations under the Covenant in the Faroe Islands and Greenland. These reports thus reflect the views of the Faroese and Greenlandic authorities. Faroese non-governmental organizations were invited to submit comments to the report of the Faroe Islands but no comments were received. In Greenland, the Human Rights Council of Greenland submitted comments (enclosed).

Reply to paragraphs 1-3 of the list of issues ('LoI')

Police and Judiciary Reform [Ministry of Justice]

4. In 2006, the Administration of Justice Act (*Retsplejeloven)* was amended (Act 2006-06-08 No. 538) with the aim to strengthen and develop the judiciary and its ability to perform the tasks of the courts in accordance with future requirements and opportunities. On 1 January 2007, the court reform entered into force. The reform aims at creating the most appropriate conditions for the judiciary to function in a uniform and professional way and create a flexible, service oriented and effective organization of the courts. Initially the implementation of the reform caused challenges but since 2009 processing times at the courts have been significantly reduced. This has facilitated access to the judiciary in Denmark.

Class action [Ministry of Justice]

5. In 2007, the Danish Administration of Justice Act was amended (Act 2007-02-27 No. 181). The amendment stipulates that uniform claims submitted by more than one person can be processed as a class action. Several individual claims are processed in one trial, but without the attendance of all the persons whose claims are being processed in the trial. Only the representative of the group is considered a party to the claim, but the verdict is binding to and enforceable on all claimants. Class action litigation is new to the Danish legal tradition and provides an enhanced procedure for processing uniform claims that facilitates access to the judiciary and thereby supports justified claims and claims that could be discarded due to lack of resources.

The appearance of judges in court [Ministry of Justice]

6. In 2009, the Administration of Justice Act was amended (Act 2009-06-12 No. 495). The amendment states that a judge may not appear at a hearing in court in such a way that could be perceived as an expression of religious or political affiliation. Therefore a judge is required to wear a judge's mantle during hearings. The purpose is to ensure that judges appear neutral in court.

Co-maternity [Ministry of Social Affairs and the Interior and Ministry of Justice]

7. In 2012 the scope of the Marriage Act was changed in order for the Act to apply to both marriages between two persons of different sex and two persons of the same sex. The change also made it possible for two persons of the same sex to enter into marriage through a church ceremony. In addition to this, in 2013 the Administration of Justice Act was amended (Act 2013-06-12 No 652) as a consequence of amendments to the Children's Act

(*Børneloven)* regarding the regulation on who is deemed to be the parent of a child either by registration or a court decision. The amendments to the Children Act intend to provide equal treatment of same sex couples and different sex couples regarding parenthood and the question of who is the legal parent of a child. It is now possible for a woman, who has consented to artificial insemination of her spouse or partner and has given her consent to be co-mother of the child, to be registered as the co-mother of the child. The legal consequences of co-maternity are the same as the legal consequences of paternity. Consequently, the Administration of Justice Act was amended regarding the judiciary's processing of a paternity case to also include co-maternity. The amendment states that a presumed co-mother will be considered equal to a presumed father regarding duties and rights during a paternity or co-maternity-trial. For example the co-mother is obligated to give a statement regarding her consent to her spouse's or partner's artificial insemination, and the amendment therefore reflects that paternity or co-maternity can be established in litigation based on both genetic testing as well as consent to artificial insemination.

Strengthening of the Danish Institute for Human Rights (DIHR) [Ministry of Foreign Affairs]

8. The status of DIHR (*Institut for Menneskerettigheder)* is regulated by Act no. 553 of 18 June 2012. The act stipulates that DIHR is a self-governing institution within the public administration which means that it is an independent and autonomous entity not subject to government instruction. Likewise, government representatives cannot participate in decisions regarding the work of the institution but only through a consulting capacity. Additionally, the act stipulates that the state shall provide annual financial support to DIHR to ensure that the DIHR has sufficient resources to execute its mandate.

9. The act further stipulates that DIHR must facilitate and protect human rights in peacetime and during armed conflicts especially by monitoring of and reporting on human rights in Denmark, researching, raising awareness, advising the Parliament, the Government and other public authorities and private operators about human rights, helping to promote the coordination between and support to organizations that work with human rights, helping to promote and to implement teaching about human rights, and ensuring library facilities regarding human rights and contribute to the implementation of human rights at home and abroad. Furthermore, the institute promotes equal treatment of all persons regardless of sex, race or ethnic origin *inter alia* by assisting victims of discrimination with pursuing their complaints, launching independent inquiries into discrimination, publishing reports and submitting recommendations.

The Danish equality body on gender [Ministry of Children, Education and Gender Equality]

10. In 2002, DIHR was appointed as the Danish equality body on racial and ethnic origin. In 2011 the mandate of the institute was extended as the institute was appointed as the national equality body on gender. The Equality Counselling at the institute provides legal and practical information and advice to victims of discrimination. The competence to decide on cases lies with The Board of Equal Treatment.

Measures to promote equal rights and opportunities for female and male ethnic minorities [Ministry of Immigration, Integration and Housing]

11. Various initiatives to promote equal rights and opportunities for women and men with an ethnic minority background have been initiated. *Inter alia* a "Rights Campaign" which targets both women and men from ethnic minority groups in Denmark informing them of their rights according to family law, work, economy and health. Evaluations have shown positive results. The campaign has had two offsprings as marginalized ethnic minority women have been offered one-on-one legal guidance, and a group of resourceful minority women were trained to guide other minority women about their rights and possibilities in Denmark.

Establishment of a mediation and complaints-handling institution for responsible business conduct [Ministry of Business and Growth]

12. In November 2012, the mediation and complaints-handling institution for responsible business conduct was established by law. The institution handles cases involving potential breaches of international corporate social responsibility (CSR) guidelines, including human rights violations, by Danish private or public companies, Danish authorities, Danish private or public organizations and their business associates. The institution is an independent body within the public administration. Denmark thereby fulfills the obligation to provide a national contact point to deal with breaches on the OECD Guidelines for Multinational Enterprises.

13. Any person may bring a complaint before the institution on their own behalf, or that of a third party. In cases involving breaches of international CSR guidelines, the institution may initiate a dialogue between the involved parties for them to find a suitable solution or offer to mediate. The institution is mandated to initiate its own investigations, if it deems it necessary.

14. Furthermore, the institution assists Danish companies in their endeavor to comply with international CSR guidelines by providing interpretations and guidance.

15. Since 2008, the Financial Statements Act (Section 99a) (*Årsregnskabsloven)* has required the 1,100 largest Danish companies and all state-owned limited liability companies to report on CSR in their annual reports. In 2012, the Parliament passed a bill ensuring that the same companies also expressly state in their annual reports what measures they are taking to respect human rights (and climate impact reduction), and to report if they do not have such measures in place. The same reporting requirement has also been introduced for institutional investors, mutual funds and other listed financial businesses (financial institutions and insurance companies, etc.), not covered by the Danish Financial Statements Act. Since the legal requirement became effective in 2009, four reports have been published regarding the companies' implementation of the requirement in the Danish Financial Statements Act. The latest report was published in 2014.

Danish National Action Plan on the implementation of the UN Guiding Principles on Business and Human Rights [Ministry of Business and Growth]

16. In April 2014, a National Action Plan on the implementation of the UN Guiding Principles on Business and Human Rights was adopted. The National Action Plan summarizes initiatives on business and human rights taken by the Government since the adoption of the UN Guiding Principles. It also provides an overview of the status on all guiding principles. The focus is primarily on preventing potential negative impacts on human rights when Danish companies operate abroad. This issue has come to attention more recently than the risks posed within Denmark.

Hotline for military employees [Ministry of Defence]

17. In 2013, the Danish Defence *(Forsvaret)* established a hotline for employees (*Medarbejderlinjen*). It is a contact-point to which where employees may call or write for information on where to seek help or to report incidents regarding military disciplinary regulation or breaches on military safety, criminal incidents, abuse of public funding etc. Contact can be made anonymously. The purpose of the hotline is twofold: to increase access to aid for employees and to ease the reporting of illegal circumstances.

Danish military manual [Ministry of Defence]

18. Project Military Manual *(Projekt Militær Manual)* was initiated in 2012 in order to strengthen the education of the military in and employment of International Humanitarian Law and the Laws of Armed Conflict. The project-group has been assigned to produce a military manual providing added value to the Danish defence. The manual will contain provisions for the compliance of international humanitarian law and other relevant international law, in particular human rights law, during planning and execution of military operations within the framework of Denmark's military engagements. By extension, the manual will provide overall provisions regarding the extent to which human rights law will apply for Danish forces' participation in international operations. The manual is foreseen by the end of the first half of 2016.

Greenland

19. The Act on Greenland Self-Government entered into force on 21 June 2009. The self-government arrangement replaced the Greenland Home Rule Arrangement established in 1979.

20. In 2012, the Parliament of Greenland adopted Inatsisartut Act No. 23 of 3 December 2012 on Greenland's Human Rights Council. Information on the Council is included below.

II. Specific information on the implementation of articles 1 to 27 of the Covenant

Constitutional and legal framework within which the Covenant is implemented

Reply to paragraph 4 of the LoI [Ministry of Justice]

21. Having reviewed its reservations to the ICCPR, the Government has as of 2 April 2014 narrowed the scope of its reservation to article 14, paragraph 5.

Reply to paragraph 5 of the LoI [Ministry of Justice]

22. In December 2012, the Government appointed an expert committee *inter alia* to consider the positive and negative implications of incorporating UN human rights treaties into Danish law, including the ICCPR. The committee delivered its report in August 2014 which was subsequently sent into public hearing. The Government decided in autumn 2014 that none of the UN treaties will be incorporated into Danish law.

23. It appears from journals on jurisprudence ("Ugeskrift for Retsvæsen" and "Tidsskrift for Kriminalret") that Danish courts have expressly applied provisions of the Covenant in 9 decisions in the period from 1 January 2001 to 1 January 2014.

24. The latest judgment in the abovementioned period was delivered on 10 August 2011. The Supreme Court examined whether it was contrary to Article 8 of the European Convention on Human Rights (ECHR) or Article 24 of the ICCPR in conjunction with Article 5, 9, 10 and 18 of the Convention on the Rights of the Child that the *then* Ministry for Refugees, Immigration and Integration had refused family reunification in a case, where the spouse living in Denmark held a residence permit as a refugee, but the spouses were considered able to reside in their country of origin. The Supreme Court reviewed relevant legislation and reached the conclusion that it did not infringe the ECHR or other international conventions.

Reply to paragraph 6 of the LoI [Ministry of Justice and Ministry of Immigration, Integration and Housing]

25. The Committee's views are carefully considered by the relevant ministries. The Government has given effect to the Committee's views in the individual communications where the Committee held that a provision under the Covenant had been violated (1222/2003 and 1554/2007). The Government is currently assessing the views expressed by the Committee in communication No. 2001/2010 received On the 24 April 2015, communication 2370/2014 received On the 4 August 2015, 2288/2013 received on the 3 September 2015 and communication 2343/2014 received on 3 September 2015 and communication 2360/2014 received on the 4 September 2015.

26. As regards the case of *Mohamed El-Hichou v. Denmark*, the view of the Committee is taken into consideration in the consideration of concrete cases by the Danish immigration authorities. Furthermore, in general measures have been taken to improve the opportunities for foreign children to exercise family life with a parent in Denmark.

27. In general children under 15 years of age whose parent(s) live in Denmark are eligible for a residence permit in Denmark.

28. There is, however, a special requirement if one parent lives with the child abroad and the other parent lives in Denmark. In that case, if the child is 6 years old or older and applies for family reunification with the parent in Denmark more than 2 years after it would have been possible to obtain such family reunification, the child must be deemed to have the potential for successful integration into the Danish society. The period of 2 years runs from the child's 6th year as the earliest. This requirement aims to prevent parents from placing their child in the home country together with one of the parents until the child is almost an adult in order to achieve that the child gets an upbringing in conformity with the culture and norms of the home country and is not influenced by Danish norms and values.

29. New rules stipulate that an assessment of a child's potential for successful integration will not be carried out when the child is 8 years or younger, see section 28 above. The rules furthermore stipulate that where such an assessment *is* carried out, the integration of the parent residing in Denmark should be given added weight. The rules also state that not only the ability to take care of the child, but also the desire of the foreign parent to do so, should (among others) be taken into consideration.

30. The requirements for obtaining family reunification are waived if Denmark's international obligations, *inter alia* the best interest of the child, so require.

Reply to paragraph 7 of the LoI [Ministry of Justice]

31. The Danish Government ratified the Covenant without territorial reservations. The ratification thus extends to all parts of the Kingdom of Denmark, including Greenland and the Faroe Islands.

32. The status of international conventions in Greenland and the Faroe Islands is the same as it is in other parts of the Kingdom of Denmark: they are sources of law, being invoked before and applied by the courts and other law-applying authorities. All public authorities must act in compliance with the Covenant, and legislation must be interpreted and given effect in accordance with the ICCPR. Moreover, Denmark's human rights obligations, including the ICCPR, are actively considered, when new legislation is drafted.

33. Whilst the Kingdom of Denmark is the State Party to the Covenant and responsible for the State's international relations, both Greenland and the Faroe Islands are self-governing communities with the legislative and administrative powers that have been transferred to them. The responsibility for implementing Covenant rights within these areas on Greenland and the Faroe Islands therefore rests with the self-government authorities.

