



Human Rights Council
Working Group on the Universal Periodic Review
Thirty-eighth session
3–14 May 2021

Compilation on Denmark

Report of the Office of the United Nations High Commissioner for Human Rights*

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1,2}

2. Several human rights mechanisms recommended that Denmark ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights;³ the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;⁴ and the International Convention for the Protection of All Persons from Enforced Disappearance.⁵

3. The Committee on the Rights of the Child recommended that Denmark consider withdrawing the reservation made to article 40 (2) (b) of the Convention on the Rights of the Child.⁶

4. In 2018, Denmark submitted its midterm report regarding the implementation of the recommendations made during the second cycle of the universal periodic review in 2016.⁷

5. Denmark contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2016, 2017, 2018, 2019 and 2020.⁸

III. National human rights framework⁹

6. The Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes noted that the level of

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



incorporation of international human rights instruments into national legislation was considered insufficient.¹⁰

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination¹¹

7. The Committee on the Elimination of Racial Discrimination appreciated information provided by Denmark on measures taken by the police to combat racism. The Committee was interested in learning about the impact of such measures, and requested that Denmark include information on other measures, and on developing an action plan on racism, in its next periodic report.¹²

8. The same Committee appreciated information provided by Denmark on various initiatives undertaken to facilitate access to the labour market by immigrants. The Committee encouraged Denmark to continue implementing those measures, regretted the lack of information on other minorities, and reiterated its recommendation to improve integration of non-citizens and minorities.¹³

9. The Committee on Economic, Social and Cultural Rights was concerned at the remaining gaps in the anti-discrimination legal framework of Denmark, including regarding sexual orientation, gender identity, age, religion and disabilities. It reiterated its recommendation to adopt comprehensive anti-discrimination legislation.¹⁴

10. Two treaty bodies were concerned at reports of unnecessary and irreversible surgery and other medical treatment to which intersex children had been subjected before the age of 15, when their informed consent was required.¹⁵

11. Several committees recommended that Denmark guarantee counselling services and ensure that non-urgent, irreversible medical interventions were postponed until a child was sufficiently mature to give consent.¹⁶

2. Development, the environment, and business and human rights¹⁷

12. The Committee on Economic, Social and Cultural Rights commended Denmark for meeting the official development assistance target of 0.7 per cent of gross national income over several decades and welcomed the announcement of the intention to double its contribution to the Green Climate Fund. It recommended that Denmark ensure that its Fund contribution was additional to the current assistance level and not detrimental to development assistance in other areas.¹⁸

13. The Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes stated that the experience of Denmark in promoting the right to health by reducing toxic exposures could serve as a valuable resource for other countries. Denmark had advanced research, public awareness and participation towards related laws and policies.¹⁹ The Special Rapporteur identified ad hoc inter-ministerial coordination as a good practice to address the contamination of food and the environment resulting from pesticides and other toxics.²⁰

14. The Special Rapporteur noted that Danish business activities had had the most serious impacts on human rights outside of the country. This was notable for the shipping sector and processes for dismantling used ships in South Asia, with poor working and environmental conditions.²¹ The Special Rapporteur was disturbed by the lack of attention to the export of hazardous pesticides, which were banned by Denmark, to countries with lower levels of protection from their impacts.²² The Committee on Economic, Social and Cultural Rights was concerned that the legal and other regulatory framework of Denmark did not impose an obligation of human rights due diligence on companies domiciled in its jurisdiction.²³

15. The Special Rapporteur recommended that Denmark: develop a stronger, more comprehensive global regime to minimize exposure to toxic substances and prevent human rights abuses in lower-income countries; require businesses in its territory or under its jurisdiction to conduct human rights-related due diligence to address abuses regarding toxic substances throughout their supply chains; ensure that its laws provide for jurisdiction over foreign cases due to hazardous substances; and assert jurisdiction over corporate human rights abuses abroad.²⁴

16. The Committee on Economic, Social and Cultural Rights recommended that Denmark adopt a legal and other regulatory framework requiring business entities to exercise human rights due diligence in their operations at home and abroad, and hold business entities liable for violations of economic, social and cultural rights.²⁵

3. Human rights and counter-terrorism²⁶

17. The Human Rights Committee was concerned that some of the measures to combat terrorism may infringe upon rights set forth in the International Covenant on Civil and Political Rights, in particular by the use of vague terms defining actions constituting acts of terrorism; the interception of communication by the police domestically, which could amount to mass surveillance; and the possible revoking of citizenship for persons with dual nationality.²⁷

18. The Committee recommended that Denmark review counter-terrorism legislation and ensure conformity with its obligations under the Covenant, clearly define the acts that constitute terrorism, and establish a procedure enabling persons who may be expelled to be promptly informed.²⁸

B. Civil and political rights

1. Right to life, liberty and security of person²⁹

19. The Human Rights Committee and the Committee against Torture regretted that Denmark had not included torture as a separate offence in its Criminal Code, and recommended that Denmark include torture as a distinct offence.³⁰