34. Greenland's Human Rights Council was established on 1 January 2013 with a mandate to promote and protect human rights in Greenland. This is done through the Council's involvement in the monitoring and reporting on human rights in Greenland, providing advice to the government authorities in Greenland, promoting coordination of and support to civil society's human rights work and awareness raising. The Council is funded through grants from the Greenlandic treasury.

35. The mandate of the DIHR has been expanded to cover also Greenland as the national human rights institution. In 2013, the DIHR published its first report on the human rights situation in Greenland covering a number of thematic areas, namely children, disabled persons, rule of law, education and extractive industries.

36. The Faroe Islands does not currently plan to establish a Faroese human rights council or to expand the mandate of DIHR to the Faroe Islands.

Counter-terrorism measures and respect for the rights guaranteed in the Covenant

Reply to paragraph 8 of the LoI [Ministry of Justice, Ministry of Defence and Ministry of Immigration, Integration and Housing]

Legislative and administrative measures relating to terrorism

37. In 2008, the Council of Europe's Committee of Ministers decided to add the International Convention for the Suppression of Acts of Nuclear Terrorism to the treaty list appended to the Council of Europe Convention on the Prevention of Terrorism. In order to meet the obligations deriving from this decision, the Criminal Code was amended by Act no. 157 of 28 February 2012.

38. On 30 May 2013 the Danish Parliament passed legislation relating to the Security and Intelligence Service and the Defence Intelligence Service (*Politiets Efterretningstjeneste & Forsvarets Efterretningstjeneste)*. Amongst others, the bills introduced new rules on processing of personal data by the Security and Intelligence Service. For instance, the bills stipulate that information may only be shared with foreign authorities if the sharing is justifiable. In that assessment, the conditions in the receiving country, including whether the country uses methods of interrogation or methods of punishment that conflict with Danish standards, is taken into account. The legislation also creates a new enhanced, independent oversight authority, the Danish Intelligence Oversight Board. The main task of the Oversight Board is to control and ensure that the services process personal data in accordance with the law. The Board acts on its own initiative or upon request from citizens.

39. By Act no. 634 of 12 June 2013 a new provision on temporary seizure of assets related to money laundering or financing of terrorism was inserted in the Administration of Justice Act.

40. On 27 January 2015 a broad political agreement was reached on prevention of radicalisation and extremism which among others included initiatives focusing on strengthening the cooperation with and support to civil society in preventing radicalisation as well as new measures to reflect the new challenges such as online radicalisation and recruitment to armed conflicts abroad.

41. On 19 February 2015 a bill regarding the efforts against recruitment to armed conflicts abroad was passed. The bill was introduced as a follow-up to the above mentioned action plan. It contains two main elements: 1) measures relating to Danish nationals entailing amendments to the Act on Passports for Danish Citizens and 2) measures relating to resident aliens entailing amendments to the Aliens Act.

42. With the amendments to the Act on Passports for Danish Citizens, the police may refuse to issue a passport to a Danish national or revoke a previously issued passport for a specified period of time when there is reason to believe that the person intends to participate in activities abroad that may involve or increase a danger to national security, public order or other states' security. In addition, the police may supplement such a decision with a travel ban for a specified period of time.

43. With the amendments to the Aliens Act, the Immigration Service may decide that an alien's right of residence or residence permit has lapsed, if the alien is staying or has stayed outside of the country, and there is reason to believe that the alien during the stay participates or has participated in activities that may involve or increase a danger to national security, public order or other states' security. Exception is made for cases where Denmark's international obligations so require.

44. Following the terrorist attacks in Paris and Copenhagen in January and February 2015, the Government presented a plan with 12 new measures to further strengthen the efforts against terrorism. The measures include improvement of the police's and the Danish Security and Intelligence Services' efforts to counter terrorism and contingency arrangements in case of a terrorist attack.

Judicial control of police access to private and confidential information

45. Interception of communication is regulated by Part 71 (sections 780-791) of the Administration of Justice Act. As described in Denmark's fifth periodic report, section 783(2) was introduced as part of the adoption of the second anti-terror package in 2006 (Act no. 542 of 6 June 2006).

46. The mentioned provisions set out the principal rules on interception of communication:

47. According to section 780 of the Administration of Justice Act the police may breach the confidentiality of communication by (1) intercepting telephone conversations or other similar telecommunication (telephone interception), (2) intercepting other conversations or statements by means of a device (other interception), (3) obtaining information about which telephones or other similar communication devices are connected with a certain telephone or other communication device, even though the owner has not granted permission for this (tele-information), (4) obtaining information about which telephones or other similar communication devices within a specified area are connected with other telephones or other communication devices (extended tele-information), (5) withholding, opening and becoming informed of the contents of letters, telegrams and other mail deliveries (letter opening), and (6) stopping the forwarding of mail deliveries as mentioned in no. 5 (letter stopping).

48. Breach of the confidentiality of communication may only be carried out, if the conditions set out in section 781(1) the Act are fulfilled. There must be specific reasons to presume that messages are given or mails are delivered by the means in question to or from a suspect; the breach must be presumed to be of crucial importance to the investigation; and the investigation must concern an offence, which under the law can be punished with imprisonment for 6 years or more, or an intentional violation of certain specific provisions of the Criminal Code and the Aliens Act. Section 781(2)-(4) of the Act contains specific exceptions to section 781(1). Section 781(5) of the Act provides that other interception and extended tele-information may only be conducted when the suspicion concerns an offence, which has caused or which can endanger human life or welfare or significant values of society. Extended tele-information may be obtained even if there are no specific reasons to presume that messages are given by telephone or other similar communication devices to or from a suspect.

49. Confidentiality of communication may not be breached if the measure would be disproportional to the intended purpose, the significance of the case and the infringement and inconvenience, which the measure can be presumed to cause the concerned person or persons. Furthermore, telephone interception, other interception, letter opening and letter stopping cannot be carried out with regard to the relations of the suspect with persons, who, pursuant to the rules of section 170 of the Act, are excluded from giving testimony as witnesses (e.g. a defense counsel).

50. According to section 783(1) of the Administration of Justice Act, breach of the confidentiality requires a court order. The court order shall state the telephone numbers, locations, addresses or mail deliveries, which the measure concerns, and the specific circumstances upon which it is based that the conditions for the measure are fulfilled. The court order can at any time be reversed. Furthermore, the court order lay down the period of time, which shall be as short as possible and which cannot exceed four weeks – within which the measure can be implemented. The time period can be extended by a court order, but at the most by four weeks at a time.

51. Section 783(4) of the Administration of Justice Act contains a special *perriculum in mora* rule that allows the police to decide to implement a measure, if the purpose of the measure would be forfeited if a court order was to be awaited. In that case the police shall submit the case to court as soon as possible and within 24 hours from the initiation of the measure. The court decides if the measure can be approved as well as whether it can be upheld and if so for which period of time. If, in the opinion of the court, the measure should not have been implemented, the court shall give notice thereof to the Ministry of Justice (*Justitsministeriet).*

52. As mentioned above, section 783(2) of the Administration of Justice Act was introduced in 2006, allowing the police to obtain a court order on telephone interception or tele-information that follows a person rather than the particular means of communication if the investigation concerns specific violations (e.g. terrorism) of the

Criminal Code. The police shall as soon as possible after the termination of the time period in which the measure has been implemented inform the court of the intercepted telephone numbers not mentioned in the court order. If warranted by specific circumstances, this information must be presented to the court within 24 hours after the implementation of the measure. This information shall state the specific circumstances upon which it is based, that messages are given by the means in question to or from a suspect. The attorney appointed (see below) to the person whom the measure concerns shall be informed of the measure and can request the court to decide in the form of an order if the measure was legal. If, in the opinion of the court, the measure should not have been implemented, the court shall give notice thereof to the Ministry of Justice.

53. Before the court makes a decision according to section 783 of the Administration of Justice Act, an attorney shall be appointed to the person whom the measure concerns and the attorney shall have the opportunity to make a statement. If the investigation concerns a violation of Part 12 or 13 (e.g. terrorism) of the Criminal Code, the attorney is appointed from among a special group of attorneys. The attorney shall be notified of all court meetings in the case and is entitled to attend these as well as to be informed of the material obtained by the police. The attorney is further entitled to receive a copy of the material. If the police find that the material is of a particular confidential nature, and that a copy – of the material should not be provided to the attorney, the police shall, upon request from the attorney, submit this matter to the court for decision.

54. Section 788 of the Administration of Justice Act regulates the obligation to notify the concerned persons after the measure has taken place. As a main rule, depending on the type of interception, the owner of the telephone, the person who has possession of the place or the room where the conversation took place or the statement was made, or the sender or the recipient of mail delivery is informed.

55. If, in connection with telephone interception or other interception or letter opening, an invasion has occurred in the communication between a suspect and a person, e.g. a defense counsel, who is excluded from testifying as witness, material from such invasion shall be destroyed immediately. However, this does not apply if the material causes charges for a criminal offence to be brought against the person concerned or causes the defense counsel to be removed from his assignment.

Proceedings of deportations and expulsions of aliens on national security grounds

56. Act No. 487 of 12 June 2009 of the Aliens Act *(Udlændingeloven)* introduced a special procedure for expulsion of foreign nationals on national security grounds.

57. According to section 25 (i) of the Aliens Act, a foreign national can be expelled if the foreign national is considered to pose a risk to national security. The assessment of whether a foreign national poses a risk to national security is made by the Minister of Justice on the basis of a recommendation from the Security and Intelligence Service. The decision on expulsion is made by the Minister of Immigration, Integration and Housing. The decision is reviewed by court unless the foreign national renounces this right in writing. The Aliens Act includes specific rules on the court review of the mentioned decisions.

58. Evidence of the security risk which - for reasons of security - cannot be presented to the foreign national is only presented in closed court sessions. Hence, the evidence is divided into accessible and non-accessible evidence.

59. The foreign national in question has an appointed lawyer and a specially appointed lawyer, both paid by public funds. Only the special appointed lawyer has access to the non-accessible evidence and thus represents the foreign national with regard to this part of the evidence forming the basis of the assessment of risk.

60. If a foreign national, who is considered to pose a risk to national security, applies for asylum or has had a residence permit as refugee revoked, the court will decide whether the Refugee Convention or other international conventions prevent the removal. If this is the case, the removal will be deferred and the foreign national will be granted exceptional leave to stay in Denmark.

Reply to paragraph 9 of the LoI [Ministry of Foreign Affairs]

61. In 2008, the Government decided to set up an inter-ministerial working group with the mandate to examine new information from a documentary titled "CIA's Danish connection" and, if necessary, as part of the inquiry to consult with the relevant American authorities.

62. The Inter-ministerial Working Group comprised representatives from Danish authorities, the governments of Greenland and of the Faroe Islands as well as the Greenland Airport Authority. The objective of the Working Group was to examine information on alleged CIA flights in Denmark, Greenland and the Faroe Islands. The Working Group published its report in October 2008 and concluded *inter alia* that:

- it was not possible to determine whether or not CIA flights had occurred in Danish, Greenlandic or Faroese airspace, including illegal transit of detained persons,
- based on the information available to the Working Group it was not possible for the Danish authorities to confirm or rule out that extraordinary renditions had been carried out in Danish, Greenlandic or Faroese airspace,
- consequently, there was no basis to conclude that the Danish Government bears responsibility or co-responsibility for alleged illegal activities of the CIA or other foreign authorities' activities.
- the existing Danish control mechanisms were adequate for ensuring that the relevant authorities had the necessary means to interfere, should the authorities learn about illegal rendition flights approaching or having entered Danish, Greenlandic or Faroese airspace.

63. Furthermore, the report concluded that Denmark cannot give its consent to renditions of detained persons in cases where there are substantial grounds to believe that the persons being transported would be in danger of being subjected to torture or other types of cruel or inhuman treatment or of other violations of the detainees' fundamental human rights. The Working Group made several other recommendations listed on page 97 of the report and on page 101 (English summary).

64. In November 2011, on behalf of Greenland, the Minister of Foreign Affairs requested the Danish Institute for International Studies (DIIS) to initiate an impartial investigation on a number of aspects regarding the alleged CIA-flights, i.e. allegations of duplicity on the part of the former Danish Government. The investigation was published on 29 May 2012 and concluded, *inter alia*, that the Government with the preparation of the Inter-ministerial Working Group Report of 2008 had succeeded in carrying out a thorough investigation on the issue of the alleged over-flights. The report of DIIS also concluded that there had been no duplicity on the part of the former Government in the matter.

65. Following the release of the report, the Government announced that it considers the matter closed and found that the thorough and impartial investigation carried out by DIIS, as well as the forward-looking guarantee that has been provided to Denmark by the US, settle the case concerning the alleged illegal flights by the CIA in Danish, Greenlandic and Faroese airspace in a suitable manner. The reports of the Inter-ministerial Working Group of October and of DIIS (both in Danish) are enclosed.

Equality between men and women, non-discrimination, and political participation of women

Reply to paragraph 10 of the LoI [Ministry of Children, Education and Gender Equality and Ministry of Business and Growth]

66. All female and male citizens must have equal opportunities to pursue their goals in life, and neither gender nor other factors must become a barrier for this pursuit. Through a range of legal acts women's rights to participate

in society have been ensured. However, women still face challenges and therefore the Government has initiated a range of activities to achieve *de facto* equality for all.

67. In 2013, the Government launched a new strategy on gender mainstreaming with the aim of further promoting public authorities' gender mainstreaming work. The strategy has three dimensions:

    Improved gender equality assessments: More systematic gender equality assessment of bills and other citizen-related initiatives and a better gender balanced composition in public companies/institutions;

    Improved guidance and knowledge dissemination: New improved web-site (with good practices and gender mainstreaming tools), professional guidance on gender equality assessments, establishment of a new cross-ministerial network and a Nordic survey on best practices; and

    Improved monitoring: Improved and simplified concept for the preparation of public authorities' bi-annual gender equality reports, making the reports easier for authorities to use as tools for monitoring and improvement of gender equality measures, as well as monitoring of the authorities' efforts to bring more women into management.

Women in political decision making positions

68. Women are still underrepresented in politics, especially at the local level. The proportion of seats held by women at local level has since the late 1980's been stable around 27 pct. but improved to 32 pct. after the elections in 2009. After the elections in 2013, this proportion was 30 pct. In regional councils, the proportion of women is bigger and has been improving. After the elections in 2009, the proportion of seats held by women was 35 pct. and 40 pct. after the elections in 2013. In the national parliament, after the elections in 2011, the proportion of seats held by women was 39 pct. From October 3rd, 2011 - June 28, 2015, the Prime Minister was a woman, and there were (pr. June 28, 2015) six female ministers (30 pct.) out of 20 ministers in total.

69. Different initiatives have been launched to improve the number of women in local politics. Leaflets on women in local politics (2004 and 2008) have been published and an awareness-raising conference was held in 2009. Furthermore, a working group consisting of three ministries and Local Government Denmark (KL) has been analyzing the effects on working conditions for local politicians after the local government reform in 2007. The group recommended in 2009 *inter alia* that gender should be a point of focus in dialogues with party associations with the aim of supporting a diversified recruitment base to local governments. Finally, the former Ministry of Gender Equality and Ecclesiastical Affairs provided financial support for the awareness raising campaign carried out by Women's Council Denmark in 2013 focusing on more gender equality in local governments.

70. According to Section 10a of the Gender Equality Act (*Ligebehandlingsloven*), authorities or organizations that suggest a member for a committee etc. established by the municipality or regional council must suggest both a woman and a man. If the authority or the organization is unable to do that without referring to a specific reason, the municipality or regional council can decide to establish the committee without the member in question. Since 2007, 30 – 34 pct. of the members in local municipality bodies have been women and in the regions the figure since 2009 has been 44 - 45 pct..

Women in management positions - private and state-owned company boards

71. Various initiatives have been initiated since 2007 to increase the number of women on boards of enterprises and in management, such as using top-managers as ambassadors for increasing the share of women in management.

72. In December 2012, the Parliament adopted new rules on the gender representation on company boards of the largest limited liability companies and state-owned companies. The rules entered into force on 1 April 2013. The rules oblige the largest privately-owned companies – around 1,200 – to set a target figure for the share of

the under-represented gender in the supreme management body. The obligation does not entail a legal quota but is a legal obligation for the companies to assume responsibility for promoting opportunities for women in the decision-making positions of private companies. The target figure covers only board members elected by the general assembly. Furthermore, the companies must have a policy for increasing the proportion of the under-represented gender at the management levels of the companies in general. Finally, regardless of size, 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 at regional or local level.

73. The companies must report on the status of fulfilment of the target figure set out in the annual report, including, if so, why the companies failed to achieve the target. If the companies fail to report, they may be fined. The first reports were received in April and May 2014 regarding the financial year 2013. The Danish Business Authority (*Erhvervsstyrelsen*) will conduct an annual evaluation of corporate reporting and the first report hereof was published in October 2014. The Danish Business Authority will also evaluate the new rules by 2017.

74. In October 2014, the first indications of the impact of new rules on gender representation on company boards were published. The report shows that:

a) 73 pct. of the included private companies have set a target for the share of underrepresented gender in the supreme governing body;

b) the target figures are set on average at 25 pct. to be achieved within four years;

c) 50 pct. of the companies state that they have a policy to increase the share of the underrepresented gender in other management levels;

Furthermore, the Danish Business Authority conducted a survey on gender representation in large companies covered by the Danish rules. The survey shows that the gender representation in company boards as of February 2015 consists of 15 pct. women and 85 pct. men.

This year's report covering the financial year 2014 is expected to be published in October 2015.

75. In December 2014, the first indications of the impact of the bill on the number of women in management positions in the public section were published:

a) 86 pct. of the included public companies have a set target for the share of the underrepresented gender in the supreme governing body;

b) the target figures are on average set at 29,5 pct. to be achieved within the next four years;

c) 47 pct. already have a balanced share of women and men in management positions (40/60).

Based on the above, the impact of the Danish model after the first year seems to be positive regarding the number of the underrepresented gender on corporate boards and it is expected that the coming year's studies of the included companies' reports will show an even better development.

76. The proportion of female board members (which is exclusive employee representatives) in companies subject to the rules on target figures and policy for the under-represented gender is 16 pct. as of January 2015. A power extraction from the Danish Business Authority's company-register (exclusive foreign board members) shows that in public limited companies the proportion of female board members is 19,29 pct. and in state-owned public limited companies the proportion of female board members is 30 pct.

Women in academia

77. Among scientific personnel the share of women has increased from 27 pct. in 2007 to 31,5 pct. in 2013 and by the end of 2013 18,4 pct. of university professors were women. To improve the number of female scientists, 70 million DKK have been allocated for the implementation of the programme "Ydun" in 2014. The Danish Council for Independent Research *(Det Frie Forskningsråd)* that is implementing "Ydun" has added another 40 million DDK for the programme. The aim of the programme has been to promote a more gender balanced composition of the Danish research environments by giving female applicants precedence over male applicants in situations of equal qualifications between the two.

Statistics from Greenland and the Faroe Islands

78. The Government of Greenland consists of 9 members of which 3 are women (33 pct.). The Parliament of Greenland consists of 31 members of which 13 are women (42 pct.). 3 out of 4 mayors of municipal councils are men and municipal councils consist of a total 70 members of which 22 are women (31 pct.). The fully or partially Government owned public companies' boards consist of in total 89 members of which 31 are women (35 pct.).

79. As regards equality between men and women and political participation of women in the Faroe Islands, reference is made to the enclosed report of the Faroe Islands.

Reply to paragraph 11 of the LoI [Ministry of Employment and Ministry of Immigration, Integration and Housing]

80. In 2013 the employment rate for women in Denmark was 69 pct. and 72,5 pct. for men. Overall, employment for both groups has declined since 2010 partly due to the general economic crisis. Figures from 2014 are not yet available.

81. In Table 1 employment rates are divided on ancestry. It shows that both males and females with an immigrant background have a lower employment rate than persons of Danish origin. The gender difference is greater for immigrants than for their descendants. Female immigrants have the lowest employment rate (less than 50 pct.).

Table 1. Employment rate by ancestry and gender, 2010-2013

		2010	**2011**	**2012**	**2013**
Men	**Total**	**73,3**	**72,7**	**73,0**	**72,5**
	Persons of Danish origin	75,2	74,9	75,2	74,8
	Immigrants	57,4	55,8	56,9	56,6
	Descendants	57,8	55,3	54,2	53,1
Women	**Total**	**71,1**	**70,1**	**69,5**	**69,0**
	Persons of Danish origin	73,7	72,9	72,4	72,0
	Immigrants	50,0	48,4	48,3	47,7
	Descendants	59,3	57,0	54,8	53,4

Note: Employment rate, 2010-2013. Source: Statistics Denmark

82. The average wage level for women in 2013 was 221 DKK per hour which is 15 pct. lower than the average for men. This difference has been consistent from 2010-2013.

Table 2. Standardized hourly earnings, 2010-2013

	2010	2011	2012	2013
Men	244,94	251,12	255,87	258,38
Women	208,38	212,71	217,6	221,22

Note: Standardized hourly earnings, 2010-2013. The measure for wages used here is standardized hourly earnings which consist of wage with supplements, pensions and fringe benefits, holiday payment, and sickness with pay. Source: Statistics Denmark.

83. In October 2013, the National Center for Social Research (*SFI*) published a report (*Lønforskelle mellem mænd og kvinder 2007-2011)* on the gender pay gap in Denmark from 2007-2011. The main conclusions were:

- In 2011, the unadjusted gender pay gap for the labour market was 13-17 pct., depending on the definition of pay.
- The adjusted gender pay gap, i.e. the remaining gender pay gap after adjusting according to individual characteristics such as education, work experience, sector, industry and work function that may explain part of the earnings, was 4-7 pct.
- The unadjusted gender pay gap has decreased both at sectorial level and on the labour market as a whole from 2007 to 2011.
- The unadjusted gender pay gap is influenced by changes in the economic trends.
- The unadjusted gender pay gap has decreased since 1997. The decrease is most significant in the public sector, while the decrease on the labour market as a whole is relatively modest.

84. According to Eurostat, the employment rate in 2011 for Danish women was the second highest in the EU only surpassed by Sweden. The high employment rates for both men and women are facilitated through wide access to flexible and affordable childcare services in Denmark for children from the age of 6 months. According to Eurostat, in 2011 the percentage of children under the age of 3 years in formal care for more than 30 hours a week was 69 pct.. For children between the age of 3 years and compulsory school age 87 pct. was in formal care for more than 30 hours a week. The EU averages in 2011 were 15 and 47 pct., respectively.

85. However, as shown in Table 1, immigrant women have a significantly lower employment rate than women of Danish origin. According to the government platform from June 2015 the Government will initiate a number of reforms aiming at increasing the employment rate in general and among immigrants.

86. In 2015 the Parliament passed a bill which introduces a new integration benefit aiming at giving newly arrived refugees and immigrants a greater incentive to work and become integrated into Danish society. The integration benefit applies to newly arrived refugees and immigrants and other citizens, including Danish citizens, who have not been residing in Denmark for the last 7 out of 8 years. Due to the amendments, some individuals and families face a reduction of up to 50 pct. in the allowances.

87. During the fall the government will present a new bill according to which the amendments shall apply to all citizens, who already receive benefits and have not been legally residing in Denmark for the last 7 out of 8 years.

88. The new rules regarding women in company boards and management positions targeting both private and public-sector companies are described above.

Reply to paragraph 12 of the LoI [Ministry of Children, Education and Gender Equality and Ministry of Social Affairs and the Interior]

89. Three national action plans to combat violence in family and in intimate relations have been evaluated by an external consultant. Evaluations show that action plans have had a positive effect. Victims have become more aware of their rights and the possibilities for receiving support and counselling. Likewise, professionals and perpetrators have become more aware of the possibilities for treatments for violent behavior and as a result more perpetrators receive treatment. The action plan initiatives have contributed to improved knowledge about violence in families and in intimate relations among relevant authorities and professionals. The institutional set-up with an inter-ministerial working group is highlighted in the evaluation as important and successful.

90. According to the National Institute of Public Health, the estimated annual number of women (age 16-74 years) exposed to violence the family and in intimate relations has decreased from 42.000 (2,4 pct.) in 2000 to 29.000 (1,5 pct.) in 2010. As regards dating violence (age 16-24 years) the number of women is estimated to have decreased from 13.000 (4,7 in 2007 to 10.000 (3,2 pct.) in 2011. The estimated number of men exposed to violence in the family and in intimate relations and dating violence is, however, rising slightly.

91. The National Strategy to Combat Violence in Intimate Relations 2010 – 2013 does not contain specific initiatives concerning marital rape. However, the matter of sex crimes in marital relations was *inter alia* addressed when the provisions of the Criminal Code concerning sex crimes were revised. Prior to the revision, which entered into force on1 1 July 2013, certain provisions in the Criminal Code concerning sex crimes mentioned marital status between the perpetrator and the victim as a mitigating circumstance or a fact that made the provisions inapplicable.

92. As described in the Government's follow-up response to the Committee's concluding observations to Denmark's fifth period report, there is a range of permanent social, juridical and health-care services for victims of violence in intimate relations, including the possibility for battered women and their children to take up stay in shelters. This also applies to women with disabilities. A total of eight shelters are accessible for women with disabilities, while the remaining are accessible to a certain extent.

93. According to section 110 of the Act on Social Service, men who are subjected to violence or threats in intimate relations can obtain temporary accommodation in shelters, hostels, or care homes. Approximately 75 pct. of the tenants in these shelters are men. Information regarding the share of men staying in shelters because of domestic violence is not available.

94. Several action plans have already been launched to supplement and strengthen the permanent services in the field i.a. providing further qualification to professionals, treatment of perpetrators and sufficient support to both women and their children and to victims of dating violence. A new action plan for 2014-2017 has been prepared to address challenges and support target groups who still do not receive sufficient attention within the existing systems and permanent services i.a. victims of dating violence, male victims of domestic violence and new forms of violence such as stalking.

95. A residence permit obtained on the basis of marriage is – in general – revoked if the spouses no longer live together. However, the foreigner's ties with the Danish society and the homeland are taken into consideration.

96. Previously, foreigners who had lived in Denmark for less than two years would often not be considered having such ties with the Danish society that their residence permit would not be revoked, irrespective of domestic violence. To ensure that no foreigner feels forced to stay with a violent spouse out of fear of losing his/her residence permit, changes have been made to the relevant rules of revocation of residence permits issued on the basis of spousal reunification in cases where the foreigner concerned or the foreigner's child has been exposed to abuse etc. by the spouse.