20. The Committee against Torture remained concerned that, since the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had not been incorporated into domestic law, it could not be used in courts. The Committee reiterated its recommendation to incorporate the Convention into Danish law.³¹

21. Denmark furnished follow-up information, stating that incorporation entailed a risk of a shift in powers conferred upon the parliament and the Government to the courts, and that an international convention could be invoked before and applied by the courts, regardless of whether the convention was incorporated into law.³² The Committee subsequently expressed its difficulty in understanding the alleged risks.³³

22. The Committee against Torture was concerned at the lack of a mechanism for identifying or handling victims of torture throughout the asylum process. It recommended that Denmark establish procedures for the screening and medical examination of alleged torture victims throughout the asylum process and ensure that victims were not held in places of deprivation of liberty and had access to rehabilitation.³⁴

23. In follow-up information provided, Denmark stated that all asylum seekers were offered a medical screening upon arrival in Denmark, that reception centre staff paid attention to signs of torture, and that it was the opinion of the Government of Denmark that the procedures in place to identify and assist victims of torture were sufficient. Denmark asserted that if an asylum seeker's condition was such that detention was deemed impossible, the police imposed less restrictive measures, but the fact that an alien had been subjected to torture generally did not exclude the use of detention.³⁵ The Committee subsequently regretted that medical examinations were performed at the sole discretion of immigration authorities.³⁶

2. Administration of justice, including impunity, and the rule of law³⁷

24. The Committee on the Rights of the Child urged Denmark to implement the proposed system on crime prevention for young individuals, and fully integrate therein the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines); place emphasis on prevention policies that facilitated socialization and integration of all children; and, given the absence of juvenile courts, establish specialized juvenile courts, designate specialized judges for children and ensure that they received appropriate training.³⁸

25. The Committee recommended that Denmark promote non-judicial measures for children accused of criminal offences and, whenever possible, use alternative measures to sentencing; reduce the maximum prison sentence for children; make legislative amendments to ensure that pretrial detention for children 15 to 17 years was only used as a last resort for the shortest possible period of time, not exceeding six months, and that it was reviewed regularly with a view to withdrawing its use; and amend the Sentence Enforcement Act so that children were not placed in prison together with adults.³⁹

3. Fundamental freedoms and the right to participate in public and political life⁴⁰

26. The Special Rapporteur on freedom of religion or belief noted that Denmark respected freedom of religion or belief, with people allowed to express their convictions freely.⁴¹

27. However, it is stated in the Danish Constitution that “citizens shall be at liberty to form congregations for the worship of God in a manner which is in accordance with their convictions, provided that nothing contrary to good morals or public order shall be taught or done”, which presented more restrictive language than European and international standards.⁴² The Special Rapporteur asserted that limitations, if deemed necessary, must meet more specific and strict criteria.⁴³

28. The Human Rights Committee and the Special Rapporteur were concerned that the Evangelical Lutheran Church enjoyed special rank as “the Established Church of Denmark” (also referred to as the “People’s Church” (*Folkekirke*)), and that it was supported by the State. Privileges included practical monopolies on birth registry and burial sites.⁴⁴

29. The Special Rapporteur recommended that Denmark start a discussion on the future of the *Folkekirke* and ensure that members of all religions and non-believers could enjoy services of birth registration and burial on an equal basis.⁴⁵ The Human Rights Committee recommended that Denmark ensure non-discriminatory treatment of all religious communities within its territory.⁴⁶

30. The Special Rapporteur noted that, with immigration, society had been confronted with new faith expressions that were sometimes perceived as not fitting into traditional patterns and clashing with Danish identity, notably Islam. The tone of societal debate had become more intolerant.⁴⁷

31. The Special Rapporteur recommended that the Government develop a more inclusive understanding of Danish identity through education, send clear messages that all people living in Denmark should feel safe and at home in the country, and facilitate interreligious and “interconviction” dialogues.⁴⁸

32. The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Denmark decriminalize defamation and place it within a civil code, in compliance with international standards, and update its law on access to information, with a view to aligning it with international standards.⁴⁹

4. Prohibition of all forms of slavery⁵⁰

33. The Human Rights Committee was concerned that trafficking in human beings, including for sexual exploitation, continued to be a problem.⁵¹

34. The same Committee recommended that Denmark monitor the impact of its legislation, and strengthen cooperation with neighbouring countries; ensure that trafficking cases were thoroughly investigated, perpetrators were brought to justice and victims could access reparation; and revise the conditions for granting residence permits to trafficking victims.⁵²

35. The Committee on the Rights of the Child recommended that Denmark establish mechanisms to identify and protect child victims of trafficking; ensure that child victims were not treated as offenders; provide child victims with free legal aid, support from child psychologists and social workers, and access to child- and gender-sensitive complaints mechanisms and redress procedures; and ensure that children who could not be guaranteed witness protection upon repatriation were guaranteed permission to reside in Denmark.⁵³