97. The amendment entails that the length of the foreigner's residence in Denmark no longer can be taken into consideration if the abuse has caused the cessation of cohabitation and the invoked abuse has been substantiated. On the other hand, the desire and capacity of the foreigner to integrate into Danish society shall be given considerable weight. The amendment entered into force in May 2013.

Violence against women, including domestic violence

Reply to paragraph 12 of the LoI [Ministry of Social Affairs and the Interior, Ministry of Justice and Ministry of Children, Education and Gender Equality]

98. The Government regards violence against women as a serious gender equality problem. Violence against women is hence criminalized. Denmark has established a national support system allowing all women who are victims of violence or threats of violence shelters, psychological, social and judicial services, health treatment and labour market support.

99. According to section 109 of the Act on Social Service, municipalities have an obligation to offer women temporary accommodation in shelters for women if they are subjected to violence or threats in intimate relations. Women staying at shelters can bring their children. The children shall be offered psychological treatment. In addition, women staying at shelters with their children shall be offered family counselling to help them establish an independent life after leaving the shelter. Recently, it has been decided to expand the counselling to include all women who take residence at a shelter for battered women and initiate the counselling at an earlier stage of the stay. This amendment entered into force on 1 July 2015. The public spending on women's shelters, pursuant to section 109 of the Danish Act on Social Service is approximately 225 million DKK a year.

100. Further, the judicial system takes the necessary actions to punish perpetrators and support the victims. In recent years, private organizations dealing with counselling of men who have a violent behavior in intimate relations temporarily have been funded by the state. A total of 40 million DKK has been allocated to pursue treatment of violent men in the years 2012 – 2015.

101. As a supplement to and strengthening of the permanent services to combat violence in intimate relations several national action plans on the subject have been launched since 2002. As mentioned above, a national action plan to combat violence in intimate relations (35 million DKK) has been implemented in 2010-2013 focusing on support for victims, treatment of perpetrators, training of professionals, and collection and dissemination of knowledge. One initiative was awareness raising campaigns targeting men and boys.

102. The Director of Public Prosecutions has produced five leaflets to crime victims. One contains advice and information to women who have been exposed to violence, including domestic violence. Another contains advice and information to women who are victims of stalking. The website of the Prosecution Service (www.anklagemyndigheden.dk) also provides advice and information to such victims.

103. 36 million DKK has been allocated to a new action plan for the years 2014-2017, which is being implemented. The focus of the action plan is to strengthen the handling of and accumulation of knowledge on different forms of violence in the family and in intimate relations. Another aim is to strengthen the measures and obtain more knowledge on male victims, including early measures in relation to young people exposed to dating violence. Finally, the action plan focusses on increasing the debate and knowledge about the consequences of violence in intimate relations.

104. In 2012, 16 million DKK were allocated to a two-year pilot project on psychological consultations for women staying at shelters. It has been decided to extend the project within the existing financial allocation to the end of

2015. Moreover, 4 million DKK was allocated to a two-year pilot project consisting of a mobile service offering advice and support. The project scheme is connected to Danish legislation on expelling a violent person from his own home. The mobile service should provide guidance and support for both victims of violence and the perpetrators.

105. Five million DKK has been allocated with a view to conducting a general evaluation of women's shelters to establish a basis for a comprehensive and general discussion on the social efforts with regard to violence in intimate relations. The evaluation will include experiences from the abovementioned projects with psychological consultations to women staying at shelters and from the mobile service offering advice and support to victims and perpetrators. Furthermore, experiences from a previous evaluation regarding shelters for men shall be considered in the general discussion. The evaluation is expected to be completed in 2015.

106. Furthermore, it has been decided to allocate 21 million DDK to a pilot project resting the method CTI (Critical Time Intervention) in 4-6 municipalities on a number of women taking residence in shelters for battered women. As part of the CTI method, specific and systematic counselling will be offered these women. The purpose of the project is to strengthen and support the transition to a life free of violence. The project is funded for the period 2015-2018. In addition, it has been decided to allocate 24 million DKK to initiate a project offering counselling and treatment to both victims of intimate violence and violent partners with the purpose of minimizing the consequences of the violence and reducing violence in intimate relations in the future. This project is also funded for the period 2015-2018.

Greenland

107. In November 2013, the Parliament of Greenland (*Inatsisartut*) passed a national strategy and action plan against violence 2014-2017, which includes 31 activities primarily targeted at combatting domestic violence. This includes legislative amendments, campaigns, psychosocial reinforcement and more. 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.

Prohibition of torture and of other cruel, inhuman or degrading treatment or punishment, excessive use of force, security of person and treatment of prisoners, and juvenile justice

Reply to paragraph 13 of the LoI [Ministry of Justice]

Incorporating a specific crime of torture into penal law

108. Article 4 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment requires participating states "to ensure that all acts of torture are offences under its criminal law" but it does not require that participating states adopt a specific provision in national criminal legislation concerning the crime of torture.

109. This question was thoroughly assessed by the Committee on Criminal Law *(Straffelovrådet)* in its report no. 1494/2008 from January 2008. The Committee did not recommend the adoption of a specific provision on the crime of torture in Danish criminal law. The Committee pointed out that all acts covered by the definition of torture in article 1 in the Convention – including acts where mental pain and suffering is inflicted on the victim – are already covered by existing provisions of Danish criminal law. Instead, it recommended the adoption of a special provision in the Criminal Code making torture an aggravating circumstance in the determination of a penalty for violation of the Criminal Code.

110. Based on the assessment of the Committee on Criminal Law the Parliament adopted amendments of the Criminal Code and the Military Criminal Code by Act no. 494 of 17 June 2008 establishing that torture is an aggravating circumstance in the determination of a penalty for violation of these codes.

111. The current provisions in the Criminal Code and the Military Criminal Code meet the purpose of a provision on the crime of torture as they underline the seriousness and gross nature of acts that are committed by the use of torture and the provisions make it possible to register criminal acts, if any, committed by the use of torture. Add to this that the current provisions mean that the character of the specific crime will be clearly reflected in connection with the criminal case. Thus, instead of being convicted of the general crime of "torture", the perpetrator will be convicted in accordance with the relevant specific provisions with reference to the fact that the criminal act was committed by the use of torture (e.g. "assault of a particularly dangerous nature by the use of torture" or "confinement by the use of torture").

112. Consequently, the Government considers that the current legislation is a sufficient and adequate implementation of the obligation to criminalizing the crime of torture.

Statutes of limitations

113. The amendments to the Criminal Code adopted by Act no. 494 of 17 June 2008 also established that violations of the Criminal Code and the Military Criminal Code, including attempts and complicity, cannot be subject to the statute of limitations if the violation is committed by the use of torture.

Independent police complaints body

114. In Denmark's fifth periodic report, it is mentioned that on 11 October 2006 the Ministry of Justice set up a committee tasked with reviewing and evaluating the current system for dealing with complaints against the police and processing criminal cases against police officers.

115. The committee submitted its report in April 2009. The committee found that the system in force at the time for dealing with complaints against the police functioned well, but that it was important, in the light of the critique of the system, to ensure confidence in the police complaints system, both within the public and among the police force.

116. Based on findings of the committee, an amendment to the Administration of Justice Act was passed on 21 April 2010 introducing as of 1 January 2012 a new system for handling complaints concerning the conduct of police personnel.

117. The Police Complaints Authority is headed by a Police Complaints Council *(Politiklageråd)* which is comprised of a high court judge as the head of the council, one private practicing attorney, one professor of law and two representatives of the general public.

118. The new independent body has taken over the role previously held by regional public prosecutors before the amendment. The body also has the task of investigating criminal offences committed by police personnel while on duty as well as cases concerning the death or injury of persons in police custody. Hence, since 1 January 2012, one single body has been handling complaints against the police and processing criminal cases against police officers. This ensures that all cases are handled in the same manner, regardless of which police district the officers in question belong to.

119. However, it is still the regional public prosecutors or the Director of Public Prosecutions who decide whether criminal charges shall be raised against police personnel. The reason for this is that criminal charges against police officers should be handled according to the same guidelines as criminal charges against others. The question of whether to charge a police officer is therefore handled by an authority that has a broad-based expertise and experience in handling a variety of different criminal cases.

Pre-trial detention

120. The use of pre-trial detention is regulated by the provisions in sections 762-770 of the Administration of Justice Act. These provisions lay down clear conditions for the use of pre-trial detention. The provisions stipulate the following:

121. An accused person may be detained on remand when there is a substantiated suspicion that he has committed an offence which is subject to public prosecution, if, under the law, the offence may carry a penalty of imprisonment for one year and six months or more. Furthermore, an accused may only be detained if, based on the information obtained about the circumstances of the accused, there are specific reasons to presume that he will abscond from prosecution or enforcement, or if, based on the information obtained about the circumstances of the accused, there are specific reasons to fear that, if at large, he will commit another offence of the nature referred to above, or if, based on the circumstances of the case, there are specific reasons to presume that the accused will impede the prosecution of the case, particularly by removing evidence or alerting or influencing others.

122. Pre-trial detention may also be applied when there is a particularly confirmed suspicion that the accused has committed either an offence which is subject to public prosecution and may carry a penalty under the law of imprisonment for six years or more, and due regard for enforcement of the law is found to require, considering the seriousness of the offence, that the accused shall not be at large, or an offence in violation of certain specific sections of the Criminal Code (inter alia sexual offences and offences of violence against a person), in case the offence, considering the seriousness of the matter, can be expected to be punished with an unsuspended sentence of imprisonment for at least 60 days and due regard for enforcement of the law is found to require that the accused shall not be at large.

123. An accused person may only be detained on remand if the offence can be expected to be punished with imprisonment for any term exceeding 30 days and if deprivation of liberty will not be disproportional to the resulting disruption of the circumstances of the accused, the significance of the case and the sanction that may be expected if the accused is found guilty.

124. The court decides, upon police request, if the accused shall be detained on remand. The court order shall stipulate a time limit for the length of the detention, except where the accused is not present in the country. The time limit shall be as short as possible and cannot exceed four weeks. The time limit may be extended by the court, but not by more than four weeks at a time.

125. By Act no. 493 of 17 June 2008 the Administration of Justice Act was amended *inter alia* in order to limit the use of long-term pre-trial detentions. The amendments meant that police requests for extension of the detention period must be submitted to the court in writing and must state the legal provision and the actual circumstances on which the request is based as well as the most substantial acts of investigation that is expected to be made. Furthermore, a new provision setting specific time limits for continuous pre-trial detention was introduced. According to this provision, pre-trial detention may, except in cases of exceptional circumstances (very exceptional circumstances if the detainee is under the age of 18), not exceed 6 months (4 months if the detainee is under the age of 18) if the accusation concerns an offence punishable by imprisonment for any term less than 6 years, and 1 year (8 months if the detainee is under the age of 18) if the accusation concerns an offence punishable by imprisonment for 6 years or more. These time limits apply until criminal proceedings are initiated before the court.

Solitary confinement of minors

126. The Administration of Justice Act sets very strict conditions for the use of solitary confinement and was furthermore amended in 2006 with a view to reducing the number and lengths of instances of solitary confinement e.g. by introducing shorter time limits for solitary confinement (for further information see below).

127. The Director of Public Prosecutions prepares an annual report to the Ministry of Justice on the use of solitary confinement. It appears from the 2014 report that in the period between 2001 and 2014 the number of persons under the age of 18 held in solitary confinement during pre-trial detention has been between 0 and 6 persons per year, and that in the period from 2009 until 2014 only one person under the age of 18 has been held in solitary confinement during pre-trial detention. In the period from 2006 until 2014 no person under the age of 18 has been held in solitary confinement for more than 4 weeks (the time limit set out in section 770 c (5) of the Administration of Justice Act), and only one person under the age of 18 was in the same period of time held in solitary confinement for more than 2 weeks.

128. The Government is of the opinion that it is necessary to have the possibility to resort to solitary confinement also regarding minors. However, solitary confinement of persons under the age of 18 should be applied with particular restraint. Hence, the legislation stipulates that it can only be imposed in cases of very exceptional circumstances, and only if the purpose cannot be achieved by less burdensome restrictions, and if the measure – taking into account, where relevant, the particular burden which the exclusion may impose on the detainee, due to his or her youth, physical or mental vulnerability or other personal circumstances – is not disproportionate in comparison with the importance of the case and the penalty, which may be expected if the detainee is found guilty.

Reply to paragraph 14 of the LoI [Ministry of Justice]

Use of solitary confinement during pre-trial detention

129. Reference is made to Denmark's fifth periodic report, paras. 242-253, and subsequent information provided by Denmark on the implementation of the concluding observations of the HRC from 2008. This information describes in detail the legislation on exclusion of persons held in pre-trial detention from association with other detainees (solitary confinement).

130. As stated in the above-mentioned information on the implementation of the recommendations, there is a focus on reducing the number and duration of instances of solitary confinement during pre-trial detention. However, the Government also wishes to state that there are criminal cases where it is necessary to exclude a person held in pre-trial detention from association with other detainees. This is particularly so in criminal cases with professional, strongly organized elements and international connections.

131. As previously described, the Administration of Justice Act was amended by Act no. 1561 of 20 December 2006 with a view to reducing the number and duration of instances of solitary confinement. The new rules introduced shorter time limits for the use of solitary confinement, the requirement that a request for extension of solitary confinement must be submitted to the court in writing and must entail the grounds for the request, the requirement that the Director of Public Prosecutions must approve a request for extension of solitary confinement beyond 8 weeks (4 weeks if the person is under the age of 18) before it is submitted to the court and the enhanced possibility to secure evidence before the main proceedings. The act entered into force on 1 January 2007.

132. Following the adoption of the new the rules, the Director of Public Prosecutions has sent out information and issued guidelines regarding the rules on solitary confinement. Furthermore, the Director of Public Prosecutions closely monitors the development of the use of solitary confinement. The Director of Public Prosecutions has thus quarterly collected information from the Police Commissioners on all completed solitary confinements and prepared an annual report to the Ministry of Justice on the use of solitary confinement.

133. The annual report on the use of solitary confinement in 2012 (enclosed in Danish – see annex # 1) was presented by the Director of Public Prosecutions on 22 January 2014. It appears from the report that the use of solitary confinement in general has decreased by 76.1 percent in the period from 2001 until 2012. The number of solitary confinements in 2012, i.e. 132, is the second lowest since 2001. No persons under the age of 18 were

placed in solitary confinement in 2012. Furthermore, according to the report the average duration of solitary confinements has been decreasing since 2003, though the average duration was the same in 2010-2012.

134. As part of a general improvement of the supervision of the prosecution service in February 2012, the Director of Public Prosecutions adjusted the reporting system of the use of solitary confinement. The Police Commissioners now send the quarterly statistical information on completed solitary confinement to the Regional State Prosecutors, so that the Regional State Prosecutors can use the information in the general supervision of the police and prosecution districts. The Regional State Prosecutors must in an annual report to the Director of Public Prosecutions account for changes in the number and duration of solitary confinement; the reasons for the development; and actions initiated in order to limit the number of solitary confinements.

135. The Director of Public Prosecutions has developed a new electronic application in the management information tool which means that the calculation of the use of pre-trial detention may be based on data directly from a central electronic database in the Police Assessment System. Work is ongoing in order to develop this application to also include information on solitary confinement. It is expected that the application will strengthen the possibility to monitor the duration and number of pre-trial detentions and solitary confinements and also to work more committed to limiting the length of pre-trial detention including solitary confinement. It is expected that the annual report from the Director of Public Prosecutions on the use of solitary confinement in the future will rely on central electronic data extraction in the same manner as it is now the case with the report on the use of pre-trial detention.

136. Based on the new management information, the annual reports from the Regional State Prosecutors as well as the specific cases submitted to the Director of Public Prosecutions concerning the use of solitary confinement beyond 8 weeks (4 weeks if the detainee is under the age of 18), the Director of Public Prosecutions will continue to closely monitor developments in the use of solitary confinement.

137. In conclusion, the changes of the legal framework adopted in 2000 and especially the described amendments adopted in 2006 together with the subsequent implementation by the police and prosecution service have significantly reduced the use of solitary confinement during pre-trial detention. In light of and the continuous effort by the Prosecution Service to further limit the use of solitary confinement, it is the opinion of Denmark that the current legislation is sufficient and adequate in order to ensure that solitary confinement during pre-trial detention is used only in exceptional cases and for a limited period of time.

138. At the same time, the Government continues to keep the use of solitary confinement under close review, in particular on the basis of the annual reports from the Director of Public Prosecutions.

Place of detention of minors

139. Minors are as a rule placed outside the prison system. They may, however, be placed in the prison system if for example the charge against the minor concerns a particularly crime. Minors will in that case as a rule be placed in a special unit for juveniles or in a local prison having social interaction with other young offenders. If social contact with other young offenders is not possible, staff must consider if it is in the young offender's interest to have social contact with older inmates in order to avoid social isolation. The staff has to be particularly aware that the minor is not exposed to negative influence from older inmates and that the social interaction is beneficial.

Reply to paragraph 15 of the LoI [Ministry of Health]

140. As a general rule the activities concerning psychiatric treatment are regulated by the Health Act which covers the treatment of physical as well as mental illnesses, and states the principle of free and equal access to necessary medical care. The legislation that concerns psychiatric treatment is the so-called Psychiatric Act.

141. The Psychiatric Act contains a principle of "the least invasive measure". Due to this principle the use of restraint is not allowed until every possible step has been taken to obtain the patient's voluntary consent to the proposed measure/treatment. The use of restraint must be commensurate with the goal pursued. If less invasive measures are adequate, these must be used.

142. Statistical information on the use of coercive treatment in mental health facilities:

Year	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
Number of psychiatric patients receiving medical treatment without consent	652	581	626	583	576	557	542	553	550	547	520	550	573

Statens Serum Institut, Health Data

Year	2013	2012	2011	2010	2009	2008	2007	2006	2005	2004	2003	2002	2001
Number of psychiatric patients receiving ECT (electroconvulsive therapy) without consent	97	73	105	91	85	90	75	86	92	86	86	81	91

143. The Government has a strong focus on reducing the use of coercion in psychiatry. This issue has been one of the tasks of the Commission on Mental Health established in May 2012 with a broad variety of members. Its task was to formulate proposals on how to best organize treatment and support for persons with a mental disorder, including the use of coercion in psychiatry. The Commission submitted its report to the Government on 4 October 2013.

144. In 2014, the Government presented a comprehensive long-term action plan for the future development and expansion of the services to people with mental illness. This plan includes e.g. targets for reducing coercion in psychiatry, including mechanical restraint. The keyword for the plan is equal effort. Psychiatric patients must receive the same effort, have the same rights and get the same high quality in treatment and rehabilitation as patients with physical illness.

145. The Government has permanently allocated 50 million DKK per year to partnerships as well as 100 million DKK in 2014 to create a better physical environment at hospitals to support a reduction of coercion. Furthermore, 74 million DKK have been allocated over four years (2014-2017) to experiment with force-free units in psychiatry. Additionally, 2 billion DKK has been allocated primarily to reduce waiting lists and create the necessary environments for a reduction in the use of coercive measures. Thereby it will be possible to increase capacity and modernize the regional psychiatry.

146. Amendments to the Psychiatric Act entered into force on 1 October 2010. Amendments introduced since the previous amendments in 1998 and 2006 were combined in Consolidated Act no. 1729 of 2 December 2010 on the use of coercion in psychiatry. All stakeholders involved in psychiatric care were consulted during the amendment process. Moreover, the Government introduced a bill in 2015 to amend the Psychiatric Act in order to ensure better rights for psychiatric patients who are subject to detention or coercion. The amendment of the Psychiatric Act includes *inter alia* measures with the aim of clarifying the legal status of minors in psychiatric care, ensuring a stronger emphasis on the need to seek advance indications from the patient regarding treatment during the admission interview and tighten the criteria for and supervision of the use of medical restraint and thereby reduce the use of restraint.

147. The new rules stipulate a minimum frequency of medical supervision and simultaneous assessment of whether restraint should cease or continue. Medical assessment must now take place at least three times daily at evenly-

spaced intervals. The aim for the systematically increased medical supervision is to focus the awareness of doctors as to whether the restraint should be maintained, and on the possibility of alternative treatment or measures. The overall goal is to ensure that any restraint continues no longer than absolutely necessary.

148. With the amendment of the Psychiatric Act no. 579 of May 2 2015, the decision to enforce restraint will moreover be subject to a special review if the measure is extended beyond 24 hours. This review is to be undertaken by a doctor who is not employed in the psychiatric unit in which the measure is being enforced, is not responsible for treating the patient, and is not a subordinate of the doctor treating the patient. This measure will secure independence in relation to the evaluation of the need to continue the immobilization. The doctor undertaking the external review must be a trained medical specialist in either psychiatry or child and adolescent psychiatry. This 48-hour review will be repeated after 48 hours, on the fourth day and every week as long as the patient is restrained.

149. Moreover, to reduce the use of coercion, the new Psychiatric Hospital in Slagelse has incorporated alternative treatment in the architecture of the building e.g. by creating surroundings which actively influence patients in a positive manner.

Prohibition of slavery or forced or compulsory labour

Reply to paragraph 16 of the LoI [Ministry of Justice and Ministry of Children, Education and Gender Equality]

150. Denmark seeks to combat human trafficking through prevention strategies as well as through prosecution of the traffickers and by providing victims of trafficking with targeted support. Denmark has during the past 10 years developed an effective institutional system to address human trafficking and has implemented a large number of activities to support victims during their stay in Denmark.

151. An important result of these efforts has been the establishment of the Danish Centre against Human Trafficking (CMM) (*Center mod Menneskehandel*). The Centre coordinates social efforts for victims and is responsible for collating and disseminating statistical data and knowledge about human trafficking. In addition, the Centre instructs relevant actors, such as the police, tax authorities, labour inspectorates, health service providers and others in identifying victims of trafficking and in knowing who to contact on suspicion of a person being a victim of trafficking.

152. Victims of trafficking are offered various services under the current national Action Plan to Combat Trafficking in Human Beings (2015-2018) during their stay in Denmark. This includes health services, psychological care, counselling and safe housing for all victims, including asylum seekers and victims staying in Denmark on an illegal basis. Asylum seeking victims and victims without legal stay in Denmark are supported by the Danish Immigration Service *(Udlændingestyrelsen)* and the special assistance to victims of trafficking is provided in addition to the ordinary support, which includes housing e.g. in asylum centres where the staff is trained to support vulnerable persons. Victims with legal stay in Denmark are supported by CMM. Upon return to the home country, the victim receives assistance for a 6 month period.

153. Furthermore, special rules in the Aliens Act apply to presumed victims of trafficking who seek asylum or are in Denmark on an illegal basis. These rules seek to provide aid and assistance to victims in order to help them recover, to enable them to escape the influence of the traffickers and start a life free of trafficking. Additionally, a recovery and reflection period of 30 days is granted to victims of trafficking who do not have permission to stay in Denmark. If special circumstances so warrant, or if the victim accepts an offer of a prepared return, the reflection period can be prolonged up to a total of 120 days. The prepared return is an individually planned repatriation program offered to all victims. The program is based on a contract between the Immigration Service and the International Organization for Migration (IOM). The program involves activities in Denmark during the

reflection period, e.g. skills training courses, and 6 month upon return, e.g. schooling, assistance regarding small business start-up, subsistence allowance.

154. In 2015, a new Action Plan to Combat Trafficking in Human Beings for the period 2015-2018 was adopted.

Statistics

155. Statistical data shows that 481 persons have officially been identified as victims of human trafficking from 2007 – 2014. In 2014, 71 persons in Denmark have been identified as victims of human trafficking. Out of these 63 are women and 8 are men. 57 persons were trafficked for prostitution, 3 for forced labour and 6 for other forms of exploitation. The majority origins from Nigeria (the vast majority), Romania and Thailand.

Non-discrimination and protection against arbitrary expulsion of foreigners

Reply to paragraph 17 of the LoI [Ministry of Immigration, Integration and Housing]

156. The immigration authorities determine in accordance with the Aliens Act whether a foreign citizen is eligible for a residence permit in Denmark on grounds of for instance asylum, family reunification, work, or humanitarian concerns. The applicant may be allowed to stay in the country while his or her application is processed, depending on the nature of the application.

157. Foreigners may only be expelled in pursuance of a decision reached in accordance with law. When expulsion is the result of a criminal case, the expulsion order is a part of the court sentence. In certain cases where the stay in Denmark is of a shorter duration, the expulsion may be decided administratively.

158. When a foreigner is convicted of a criminal offence, the judgment shall determine whether the foreigner must be expelled pursuant to the relevant provisions in the Aliens Act.

159. Section 26(2) stipulates that a foreign national shall be expelled unless the expulsion would be contrary to Denmark's international obligations.

160. Furthermore, suspended expulsion must be ordered in all situations where the basic conditions for expulsion are met, but where expulsion is found not to be in conformity with Denmark's international obligations. A suspended expulsion is a warning to the foreigner that there is a risk that he or she will be expelled if convicted for further offences at a later stage unless expulsion is not in conformity with Denmark's international obligations.

161. In deciding on expulsion administratively, it must be considered whether expulsion may be particularly burdensome, in particular because of the person's ties with Danish society and persons living in Denmark; "the foreigner's slight or non-existent ties with the country of origin; and the risk that the person is exposed to a violation of his or her human rights in the country of origin.

162. If an application for a residence permit is rejected or the person is expelled, he or she will be granted an appropriate period for voluntary departure of 7, 15 or 30 days. In urgent cases the foreigner will be required to leave the country immediately. Should a foreigner not wish to return voluntarily the police will make removal arrangements.

Diplomatic assurances

163. According to section 31 of the Aliens Act an alien may not be returned from Denmark 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 (*non-refoulement*).

164. By act no. 479 of 12 June 2009 a new chapter regarding judicial review of certain decisions on administrative expulsion was inserted into the Aliens Act. The explanatory notes to the bill lay down the limits and conditions for Denmark to return an alien relying on diplomatic assurances. For instance, the receiving country must have a stable government which can control the executing authorities. Furthermore, the agreement with the receiving country must be precise and detailed and regard a specific alien. Moreover, independent, qualified persons must be able to visit the returned person without prior notice and to question the returned person without witnesses when desired in order to monitor that the assurances are guaranteed.