5. Right to privacy and family life⁵⁴

36. The Committee on the Rights of the Child was concerned that many children who could not stay with their families continued to be placed in alternative care institutions, especially children with disabilities.⁵⁵

37. The Committee recommended that Denmark further facilitate family-based care and strengthen the foster care system for children who could not stay with their families, with a view to reducing institutionalization, in particular for children with disabilities.⁵⁶

C. Economic, social and cultural rights

38. The Committee on Economic, Social and Cultural Rights reiterated its recommendation that Denmark incorporate the provisions of the International Covenant on Economic, Social and Cultural Rights into domestic law.⁵⁷

39. The same Committee was concerned about laws that were inconsistent with the obligations of Denmark under the Covenant. It recommended that Denmark ensure that mechanisms scrutinize the compliance of draft laws with Covenant obligations; assess the impact of laws and policies on economic, social and cultural rights; and monitor the implementation of recommendations made by the Committee and other human rights mechanisms. The Committee encouraged Denmark to consider integrating related actions into a human rights action plan.⁵⁸

1. Right to work and to just and favourable conditions of work⁵⁹

40. The Committee on Economic, Social and Cultural Rights, while noting that conditions of work were defined in collective agreements, was concerned about conditions for the 20 per cent of the workforce not covered by such agreements. The Committee was also concerned that the lack of statutory minimum standards regarding conditions of work could lead to different conditions across sectors.⁶⁰

41. The Committee recommended that Denmark legislate on conditions of work, so as to guarantee that minimum standards were applicable to all workers, including those not covered by collective agreements.⁶¹

2. Right to social security⁶²

42. While noting the achievements of Denmark in developing a strong and comprehensive welfare state, the Committee on Economic, Social and Cultural Rights was concerned at exceptions, such as the residence requirement for unemployment benefits, which effectively discriminated against migrant workers from non-European countries. The Committee recommended that Denmark ensure that qualifying conditions were reasonable and proportionate and that disadvantaged groups, such as migrant workers, were adequately covered.⁶³

3. Right to an adequate standard of living

43. Two treaty bodies regretted and noted with concern that Denmark had abolished the national poverty threshold, and were concerned at the increasing number of children living in poverty following social security reforms.⁶⁴ The Committee on the Rights of the Child noted that Denmark had introduced a “cash benefit ceiling” and requirements for beneficiaries regarding hours worked, and that the increased poverty subsequent to these measures risked particularly impacting children of non-Western origin.⁶⁵

44. The Committee on the Rights of the Child recommended that Denmark reintroduce the 2013 poverty line, refrain from further restricting social benefits and allocate sufficient social benefits to prevent children from living in poverty, particularly children from a foreign background.⁶⁶

45. The Committee on Economic, Social and Cultural Rights recommended that Denmark ensure that temporary child benefits reached households in need, and that groups, other than children, that had been disproportionately affected by social security reforms were identified, and that mitigating measures targeting them were introduced.⁶⁷

46. The Committee on Economic, Social and Cultural Rights was concerned about increased numbers of homeless persons, and the criminalization of begging and of homelessness. It recommended that Denmark increase the capacity of shelters for homeless people and remove administrative barriers to access, provide long-term solutions and support the social reintegration of homeless people, and repeal legal provisions criminalizing conducts associated with poverty and homelessness.⁶⁸

47. The Committee on Economic, Social and Cultural Rights expressed concern at the shortage of affordable housing in Denmark, exacerbated by the trend in property acquisition by private investors.⁶⁹ The Committee recommended that Denmark increase the stock of affordable housing, consider the impact of existing legislation on the affordability of housing, prevent unreasonable rent levels or increases, and assess housing benefits.⁷⁰

48. The Committee was concerned that the law amending the Social Housing Act, the Social Housing Rent Act and the Rent Act (known as L38) infringed upon rights such as the freedom of residence and was discriminatory in introducing the categorization of areas as “ghettos”, defined by the proportion of residents from “non-Western” countries. The Committee was also concerned that the law provided for the doubling of sentences for crimes committed in “increased punishment zones”, and introduced sanctions, such as the withdrawal of child benefits if parents did not enrol their children in language programmes.⁷¹

49. The Committee recommended that Denmark remove the definitional element of a “ghetto” with reference to residents from “non-Western” countries; assess the impact of the “ghetto package” on affected communities; remove the punitive elements of the L38 law; repeal all provisions that had a discriminatory effect on refugees, migrants and residents of the “ghettos”; and ensure that evictions and rehousing respect human rights standards.⁷²

4. Right to health⁷³

50. The Committee on Economic, Social and Cultural Rights was concerned at the negative impact on children’s and pregnant women’s right to health of the restrictions on free health care for individuals in irregular situations.⁷⁴ The Committee recommended that Denmark remove the restrictions on access to free health care by children and women in irregular situations.⁷⁵

5. Right to education⁷⁶

51. The Committee on Economic, Social and Cultural Rights was concerned that education outcomes for children from disadvantaged socioeconomic backgrounds remained lower than for the rest of the population and that refugee children were not automatically enrolled in school.⁷⁷

52. The Committee on Economic, Social and Cultural Rights recommended that Denmark continue to monitor the impact of initiatives to reduce the impact of children’s socioeconomic backgrounds on educational outcomes, adopt corrective measures, and extend the provision of free education to refugee children, irrespective of residence status.⁷⁸

53. The Committee on Economic, Social and Cultural Rights noted that the policy of Denmark on bilingual education restricted access to students of European backgrounds only. The Committee questioned this discriminatory policy in integrating minorities and foreign-born students into the mainstream education system.⁷⁹

54. The Committee on the Rights of the Child recommended that Denmark ensure that children in alternative care had access to the same level of education as their peers and increase support to children with Danish as a second language.⁸⁰

55. UNESCO recommended that Denmark increase its efforts to diversify academic and vocational choices for women and girls.⁸¹

D. Rights of specific persons or groups

1. Women⁸²

56. Two treaty bodies remained concerned that numerous women had experienced violence or had been exposed to threats thereof, and that the rates of prosecution and conviction remained low.⁸³ The Committee on Economic, Social and Cultural Rights was concerned about the high incidence of sexual violence, including rape; the lack of reliable associated statistical data; the inadequacy of legal provisions relating to rape; and the very low rate of prosecution of sexual violence.⁸⁴

57. The Committee against Torture recommended that Denmark assess the effectiveness of action plans in combating violence against women and address obstacles to related prosecutions.⁸⁵ The Committee on Economic, Social and Cultural Rights recommended that Denmark incorporate consent in the legal definition of rape; address barriers to reporting, investigation and prosecution of sexual violence, including through capacity-building; systematically collect disaggregated data; and strengthen preventive measures.⁸⁶ The Committee on the Rights of the Child recommended that Denmark promote non-violent behaviour and dismantle notions about the inferiority of women and girls.⁸⁷

58. In follow-up communications with the Human Rights Committee, Denmark reported that the Director of Public Prosecution had issued binding guidelines for the police and prosecutors on handling criminal cases, including domestic violence cases, and that it was mandatory for all new legal staff in the prosecution service to undertake training on the handling of criminal cases, including domestic violence.⁸⁸

59. The Committee for the Elimination of Discrimination against Women noted information provided by Denmark regarding its recommendation to enact legislation for the collection of disaggregated data on all forms of violence against women. Denmark had stated that disaggregated data on criminal offences, and specifically sexual offences and physical violence, was collected through several studies. The Committee considered that the recommendation had been implemented.⁸⁹

60. The Human Rights Committee was concerned about the persistent gender wage gap, mostly affecting women with immigration backgrounds, and obstacles faced by women in accessing full-time employment. It recommended that Denmark continue to promote women's equal access to full-time employment in all parts of its territory and to eliminate the gender wage gap, particularly for women with immigration backgrounds.⁹⁰

2. Children⁹¹

61. The Committee on the Rights of the Child recommended that Denmark incorporate all provisions of the Convention on the Rights of the Child and its Optional Protocols into its national legislation.⁹²

62. The Committee on the Rights of the Child recommended, in view of recent spending cuts, including a 5 per cent cut to child benefits, that Denmark refrain from further cuts without an assessment of the impact that austerity measures would have on children's rights, and repeal measures that had a negative impact.⁹³

63. The Committee on the Rights of the Child, while noting with appreciation that corporal punishment was unlawful, noted reports that violence against children within the family continued to occur. It recommended that Denmark increase efforts to raise awareness about the unlawfulness of violence against children, ensure that children were informed about their right to be free from violence, and promote non-violent forms of child-rearing.⁹⁴

64. The Committee on the Rights of the Child noted with serious concern that: asylum-seeking families with children might be detained awaiting deportation; efforts to identify children in vulnerable situations or girls at risk of female genital mutilation were insufficient; and the best interests of the child were not adequately taken into account in immigration cases.⁹⁵ The Committee and the Office of the United Nations High Commissioner for Refugees (UNHCR) were concerned that children aged 15 or older did not have an automatic right to family reunification.⁹⁶

65. The Committee on the Rights of the Child urged Denmark to refrain from placing asylum-seeking families awaiting deportation in detention; train personnel to identify victims or girls at risk of female genital mutilation to ensure that they were not subjected to refoulement; and ensure that the best interests of the child were a primary consideration in immigration cases.⁹⁷ The Committee and UNHCR recommended that Denmark increase the age limit for children entitled to family reunification from 15 to 18 years.⁹⁸

66. The Committee on the Rights of the Child was concerned that unaccompanied children might be placed in detention when awaiting deportation and, as of age 17, were placed in centres for adults and could be separated from unaccompanied siblings. The Committee was also concerned that unaccompanied children missing from asylum centres could have become sex trafficking victims and that unaccompanied children not found mature enough to undergo the asylum procedure did not have their applications processed until they were considered sufficiently mature.⁹⁹