165. Whether a given diplomatic assurance provides sufficient protection against torture or inhuman or degrading treatment or punishment will be decided by the Immigration Service and the Refugee Appeals Board or, in specific cases, by the courts. The abovementioned section 31 will thus be applied and upheld in all cases, where Denmark considers relying on diplomatic assurances.

166. Denmark has to date not returned any person from Denmark to countries known for practicing death penalty or torture based on diplomatic assurances from the receiving country. The question of monitoring such agreement and taking appropriate action in case of non-fulfillment has therefore not yet arisen in practice.

Reply to paragraph 18 of the LoI [Ministry of Immigration, Integration and Housing]

167. A claim for asylum is processed by the Immigration Service in the first instance and the Refugee Appeals Board in the second instance. The Board will determine whether a rejected asylum seeker can be forcibly returned to his/her country of origin.

168. For the purposes of processing asylum cases and deciding whether a rejected asylum seeker can be forcibly returned, the above mentioned authorities collect and collate background information on conditions in asylum seekers' countries of origin from relevant organizations and sources, including UNHCR.

Reply to paragraph 19 of the LoI [Ministry of Justice and Ministry of Immigration, Integration and Housing]

169. The Aliens Act was amended in 2011 as a consequence of the incorporation into Danish law of the EU-Directive on common standards and procedures in Member States for returning illegally staying third-country nationals. Pursuant to section 37(8), the maximum period of detention of aliens pending deportation is now six months. This limit can only be exceeded if exceptional reasons so warrant – and never by more than twelve months. Such exceptional reasons may exist due to the detainee's lack of cooperation concerning the removal arrangements, or delays connected with obtaining the necessary travel documents. The detention will always be for as short a period of time as possible and will only be maintained as long as removal arrangements are in progress and executed with due diligence.

170. In addition, the Aliens Act was amended in December 2013 regarding the duration of detention for the purpose of transfer. Pursuant to the amended rules, a detention order for the purpose of transfer may not be upheld if a "take charge" or "take back" request has not been submitted within one month from the lodging of an application for asylum or – if such application has not been lodged – from the time when the person's presence in the country has come to the attention of the authorities. From the time when the request has been accepted, or a complaint concerning the transfer no longer has suspensive effect, detention may not exceed six weeks. The detention will always be for as short as possible and only be maintained as long as transfer procedures are in progress and executed with due diligence.

Freedom of religion and equal protection

Reply to paragraph 20 of the LoI [Ministry of Ecclesiastical Affairs]

171. The Constitution of the Kingdom of Denmark Act (the Constitution) (*Grundloven*) ensures freedom of religion. In addition, discrimination based on religion is prohibited by law.

Financial support to the Established Church

172. Section 68 of the Constitution stipulates that no one shall be liable to make personal contributions to any denomination other than the one to which he adheres.

173. The Evangelical Lutheran Church is awarded a special status by the Constitution (sections 4 and 66), according to which the Evangelical Lutheran Church shall be the "Established Church of Denmark", and as such shall be supported by the State. The constitution of the Established Church shall be laid down by statute.

174. The Danish State thus has a duty to support the Established Church financially and in other ways. The State can also choose to support other religious denominations, but is under no obligation to do so.

175. The Established Church receives direct financial support. In 2014, financial support to the Established Church amounted to 767,6 million DKK. 87,4 pct. hereof was used for salaries and pensions for the clergy. The State subsidy pays the full salary for bishops, 40 pct. of the salaries for other clergy and full pensions for all former clergy.

176. The financial support should be seen in the context that other religious denominations may obtain substantial indirect subsidies from the State. This is due to the possibility for taxpayers to deduct contributions (gifts and other regular payments) to other religious communities in their tax returns, whereas a contribution to the Established Church (the "Church Tax", which is only paid by the members of the Established Church) is not tax-deductible.

177. The financial support should further be seen in the context that the Established Church is responsible for public cemeteries and civil registration in most of Denmark. Although the Established Church has these administrative functions entrusted to it, the cemeteries as well as the civil registration is managed according to civil law.

178. In November 2005, two Catholics each filed a lawsuit against the Ministry of Ecclesiastical Affairs (the Koza-trial and the Toft-trial). In both trials, the plaintiffs contested that section 4 of the Constitution was in conflict with *inter alia* the ECHR on the grounds that the State grant to the Established Church is pertinent to proclamation of the Established Church, and that non-members of the Established Church are forced to make personal contributions to another religion than their own through their general taxes. The High Court ruled that there is no direct connection between regular taxes and the State's financial grant to the religious activities of the Established Church, as non-members of the Established Church do not pay the specific "church-tax". Non-members of the Established Church only contribute indirectly through their regular taxes. The ruling from the High Court was affirmed by the Supreme Court in November 2007.

Religious communities in Denmark other than the Established Church

179. Religious communities in Denmark, other than the Established Church, are grouped into three categories: recognized religious communities approved religious communities and spiritual communities that do not wish to obtain approval or cannot be defined as religious communities. All groups enjoy full freedom to practice their beliefs.

180. Approval of a religious community is granted by the Ministry of Ecclesiastical Affairs *(Kirkeministeriet)* based on the recommendation of an independent committee. The committee does not represent the Established Church or any other religious denomination.

Burial, birth registration and marriage

181. Everyone regardless of religious belief has a right to be buried at the cemeteries of the Established Church. Members of religious or belief communities other than the Established Church have an opportunity to establish their own cemeteries or may use specific parts of the Established Church's cemeteries as their own with State approval.

182. Further, the municipal authorities are empowered, at their own discretion, but subject to approval by the Ministry of Ecclesiastical Affairs, to establish municipal cemeteries without any connection to the Evangelical Lutheran Church. In major Danish cities the cemeteries are operated by municipal authorities.

183. In 2013, new legislation regarding digitization of processes concerning civil registration entered into force. All application processes now starts on a public on-line self-service on the internet (borger.dk). Here citizens can apply for a) Registration of a father to a child (in cases where the parents are not married), b) A civilian name to a newborn child, c) A name change of their own or their children's names and d) Funeral of a dead person. Applications are assessed by civil registrars in the Established Church. Therefore the applicant does not have to come into contact with the Lutheran Evangelical Church or any religious activity.

184. According the sections 15-17 of Danish Act on Marriage *(Ægteskabsloven)* the priests of the Established Church are authorized to perform legally binding marriages. However, the Act also grants permission to the Ministry of Ecclesiastical Affairs to authorize priests belonging to other religious communities to perform legally binding marriages, provided that the community has been approved as a religious community by the Ministry of Ecclesiastical Affairs. This approval can also confer other rights to the religious community, e.g. the priest's exemption from the duty to give evidence and certain benefits under the tax legislation.

Freedom of expression and incitement to national, racial or religious hatred

Reply to paragraph 21 of the LoI [Ministry of Justice]

185. All public authorities must act in compliance with the Covenant, and legislation must be interpreted and given effect in accordance with the ICCPR. Moreover, Denmark's human rights obligations, including the ICCPR, are actively considered, when new legislation is drafted. Thus, national law regulating journalistic freedom of expression is compatible with articles 19 (3) and 20 of the Covenant.

186. According to section 77 of the Constitution any person shall be entitled to publish his thoughts in printing, in writing and in speech, provided that he may be held answerable in a court of justice. Censorship and other preventive measures shall never again be introduced.

187. Furthermore, it follows from the ECHR Article 10 (*freedom of expression*) that everyone has the right to freedom of expression, that this right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers and that this article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises. Article 10 allows limitations in the right to freedom of expression under certain circumstances.

188. Journalists are also subject to these limitations and may be subject to section 267 of the Criminal Code, which states that any person who defames the character of another person by offensive expressions or acts or by making or propagating allegations of acts suited to reduce the esteem in which such person is held by his fellow citizens is sentenced to a fine or imprisonment for a term not exceeding four months.

189. The Danish courts have adjudicated numerous cases concerning the freedom of expression of the press when interpreting and applying Danish law. Those decisions show that Danish courts attach great importance to Article 10 of the ECHR and the freedom of expression of the press when interpreting and applying Danish law.

190. The Government can refer to the case law as described in Denmark's fifth periodic report. Since this report, it appears from journals on jurisprudence that there have been 8 Supreme Court judgments and 11 High Court judgments concerning issues relating to journalistic freedom of expression.

191. For example, the High Court of Eastern Denmark convicted a journalist and a chief sub-editor on 10 June 2011 in an appeal case for violation of section 267 of the Criminal Code. They were sentenced to 10 daily penalties of 1.000 DKK for in a TV program to have made allegations against a hospital and a named consultant that they had given certain patients suffering from mesothelioma improper treatment, which resulted in their unnecessary deaths and the shortening of their lives, to promote the professional esteem and personal financial situation of the consultant. The High Court found that the accusations rested on a factually incorrect basis, which they must be deemed to have become aware of through the research material. The case is currently pending before the ECHR.

192. In another case, a broadcasting company was convicted on 27 February 2014 of violation of section 114 e of the Criminal Code by the Eastern High Court for in a period of over four years to have promoted terrorist activities through television broadcasts. The case before the Supreme Court concerned whether the company could be deprived of the right to broadcast television. The Supreme Court found that the Criminal Code provisions on disqualification also included the legal basis for disqualification of legal persons (companies, etc.). Further, it found that there were grounds for disqualification, and that the respect for freedom of expression, could not lead to a different result. Therefore, the Supreme Court affirmed the High Court judgment thereby disqualifying the company's broadcasting rights.

Rights of persons belonging to minorities

Reply to paragraph 22 of the LoI [Greenland Government and Ministry of Immigration, Integration and Housing]

The Thule Tribe

193. As regards the situation of the Thule tribe in Greenland, the Danish Government and the Greenland Government would like to refer to the declaration made by the Danish Government, acceded to by the Greenland Government, in line with Denmark's ratification of the ILO Convention no. 169 on Rights of Indigenous and Tribal Peoples. According to this declaration, section 1, Denmark has only one indigenous people in the sense of the convention, namely the indigenous population in Greenland (the Inuit). Moreover, the Danish Supreme Court has – consistent with the said declaration – ruled that the Thule Tribe does not constitute a tribal people or a distinct indigenous people within or co-existing with the Greenlandic people as a whole (Supreme Court decision of 28 November 2003 case no. 489/1999 and 490/1999 – *the Thule Tribe (the Uummannaq settlement) vs. the prime minister of Denmark*, cf. ILO Convention no. 169 on Rights of Indigenous and Tribal Peoples, art. 1, section 1, paragraph (a) and (b)).

194. According to the Government of Greenland, the Supreme Court decision does not mean that the Inughuit of Uummannaq are not capable of maintaining their identity or using their own language.

195. According to section 20 of the Act on Greenland Self-Government, Greenlandic is the official language in Greenland. The Parliament of Greenland has passed a Parliament of Greenland Act no 7 of 19 May 2010 on language policy. The purpose of the act is *inter alia* to ensure the Greenlandic language as a complete and community building language, to strengthen and develop the Greenlandic language as the mother tongue and as second language. According to section 3, paragraph 2, of the act, the Greenlandic language consists of three main dialects. The language spoken in Avanersuaq (Northwestern Greenland) is one of these Inuit dialects. See also Section V of Denmark's submission to the Working Group on Universal Periodic Review (A/HRC/WG.6/11/DNK/1). Thus, the right of the local population of Avanersuaq, including the Inughuit of

Uummannaq, to use their own Inuit dialect is ensured. The Inughuit of Uummannaq has – in the same way as other communities – also the right to maintain their identity.

Roma

196. The number of persons with Roma background in Denmark is uncertain because statistical data are not available, as the ethnic origin of persons is not registered in Denmark. The NGO, Danish Refugee Council, has estimated (in 2011) that 2.000 Roma are living in Denmark. The Roma do not have status of a national minority in Denmark. The main reason is the lack of continuous historical presence in Denmark. Only temporary habitation can be evidenced in the historical records. In Denmark, Roma integration is pursued through integrated policy measures that characterize the Danish welfare system. The Danish Action Plan (part of the National strategy for Roma inclusion) has three components: 1) Fully realizing the integration tools available for the benefit of Roma inclusion, 2) Continuing and strengthening the efforts towards combating poverty and social exclusion in general and 3) Disseminating knowledge on best practices and agreed principles for Roma inclusion to the municipal level.

197. With regards to Roma being able to enjoy their own culture and speak their own language, the Government has launched a number of initiatives promoting tolerance and anti-discrimination for all ethnic groups, including Roma. The initiatives include *inter alia* awareness-campaigns, mappings and investigation of the extent and nature of discrimination and cooperation with municipalities and companies in order to prevent discrimination.

Reply to paragraph 23 of the LoI [Ministry of Employment]

198. The Board of Equal Treatment (*Ligebehandlingsnævnet*) is an administrative appeal board. The Board deals with concrete complaints and may award compensation and invalidate dismissals to the extent provided for by law. It is independent as it is not constrained by instructions or opinions from authorities or other bodies.

199. The Board was established in 2009 (Act no. 387 of 27 May 2008). It is mandated to deal with complaints related to discrimination on the grounds of gender, race, colour, religion or belief, political opinion, sexual orientation, age, disability, or national, social or ethnic origin. Prior to its establishment complaints related to discrimination on the grounds of gender or ethnicity could be filed to two different administrative boards and on grounds of age and disability to the courts. It is free to submit complaints to the Board, and its secretariat assists individuals in lodging complaints when needed.