67. The same Committee recommended that Denmark ensure that all unaccompanied children were placed in specialized asylum centres for children and that siblings were not separated. It also recommended that Denmark establish safeguards to ensure that unaccompanied children did not go missing from centres, and to also ensure the speedy assessment of asylum claims of children by placing the greater burden of proof in determining refugee status on the immigration authorities if the child was considered insufficiently mature.¹⁰⁰

3. Persons with disabilities

68. Several committees expressed concern that coercive measures were used in mental health institutions, and that forced treatment and the use of restraint in institutions remained legal.¹⁰¹

69. The Committee on Economic, Social and Cultural Rights and the Human Rights Committee recommended that Denmark reduce recourse to coercive measures in mental health institutions.¹⁰² The Committee on the Rights of the Child recommended that Denmark ensure that children with disabilities were not forcibly hospitalized or institutionalized, but provided with a community care environment, and that those in institutions were not subjected to excessive restraint.¹⁰³

70. The Committee on Economic, Social and Cultural Rights noted that under the 2012 Reform of the Disability Pension and Flexi-job Scheme, persons with disabilities might be forced to take up work. It recommended that Denmark assess the impact of the Scheme on the rights to work, to an adequate standard of living and to social security.¹⁰⁴

71. The Committee on the Rights of the Child was concerned that austerity measures had led to a reduction in support for disability-related costs, that education was insufficiently inclusive and that public facilities were not always accessible.¹⁰⁵

72. The Committee on the Rights of the Child urged Denmark to halt further budget cuts that might infringe upon the rights of children with disabilities.¹⁰⁶ The Committee and UNESCO recommended expanding measures for inclusive education, and increasing the accessibility of schools.¹⁰⁷

4. Minorities and indigenous peoples¹⁰⁸

73. The Committee on Economic, Social and Cultural Rights was concerned that the 2003 Supreme Court ruling on the Thule tribe breached the right to self-identification.¹⁰⁹ It recommended that Denmark respect the right of the Thule tribe and other indigenous communities to self-identification, and protect other elements of their culture.¹¹⁰

5. Migrants, refugees, asylum seekers and internally displaced persons¹¹¹

74. UNHCR noted amendments passed to the 2015 Aliens Act that would not allow beneficiaries to initiate family reunification proceedings for three years. UNHCR expressed concern that the discretionary scope for extended family members in the Act was interpreted too restrictively.¹¹²

75. UNHCR recommended that Denmark allow beneficiaries to reunite with their family without a waiting period and to allow dependents beyond the nuclear family to reunite with family members.¹¹³

76. UNHCR noted that the 2019 Paradigm Shift Law introduced temporariness for beneficiaries of refugee status, and changed the focus from integration.¹¹⁴

77. UNHCR recommended that Denmark ensure that all beneficiaries of international protection received a residence permit for a minimum of five years, renewable for periods of five years or more, and that the country facilitate access to naturalization.¹¹⁵

78. The Human Rights Committee and the Committee against Torture found the total length of detention of asylum seekers of 18 months to be excessive, and recommended that Denmark reduce it under the Aliens Act to as short a period as possible, with detention a measure of last resort.¹¹⁶

79. The Human Rights Committee was concerned about unsatisfactory detention conditions. The Committee was also concerned about amendments to the Aliens Act allowing temporary suspension of fundamental legal safeguards in situations of a high influx of migrants, and allowing the confiscation of asylum seekers' assets to compensate for the costs of their reception.¹¹⁷

80. The Human Rights Committee recommended that Denmark ensure that its policies on the return of migrants and asylum seekers respected the principle of non-refoulement and that the detention of migrants and asylum seekers was reasonable, necessary and proportionate. It also recommended that Denmark improve detention conditions and repeal amendments to the Aliens Act regarding access to fundamental legal safeguards and confiscation of asylum seekers' assets.¹¹⁸

81. In follow-up communication, Denmark asserted that it respected the principle of non-refoulement, as all asylum seekers over 18 years and all unaccompanied minors assessed to be mature enough, could access an individual asylum procedure, with rejected cases appealed to the Refugee Appeals Board, which applied the non-refoulement principle. Denmark deemed that it had already taken measures to fully implement the recommendation.¹¹⁹

82. Denmark contended that detention of aliens awaiting deportation would always be necessary and proportionate, since detention was a last resort applied when the alien did not return voluntarily and less restrictive measures proved insufficient. Denmark stated that in November 2015 a suspension rule had been introduced but detained migrants still had access to judicial review, and that living conditions for rejected asylum seekers at Vridsløselille had been improved in 2016.¹²⁰ Danish rules implied that the police could seize asylum seekers' assets to cover expenses during processing of the asylum case, reflecting a principle in Denmark that if one can support oneself, one must. The Government did not have any plans to repeal the rules on seizure of assets.¹²¹

83. The Committee against Torture was concerned that a minor had been deported from Denmark and was reported killed upon return to his country. The Committee against Torture and the Committee on the Rights of the Child recommended that Denmark establish mechanisms to monitor the situation of vulnerable individuals in receiving countries after their deportation, and act upon reports of torture.¹²²

84. In response, the Government of Denmark emphasized that the country did not have the legal competence to monitor the situation of rejected asylum seekers after they were sent back to their home countries, and that rejected asylum seekers were only returned after authorities had thoroughly assessed the asylum application.¹²³ The Committee against Torture regretted that no action for such monitoring was envisaged.¹²⁴

85. The Committee on Economic, Social and Cultural Rights was concerned about retrogressive measures adopted by Denmark, curtailing the rights of refugees and migrants. It recommended that Denmark reverse retrogressive measures that did not meet the criteria of necessity, proportionality, temporariness and non-discrimination.¹²⁵

86. The same Committee was concerned that recent laws eroded the economic, social and cultural rights of refugees. It recommended that Denmark ensure that refugees had secure residence status and adequate access to health-care services, and provide refugees with permanent housing.¹²⁶

6. Stateless persons¹²⁷

87. UNHCR reported that stateless children born in Denmark were not entitled to Danish nationality by birth but could acquire nationality through naturalization, with requirements that were not in line with the 1961 Convention on the Reduction of Statelessness.¹²⁸

88. UNHCR recommended that Denmark incorporate the right to acquire Danish nationality, of children born in the country who would otherwise be stateless, into the Nationality Act, or at a minimum, of children who were born to parents who were permanent residents. UNHCR also recommended that Denmark establish “habitual residence” rather than “lawful residence” as the nationality requirement.¹²⁹ The Committee on the Rights of the Child urged Denmark to automatically grant nationality to all children born in Denmark who would otherwise be stateless.¹³⁰

E. Specific regions or territories

89. The Committee on Economic, Social and Cultural Rights regretted and the Human Rights Committee expressed concern about the absence of a national human rights institution to monitor the implementation of human rights in the Faroe Islands. The committees recommended that Denmark expedite the establishment of a human rights institution in the Faroe Islands, compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).¹³¹

90. In Greenland, the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes noted that the Arctic region was affected by global pollution, with climate change contributing to the melting ice sheet and contamination of traditional food sources.¹³² Concerns had been raised regarding meaningful participation to ensure the prior informed consent of those affected by mining projects.¹³³ Greenland also faced challenges in establishing a system of pollution control and waste management given its small population over vast territory and Arctic climate.¹³⁴

91. The Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes recommended that Greenland: ensure that information on pollution and waste management was made available to local communities; allow time in the context of mining projects for the mobilization of communities in remote locations for pre-consultations; ensure that economic expansion included improved management of chemicals and waste systems; and take steps towards a circular economy. The Special Rapporteur recommended that Denmark identify and remove all unwanted military waste left in Greenland.¹³⁵

92. The Committee on the Rights of the Child noted reports that certain towns in Greenland suffered from significant food shortages between January and May, particularly impacting children from low-income families.¹³⁶

93. The Committee on the Rights of the Child recommended that Denmark allocate adequate resources to ensure that all areas of Greenland had sufficient and healthy food reserves and provide adequate benefits to low-income families.¹³⁷

94. The Committee on the Rights of the Child recommended that Denmark align its legislation on abortion in the Faroe Islands with that in mainland Denmark, with a view to ensuring equal access of girls to safe and legal abortion.¹³⁸

95. The Committee on the Elimination of Discrimination against Women noted information provided by Denmark regarding its recommendation to strengthen the quality and accessibility of protection measures for women victims of violence in Greenland and the Faroe Islands. The Committee welcomed the adoption of legislation by the Governments of Greenland and the Faroe Islands. It considered the recommendation partially implemented.¹³⁹

96. The Committee on the Rights of the Child noted that child poverty in Greenland and the Faroe Islands remained relatively high.¹⁴⁰

97. The same Committee recommended that Denmark develop specific poverty reduction measures for children living in Greenland and on the Faroe Islands.¹⁴¹

98. The Committee on the Rights of the Child was concerned that sexual abuse of children, including online, prevailed, with rates particularly high in Greenland. The Committee was also concerned that professionals working with children were not trained in identifying child sexual abuse and that information in Greenlandic for children on reporting sexual abuse was insufficiently available.¹⁴²

99. The Committee on the Rights of the Child recommended taking specific measures to combat the situation in Greenland. It also recommended that Denmark continue the development of programmes for prevention, recovery and reintegration of child victims; ensure that professionals working with children were trained in identifying sexual abuse; and ensure the availability of information, including in Greenlandic and Faroese, on reporting sexual abuse.¹⁴³

100. The Committee on the Rights of the Child recommended that Denmark ensure that all professionals working with children were trained to identify and address early suicidal tendencies and mental health problems, particularly in Greenland, where, reportedly, the number of children who had attempted suicide was relatively high.¹⁴⁴

Notes

¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Denmark will be available at www.ohchr.org/EN/Countries/ENACARegion/Pages/DKIndex.aspx.

² For relevant recommendations, see A/HRC/32/10, paras. 120.3–120.4 and 120.11–120.14.