200. Since 2009, the Board of Equal Treatment has decided 181 cases concerning discrimination on the ground of race or ethnic origin. In 2009, the Board dealt with 22 cases, in 2010 26 cases, in 2011 43 cases, in 2012 18 cases, in 2013 36 cases, and in 2014 36 cases. All decisions are published on the website, and the secretariat publishes newsletters and press releases on selected individual cases.

201. The Board makes considerable efforts to raise awareness about antidiscrimination in general. Its secretariat regularly convenes dialogue meetings with stakeholders, particularly organizations with a special insight into equality issues, and offers educational presentations for organizations and trade unions. The Board has also published a folder on its mandate.

202. Both media and legal professionals follow the work of the Board closely and often quote its decisions. The Board receives a high number of queries by phone or e-mail from individuals, university students, trade unions or others with an interest in the field of anti-discrimination.

203. In 2012, the Ministry of Employment (*Beskæftigelsesministeriet*) reviewed the Act on the Board of Equal Treatment. The review showed that the Board fulfils its objective as a good alternative to the ordinary courts and that the Board was also broadly respected by citizens, organizations and agencies. Therefore, the review only resulted in few changes and clarifications in legislation. The Board's competence to deal with cases of

harassment and sexual harassment was clarified. Also the Board's competence to reject complaints that are deemed not suitable for board processing was clarified.

Dissemination of information relating to the Covenant and the Optional Protocol (art. 2)

Reply to paragraph 24 of the LoI [Ministry of Foreign Affairs and Ministry of Justice]

204. It is established practice that the Ministry of Foreign Affairs issues a press release informing about the Committee's concluding observations and makes them available on its website.

205. The Government carries out public hearings, with the support of the DIHR, across the country when preparing the national report to the Universal Periodic Review. In 2015, hearings were held in Copenhagen, Odense, Århus, Ålborg, Torshavn (the Faroe Islands) and Nuuk (Greenland). While the main purpose of the hearings is to receive information from the public at large, they raise awareness about human rights.

206. The courts arrange their own courses on subjects relevant to the judges. Human rights form an integral part of several of these.

207. The Director of Public Prosecutions has the main responsibility for the training and education of the entire prosecution service. Most of the training is done in 1-5 days courses with teachers recruited from the Prosecution Service itself and external teachers from the courts and private law firms. Some of the courses mainly focus on human right and other international obligations. These courses are executed in cooperation with the courts and The Association of Danish Lawyers and are offered to prosecutors, judges and attorneys on all levels. Other courses – both the mandatory and optional ones – often involve human rights as an important part. In addition, the Director of Public Prosecutions also offers to host theme days or lectures on demand on any topic – including human rights – which a local part of the prosecution service might find to be of relevance.

208. The Association of Danish Lawyers provides regular and ongoing courses for lawyers, judges and other legal professionals, including courses involving aspects of human rights.

209. In Greenland, the Greenlandic delegation briefed the Government of Greenland after the consideration of the firth periodic report. As regards dissemination steps taken in the Faroe Islands, reference is made to the report of the Faroe Islands.

III. Reporting on Greenland

210. Since the fifth periodic report there have been significant developments as regards the legal and institutional framework for human rights in Greenland. Below four of these are described. Specific questions relating to Greenland, especially in areas under the competence of the Danish Government, are reported in the main report.

The Act on Greenland Self-Government

211. On 21 June 2009, the Act on Greenland Self-Government (Self-Government Act) came into force. It replaced the Greenland Home Rule Arrangement established in 1979. The Self-Government Act is based on White Paper No. 1497 of 2008 by the Greenlandic-Danish Self-Government Commission. The White Paper is accessible at www.nanoq.gl. Prior to the entering into force of the Self-Government Act, a guiding referendum was held in Greenland on 25 November 2008. Of the votes cast, 75,5 pct. were in favor and 23,6 pct. against the introduction of self-government.

212. An essential novelty in the Self-Government arrangement is that in the preamble to the Act, it is recognized that the people of Greenland is a people with right to self-determination under international law. Accordingly, the Act is based on an agreement between the Greenland Government and the Danish Government as equal partners.

213. Together with the Danish Constitution, the Self-Government Act constitutes Greenland's constitutional position in the Unity of the Realm. Two members of the Danish Parliament are elected in Greenland.

214. A principal objective of introducing self-government has been to facilitate the transfer of additional authority and thus responsibility to Greenlandic authorities in fields where this is constitutionally possible.

215. The government authorities in Greenland comprise a democratically elected assembly – Naalakkersuisut (Government of Greenland) and Inatsisartut (Greenland Parliament). The Self-Government Act does not contain specific rules and regulations regarding the composition, etc. of these bodies, but has left it up to the Self-Government authorities to lay down provisions in this regard. In the Self-Government Act, the Greenlandic terms for Parliament and Government are used.

216. The Self-Government Act recognizes the Greenlandic language as the official language in Greenland. Danish may still be used in official matters, cf. Greenland Parliament Act on case handling procedures in public administration. The question of educational instruction in Danish is not governed by the Self-Government Act, but it is assumed that the Self-Government authorities must ensure provision of education in Danish and other relevant languages that would enable Greenlandic youth to pursue further education in Denmark and other countries.

217. On 7 October 2009 Denmark submitted a notification on the Act on Greenland Self-Government to the Secretary-General of The United Nations, and the notification was distributed to the General Assembly as UN document A/64/676 the 23th of February 2010.

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

The Greenland Human Rights Council

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

Reconciliation Commission

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

“Legally fatherless” Greenlanders

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

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

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

IV. Reporting on the Faroe Islands

224. Human rights and democracy are fundamental values in Faroese society. Our democratic system of government and legislative framework provide the basis for the protection of all rights. The ICCPR has been in effect on the Faroe Islands since 1973.

225. Pursuant to section 5 of the Home Government Act, the legislative and executive powers of the Faroes are bound by obligations under international treaties and conventions, including the ICCPR. In the event that a law is found inconsistent with the above mentioned Covenant, the legislation, or a relevant part of it, cannot be applied, pursuant to section 55 of the present Parliamentary act on home rule in the Faroes.

226. Promotion and protection of human rights is an ongoing process. The Faroese Government considers the monitoring process of the UN a crucial element in the promotion and further protection of human rights nationally and internationally. The Faroese Government recognizes the advice of the Committee and gives it serious consideration in the policy development on matters concerning human rights.

227. The Faroese Government made a substantial contribution to the fifth periodic report from the Kingdom of Denmark, with a detailed elaboration of all articles in the above mentioned Covenant. In line with the new “LOIPR” reporting procedure, only new legislative, administrative and policy measures taken and developments relating to the implementation of the Covenant since the last report will be described. In addition, the questions in the List of Issues concerning the Faroe Islands will be addressed. Below is a brief account of measures taken and developments in relation to the implementation of the Covenant since the fifth periodic report.

Preventing domestic violence

228. In an effort to prevent and end domestic violence, the Faroese Government adopted an Action Plan to Prevent Violence in Permanent and Close Relationships in 2011. This is the first plan of its kind in the Faroe Islands.

229. The Action Plan to Combat Violence is a 5-year plan which defines violence as physical, psychological, sexual, financial and material violence. The plan comprises 18 different initiatives, which can be categorized under four headings: 1) Information and prevention, 2) Assistance and support for the victim, 3) Initiatives targeting occupational groups, 4) Treatment options for those who perpetrate violence.

230. Implementation of the Action Plan began in 2012 by a project coordinator who works full time for a period of 5 years altogether. A number of information campaigns have been launched to raise awareness and disseminate information about the issue of violence, and with a view to breaking the silence that has surrounded this issue.

231. Following the Action Plan to Combat Violence, the Parliament requested the Government to draft a programme concerning sexual abuse as well. The purpose of the programme is to establish what initiatives are required in order to prevent and treat sexual abuse. Among these initiatives are:

- Treatment offers to those who suffer delayed effects caused by sexual abuse in childhood and treatment offers to those who commit sexual abuse
- Public information including the obligation to report sexual abuse
- Child protection policy in institutions/schools and information to parents/children on how to protect children and where to turn for support and guidance

The "Programme concerning sexual abuse" is currently for political consideration and is expected to enter into force 1 January 2016.

Prohibiting corporal punishment of children

232. The fifth periodic report stated in Section 36 that "parents in the Faroes have a limited right to inflict corporal punishment on their children. In January 2002, the Parliament put forward a bill to prohibit such punishment, but the bill was not passed due to legal technicalities".

233. These amendments to the law have been adopted. Pursuant to Article 2 of the Danish Act on Custody and Access (*forældremyndighed og samvær*) adopted by Royal Decree Law number 228 of 15 March 2007 corporal punishment or other degrading treatment of children is now prohibited by law. Article 2 section 2 sets out the rights of the child *"the child has a right to care and safety. The child is to be treated with respect and must not be subjected to corporal punishment or other degrading treatment".*

Coercive measures

234. In the Faroes there are two institutions in which people can be detained. One is the prison in Tórshavn, and the other is the psychiatric ward of the National Hospital. In 2009, a new law on the use of coercive measures in psychiatry was adopted. This act replaced an act from1938, which needed amendments. The new law changes the rules concerning legal security for psychiatric patients concerning detention and coercive measures in hospital admission, stay and treatment at the psychiatric ward. As a main rule, patients are to give their consent to treatment, receive information and have the opportunity to influence their own treatment. Use of coercion only applies when it is deemed absolutely necessary in order to help the patient. Clear rules are set up for the use of coercion. With the entry into force of this act the Faroese rules are in line with the Danish rules concerning the use of coercive measures in psychiatry.

Questions in the List of Issues

<u>Constitutional and legal framework within which the Covenant is implemented (LoI para. 7)</u>

235. The Kingdom of Denmark is the Contracting Party to the ICCPR. The Faroe Islands are, however, a separate jurisdiction hence there are separate responses from the Faroe Islands in relation to the review of the implementation of the obligations under the Covenant in the territory of the Faroe Islands. The mandate of the does not extend to the Faroe Islands.

236. The Faroese Authorities have assumed legislative and administrative responsibility in a substantial number of fields since 1948. The Faroese Government considers that conferring the mandate to the DIHR to monitor human rights in the Faroe Islands would not be in line with the political aim of taking full responsibility for areas that affect the daily lives of Faroese citizens.

237. The Faroese Government attaches great importance to the protection of fundamental human rights, including the rights under the Covenant. Civil and political rights outlined in the Covenant are implemented through a wide range of legislative acts endorsed by the Parliament of the Faroe Islands.

238. The UN reporting procedure has been strengthened in recent years. The Faroese Government submits a Faroese report as a separate part of the Danish report to the UN and actively participates in the UN human rights hearing processes.

239. Initiatives are taken to encourage civil society, NGO´s and other stakeholders to become actively involved in the reporting process. The involvement of NGO's and civil society has put human rights on the political agenda and made the general public more aware of their rights.

240. This means that human rights are monitored by NGO's in the Faroe Islands and through various initiatives and authorities e.g. the Parliamentary Ombudsman, the Gender Equality Commission, the Faroese Data Protection Agency etc.

Equality between men and women, non-discrimination, and political participation of women (LoI para. 10)

Political Rights

241. To address the identified low participation of women in politics, the Faroese Government established an independent committee, Demokratia, explicitly tasked with encouraging more women to participate in politics.

242. Demokratia has sought to raise awareness of gender equality by organizing public events and debates, as well as actively attracting media coverage to the issue of gender equality. Furthermore, Demokratia, in close cooperation with the Gender Equality Commission, has engaged in active exchanges with the political system, as well as the general public.

243. Demokratia remains active on many fronts, including education. The number of women in parliament has increased significantly since Demokratia started their work in 2006 as table 1 shows. This indicates that Demokratia's efforts to raise awareness of gender in politics have worked. However, other initiatives may have contributed as has a more general trend towards modernization and equality, where the relatively high level of education among women is likely to have led to an increased level of female participation in politics.

Table 1: Percentage of women in the Faroese Parliament 1998-2011 *(Source: Statistics Faroe Islands)*

Elections	**Total**	**Women**	**Women by %**
2015	33	11	36.3%
2011	33	10	30.3%
2008	33	7	21.2%
2004	32	3	9.4%

2002	32	4	12.5%
1998	32	4	12.5%

244. At the general elections in September 2015, the share of women in Parliament rose from 21.2% to 30.3%. Over the past three general elections, the share of women in the Faroese Parliament has gone from less than 10% to over 30%, i.e. more than tripled. Most importantly, these results seem to indicate that the relevance of gender equality in politics is now an accepted, integral part of public debate and public opinion.

245. This significant increase is in part explained by the combined efforts of the Faroese Government, the Gender Equality Commission, Demokratia, and NGOs to promote the role of women in politics. The response from government authorities, media, and the general public has, by and large, been positive. Most political parties have placed gender equality on their political agenda, and at the organizational level the parties have taken steps to improve their party structure, so as to encourage more women to run for Parliament. The public debate and the results of the general elections indicate a change in attitude with respect to the importance of gender equality in political and public fora.

246. However, on-going efforts to further increase women's representation in the political process are still warranted. The Faroese Government, the Gender Equality Commission and Demokratia will continue championing the issue and providing input for the political process.