³ E/C.12/DNK/CO/6, para. 74; A/HRC/39/48/Add.2, para. 81 (d); and CAT/C/DNK/CO/6-7, para. 51.

⁴ A/HRC/39/48/Add.2, para. 81 (d); CAT/C/DNK/CO/6-7, para. 51; and CRC/C/DNK/CO/5, para. 47 (b).

⁵ CAT/C/DNK/CO/6-7, para. 51; and CRC/C/DNK/CO/5, para. 47 (a).

⁶ CRC/C/DNK/CO/5, para. 5.

⁷ Government of Denmark, “Universal periodic review of the United Nations Human Rights Council: Denmark’s 2nd mid-term report”, June 2018. Available at https://lib.ohchr.org/HRBodies/UPR/Documents/Session24/DK/Denmark_Mid-TermReport2018.pdf.

⁸ See www.ohchr.org/Documents/AboutUs/FundingBudget/VoluntaryContributions2020.pdf. See also OHCHR, *United Nations Human Rights Report 2019*, p. 90; OHCHR, *United Nations Human Rights Report 2018*, p. 75; OHCHR, *United Nations Human Rights Report 2017*, p. 79; OHCHR *Report 2016*, p. 78.

⁹ For relevant recommendations, see A/HRC/32/10, paras. 120.23–120.24, 120.41 and 120.113.

¹⁰ A/HRC/39/48/Add.2, para. 7.

¹¹ For relevant recommendations, see A/HRC/32/10, paras. 120.29, 120.36–120.37, 120.56–120.59, 120.61, 120.70, 120.74, 120.79–120.84, 120.86–120.96, 120.99–120.100, 120.127, 120.142, 120.146–120.148, 120.150–120.151, 120.153 and 120.172–120.173.

¹² CERD/C/DNK/CO/20-21/Add.1, p. 1; and the letter from the Committee on the Elimination of Racial Discrimination to the Permanent Mission of Denmark to the United Nations Office and other international organizations in Geneva, dated 3 October 2016, p. 1. Available at https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/DNK/INT_CERD_FUL_DNK_25447_E.pdf.

¹³ CERD/C/DNK/CO/20-21/Add.1, p. 2; and the letter from the Committee on the Elimination of Racial Discrimination to the Permanent Mission of Denmark to the United Nations Office and other international organizations in Geneva, dated 3 October 2016, p. 2.

¹⁴ E/C.12/DNK/CO/6, paras. 21–22.

- ¹⁵ CAT/C/DNK/CO/6-7, para. 42; and E/C.12/DNK/CO/6, para. 64. The Committee against Torture was also concerned about hurdles faced when seeking redress (see CAT/C/DNK/CO/6-7, para. 42).
- ¹⁶ CAT/C/DNK/CO/6-7, para. 43 (a)–(c); E/C.12/DNK/CO/6, para. 65; and CRC/C/DNK/CO/5, para. 24. The Committee against Torture also recommended that Denmark provide adequate redress for the physical and psychological suffering caused by such practices to intersex persons (see CAT/C/DNK/CO/6-7, para. 43 (d)).
- ¹⁷ For relevant recommendations, see A/HRC/32/10, paras. 120.55 and 120.198–120.199.
- ¹⁸ E/C.12/DNK/CO/6, paras. 14–15.
- ¹⁹ A/HRC/39/48/Add.2, paras. 13, 21 and 78.
- ²⁰ *Ibid.*, paras. 10 and 12.
- ²¹ *Ibid.*, paras. 33–35. See also the communication by special procedure mandate holders on a related case, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=23561>, and the reply of the Government, available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34007> (accessed on 13 October 2020).
- ²² A/HRC/39/48/Add.2, para. 45.
- ²³ E/C.12/DNK/CO/6, para. 18.
- ²⁴ A/HRC/39/48/Add.2, paras. 81 (a)–(c).
- ²⁵ E/C.12/DNK/CO/6, para. 19.
- ²⁶ For relevant recommendations, see A/HRC/32/10, paras. 120.40 and 120.197.
- ²⁷ CCPR/C/DNK/CO/6, para. 27.
- ²⁸ *Ibid.*, para. 28.
- ²⁹ For relevant recommendations, see A/HRC/32/10, paras. 120.104 and 120.126.
- ³⁰ CAT/C/DNK/CO/6-7, paras. 10–11; and CCPR/C/DNK/CO/6, paras. 21–22.
- ³¹ CAT/C/DNK/CO/6-7, paras. 12–13.
- ³² CAT/C/DNK/CO/6-7/Add.1, paras. 5–6.
- ³³ Letter from the Committee against Torture to the Permanent Mission of Denmark to the United Nations Office and other international organizations in Geneva, dated 10 May 2018, p. 1. Available at https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/DNK/INT_CAT_FUL_DNK_31197_E.pdf.
- ³⁴ CAT/C/DNK/CO/6-7, paras. 22–23.
- ³⁵ CAT/C/DNK/CO/6-7/Add.1, paras. 11–28.
- ³⁶ Letter from the Committee against Torture to the Permanent Mission of Denmark to the United Nations Office and other international organizations in Geneva, dated 10 May 2018, p. 2.
- ³⁷ For relevant recommendations, see A/HRC/32/10, paras. 120.131 and 120.161.
- ³⁸ CRC/C/DNK/CO/5, para. 44.
- ³⁹ *Ibid.*
- ⁴⁰ For relevant recommendations, see A/HRC/32/10, paras. 120.77, 120.97, 120.143, 120.145, 120.149 and 120.167.
- ⁴¹ A/HRC/34/50/Add.1, para. 69.
- ⁴² *Ibid.*, para. 5.
- ⁴³ *Ibid.*, para. 74.
- ⁴⁴ *Ibid.*, paras. 21 and 73; and CCPR/C/DNK/CO/6, para. 37.
- ⁴⁵ A/HRC/34/50/Add.1, paras. 75 (g)–(h).
- ⁴⁶ CCPR/C/DNK/CO/6, para. 38.
- ⁴⁷ A/HRC/34/50/Add.1, paras. 54 and 71–72.
- ⁴⁸ *Ibid.*, paras. 75 (a)–(b) and (d).
- ⁴⁹ UNESCO submission for the universal periodic review of Denmark, paras. 10–11.
- ⁵⁰ For relevant recommendations, see A/HRC/32/10, paras. 120.115–120.116, 120.119 and 120.122–120.125.
- ⁵¹ CCPR/C/DNK/CO/6, para. 29.
- ⁵² *Ibid.*, para. 30.
- ⁵³ CRC/C/DNK/CO/5, para. 43.
- ⁵⁴ For relevant recommendations, see A/HRC/32/10, paras. 120.112, 120.137–120.140 and 120.189.
- ⁵⁵ CRC/C/DNK/CO/5, para. 26 (a).
- ⁵⁶ *Ibid.*, para. 27.
- ⁵⁷ E/C.12/DNK/CO/6, para. 5.
- ⁵⁸ *Ibid.*, paras. 6–7.
- ⁵⁹ For the relevant recommendation, see A/HRC/32/10, para. 120.164.
- ⁶⁰ E/C.12/DNK/CO/6, para. 34.
- ⁶¹ *Ibid.*, para. 35.
- ⁶² For the relevant recommendation, see A/HRC/32/10, para. 120.155.
- ⁶³ E/C.12/DNK/CO/6, paras. 36–37.
- ⁶⁴ *Ibid.*, para. 45; and CRC/C/DNK/CO/5, para. 34.