The Faroese Government

247. Following the general elections in 2015, women's representation in the Faroese executive power, increased from 1 out of 8 ministerial seats to 4 out of 8 ministerial seats. In other words, the representation increased from 12.5% to 50%. Hence, for the first time in Faroese history there is complete gender equality on the executive level.

Table 2: Percentage of women in the Faroese Executive 1998-2011

The Faroese Executive	Total	Women	Women by %
2015	8	4	50%
2011	8	1	12.5%
2008	8	3	37.5%
2004	7	0	0%
2002	9	1	11%
1998	8	1	12.5%

Source: Statistics Faroe Islands

248. **Municipal Local Government Councils**

Local elections were held in 2012 and will be held again in 2016. The gender distribution on municipal local government councils indicated below shows that women are underrepresented in most municipal councils. In the Municipal Council of the capital Tórshavn, which is by far the largest municipality in the Faroe Islands, the representation of women and men is, however, equal with 7 men and 6 women. The same applies to the Municipality of Klaksvík, which is the second largest municipality.

Table 3: Distribution of women in municipal councils and administrations

Total	**Women council members (%)**	**Mayor**	**Head of Administration**
	27,73 %	8,33 %	62,50 %

Source: Statistics Faroe Islands. Note: Only municipalities with more than 1000 inhabitants are included

249. Counting all municipalities, a total of 149 men and 57 women were elected corresponding to 72% men and 28% women. In comparison, in 2008, 145 men and 63 women were elected corresponding to 70% men and 30% women.

Management of the Central Government Executive Administration

250. There are currently eight ministries in the Faroe Islands. Three of the permanent secretaries are women. The position of the permanent secretary in the reestablished Ministry of Interior is to be set in the nearest future. The number of women permanent secretaries has grown from one to three since the last report. Currently the Ombudsman to the Faroese Parliament is a woman.

Government-Appointed Commissions and Boards

251. The Gender Equality Act stipulates that an equal number of women and men should serve on public commissions and boards. In this context, equality is defined as an equal number of women and men members. In case of an odd number of members, either sex must only be overrepresented by a single member, i.e. on a board with 5 members equality is achieved if the gender distribution is 3 to 2, but not if it is 4 to 1.

252. Since the law entered into effect, the Gender Equality Commission has worked diligently to ensure that the representation of women and men on public commissions and boards complies with the provisions set forth in the above-mentioned Act. In 2012, there were 64% men and 36% women serving on public commissions and boards. This is a slight increase compared to 2007, when there were 65% men and 35% woman.

Table 4: Public Commissions and Boards

Year	**Men**	**Women**
2015	62%	38%
2012	64%	36%
2007	65%	35%
2000	70%	30%

Table 5: Distribution by Sex on Government Commissions and Boards 2012

Appointing Government Ministry	**Women in %**	**Men in %**
Prime Minister`s Office (Government of the Faroe Islands)	29	71
Ministry of Social Affairs	55	45

Ministry of Fisheries	29	71
Ministry of Finance	30	70
Ministry of Health Affairs	38	62
Ministry of the Interior*	33	67
Ministry of Education, Research and Culture	42	58
Ministry of Trade and Industry	41	59
Total	**38**	**62**

*The Ministry of Interior was dissolved as a separate ministry in October 2013.

Table 5 represents the distribution by gender on Government Commissions on Boards in February 2015.

Dissemination of information relating to the Covenant and the Optional Protocol (LoI para. 24)

253. In the Faroe Islands it is today an established practice to send out a press release on UN human rights hearing processes. The summary of conclusions and recommendations made by the UN Human Rights Council is translated into Faroese language and sent to the media and published on the web site of the Foreign Service of the Faroe Islands. In addition, it has been decided that all the Faroese periodic reports as well as the concluding observations by the Committee are to be made available on the web site of the Foreign Service at the Prime Minister's Office in the Faroe Islands.

254. The involvement of Faroese NGOs in the work on the periodic report is greatly appreciated and ensured by way of regular and direct communication with the NGOs and by public announcement through the established media channels in the Faroe Islands.

255. To raise awareness of the Covenant and its Optional Protocol as well as human rights conventions in general, among public officials, and particularly among legal advisers and law enforcement officers, and to ensure that the Covenant is implemented into new laws and that Faroese laws are in conformity with the Covenant, the Department of Legislative Affairs scrutinizes draft legislation from all Ministries, before a Bill is introduced to the Faroese Parliament.

256. The draft legislation is examined to determine whether it complies with the Danish Constitution, the Faroese Home Rule Law and other general rules and principles. The relationship with international conventions on human rights is examined to the extent that circumstances may warrant.

257. The Department of Legislative Affairs has formulated a set of guidelines to support the preparation of legislation. Here it is stressed that international conventions on human rights must be taken into account during the preparation. The guide also comprises a table which calls for consideration of the impact on financial, administrative, environmental, social and human rights issues at governmental, regional and municipal level. Thus, steps have been taken to raise the awareness among public officials and to ensure that Faroese laws are in conformity with the Covenant.

List of appendices

Contribution of the Human Rights Council of Greenland to the 6th periodic report to the Human Rights Committee

Report of the Inter-ministerial Working Group for the Complication of the Report Concerning Secret CIA flights in Denmark, Greenland and the Faro Islands, 2008, 108 pages, (Danish) – report (pdf) is enclosed

Report of the Danish Institute for International Studies, *Et er jura at forstå, et andet land at føre – undersøgelse af en række spørgsmål vedrørende 2008-redegørelsen om de påståede hemmelige CIA-flyvninger over og i Grønland, som dansk bistand hertil*, 2012, 168 pages, (Danish) – report (pdf) is enclosed

Appendices

Contribution of the Human Rights Council of Greenland to the 6th periodic report to the Human Rights Committee

Inuit Pisinnaatitaaffiinut Kalaallit Nunaata Siunnersuisoqatigiivi
Grønlands Råd for Menneskerettigheder

Human Rights Council of Greenland is an independent council. The Council consists of various organizations and institution, all with a focus on different aspects of human rights in the Greenlandic society.

This is the Human Rights Council of Greenland's contribution.

The Danish Institute for Human Rights has made a status report together with the Human Rights Council of Greenland regarding the human rights status in Greenland anno 2013.

This report contains a series of recommendations on these issues:

1. Children
2. Enforcing human rights
3. Handicap
4. Procedural
5. Expanding and spreading human rights
6. Education
7. Explorative industry

Below are the further recommendations:

Strengthening human rights for children by:

- Imposing an official public poverty limit.
- Strengthening and clarifying the access to posting complaints at the Ombudsman
- Opening a counseling phone line
- Publish annual numbers for neglect, abuse and violence against children and the children's sex
- Coordinate the effort and the means to collect and publish children and youth data

Human rights in relation to the implementation of human rights should be strengthen by:

- Implementing The European Social Charter from the 18th October 1961 in Greenland
- Implementing the ILO-convention no. 187 regarding promotional framework for occupational safety and health in Greenland.

- Implementing The European Council's Convention for protection of individuals regarding automatic processing of personal data in Greenland.
- Implementing The European Council's Convention on the protection of children against sexual exploitation and sexual abuse in Greenland.
- Implementing the Hague Convention on the Civil Aspects of International Child Abduction in Greenland.
- Implementing The European Council's Convention Recognition and Enforcement decisions concerning custody of children and restoration on custody of children, from 20th may 1980, in Greenland
- Implementing The Convention on adoption of children from November 27th 2008 in Greenland
- Implementing The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children in Greenland
- Implementing The European Council's Convention on action against trafficking human beings in Greenland
- Initiating a dialogue with Denmark, regarding possibilities of joining unratified human rights commitments, concerning only home taken government areas.
- Producing a national action plan regarding human rights in Greenland in collaboration with The Human rights Council of Greenland and The Danish Institute for Human Rights.
- Establishing a permanent committee across the Government departments, with a representative from every municipality, and the Human rights Council of Greenland, to coordinate the implementation of the plan of action, and to follow up on international recommendations regarding human rights.
- Establishing representatives who will give theme based report to The Human Rights Council of Greenland in collaboration with The Danish Institute for Human Rights.
- An annual report to the Greenlandic parliament regarding the human rights development in Greenland.

Human rights in relation to handicap should be strengthen by:

- Systematically gathering substantial knowledge about different circumstances in relation to the availability, as the information about the circumstances are a prerequisite, to implementing active initiatives on this area.
- Enforcing a ban against discrimination due to a handicap, which declares, that a lack of accessibility to a public building could constitute discrimination due to a handicap. Evaluating, when discrimination is taking place, the regulations of the Greenlandic building code should be fulfilled, and furthermore, whether fulfilling the regulation will create a disproportionate burden for the building owner.
- Informing the key parties about the demands on accessibility, thereby securing that the implementation will be followed in practice.
- Gathering data on education, to better target the effort.
- Enforcing a ban against discrimination against handicap on the educational area, and the right to a including education and effective support in the regular school system.
- Striving towards educators achieving qualifications to educate students with different handicaps. This also applies to teachers within the common educational system, whom should be able to educate classes, whether students are handicapped or not.
- Establishing a collective and general plan of action within the Convention on The Rights of Persons with Disabilities is established, thereby securing a coherent overall view of the effort.
- Incorporating the Danish Institute for Human Rights as a part of the framework, which is supervising the implantation of the UN Convention on The Rights of Persons with Disabilities in

Denmark, due to, that the Institute abides by the principles according to the National Human Rights Institutions independent status.
- Insuring that the assembling of representatives of handicap organizations in Greenland is prioritized, and that these are included in the implementation and supervision of the convention.

Strengthening Human Rights in relation to legal certainty by:

- Taking effective steps to clarify structure of authority, and so, evaluate the need for changes in structure in management.
- Securing and strengthening the regulations on access to public files in the Greenlandic public government regulations.
- Taking effective measures to bring down the time of case handling generally in the government.
- That The Social Board of Appeal and other decision-making boards and administrations, are obliged to disclose a yearly report on case handling times, in connection with the institutions annual report.
- Enforcing the Municipalities, on their obligation to provide requested files needed in appeals.
- Creating general guideline on hearings, and ensure that they are followed.
- Implementing an active obligation of information in the Greenlandic government regulations.
- Ensuring that the law office reviews all relevant hearing material, who will screen the material, including a legislative drafting and an evaluation of the material in relation to the human rights obligations in Greenland.
- Merging different regulations to promote the accessibility and clarity of the law in Greenland.
- Developing one central database for actual legal practice, provided in Danish and Greenlandic.
- Extending the regulations on legal help by lawyers in Greenland, to secure free legal help for citizens, in cases regarding, or in treatment, in a legal authority public office.
- Starting a further investigation on the legal law effect on the legal safety in Greenland.
- Starting a legal law language commission, to secure a unanimous understanding of the central legislative definitions
- Processing a scrutiny of current legislation etc. and current conventions in Greenland to make regulations digitally accessible in Greenlandic and Danish in one place.

The distribution of human rights should be strengthened by:

- Performing an analysis of the human rights educations in the elementary school, with the purpose of developing an action plan for a human rights education in the elementary school.
- Considering creating a reference in the cause clause to the Government law regarding the elementary school, for example by creating a direct reference to the human rights and the children convention.
- Working for, those teachers and the teacher's educations achieve competences in educating pupils in human rights, especially the children convention. Perhaps by courses to the current teachers and implement an actual human rights education on the teaching academy.
- Performing an analysis of the human rights training for the government employees, to develop a strategy for this.
- Securing the translation of the central human rights tools to Greenlandic.
- Creating a website, gathering information on current human rights in Greenland, with access to the main conventions, Greenland reports and parallel reports and this status report.
- Starting an initiative to make a website, gathering information- and teaching material on human rights, with links to institutions and organizations who work with human rights in Greenland.

Human rights in relation to education should be strengthened by:

- Evaluating the traveling teachers system and considering implementing this in all of the four municipalities.
- Establishing internet connections in all public institutions and take positive measure to ensure cheaper internet connections for every citizen in their homes, thereby creating more possible home education of teachers and pupils.
- Mapping and addressing causes for dropouts.
- Creating partnerships between village- and city schools, to create exchange of knowledge.
- Considering teacher swop in the school subjects English and Danish between partner schools in certain time periods.
- Securing internet access to all the village schools.
- Analyzing and addressing possible social challenges in the villages.
- Taking action to support the familiar relation between children on boarding school and their families.

Strengthening human rights in relation to the exploration industry by:

- Initiating a dialogue with Denmark on imposing the Aarhus convention in Greenland.
- Properly including the public in Greenland to assure an ongoing evaluation of the hearing process, when large-scale mining project are announced.
- Including independent experts in the preliminary phase of the environment assessment.
- Involving independent experts in assessing the social sustainability (VSB)
- Placing regulations in the large scale law, that the VVM report should be conducted in accordance with good international practice on the area, only if the VVM report is not following other laws and regulations.
- Closely evaluating, whether limitations in the geographical freedom of movement for foreign workers in third party agreements, will be able to be set within the human rights framework.
- Insuring that participation in third party agreements, is upholding international human rights for workers human rights of free movement.
- Strengthening the development of competences for the unskilled labour.
- Securing that the actual further educational actions only belong to one particular government department
- Initiating a dialogue with Denmark on initiating an institution for mediation and complaints for responsible corporate behavior in Greenland, and considering how to secure Greenland’s inclusion on knowledge and experience.