- 65 CRC/C/DNK/CO/5, para. 34.
- 66 Ibid., para. 35.
- 67 E/C.12/DNK/CO/6, para. 46.
- 68 Ibid., paras. 47–48.
- 69 Ibid., para. 49. See also communication DNK 2/2019, dated 22 March 2019, at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=24497>. See also the reply of the Government, dated 9 September 2019, at <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=34861>.
- 70 E/C.12/DNK/CO/6, para. 50.
- 71 Ibid., para. 51.
- 72 Ibid., para. 52. See also OHCHR, “UN human rights experts urge Denmark to halt contentious sale of ‘ghetto’ buildings”, 23 October 2020.
- 73 For the relevant recommendation, see A/HRC/32/10, para. 120.156.
- 74 E/C.12/DNK/CO/6, para. 62.
- 75 Ibid., para. 63. See also www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3336238:NO (accessed on 17 December 2020); and www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3335323:NO (accessed on 17 December 2020).
- 76 For relevant recommendations, see A/HRC/32/10, paras. 120.117, 120.157–120.160, 120.162–120.163, 120.165 and 120.180.
- 77 E/C.12/DNK/CO/6, para. 66.
- 78 Ibid., para. 67.
- 79 Ibid., para. 68.
- 80 CRC/C/DNK/CO/5, para. 36.
- 81 UNESCO submission, p. 5.
- 82 For relevant recommendations, see A/HRC/32/10, paras. 120.31–120.33, 120.71–120.73, 120.105–120.111, 120.114 and 120.154.
- 83 CAT/C/DNK/CO/6-7, para. 44; and CCPR/C/DNK/CO/6, para. 19.
- 84 E/C.12/DNK/CO/6, para. 43.
- 85 CAT/C/DNK/CO/6-7, para. 45.
- 86 E/C.12/DNK/CO/6, para. 44.
- 87 CRC/C/DNK/CO/5, para. 22.
- 88 CCPR/C/DNK/CO/6/Add.1, paras. 3 and 8.
- 89 Letter from the Committee on the Elimination of Discrimination against Women to the Permanent Mission of Denmark to the United Nations Office and other international organizations in Geneva, dated 21 September 2017, pp. 1–2. Available at https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/DNK/INT_CEDAW_FUL_DNK_28951_E.pdf.
- 90 CCPR/C/DNK/CO/6, paras. 17–18.
- 91 For relevant recommendations, see A/HRC/32/10, paras. 120.54 and 120.118.
- 92 CRC/C/DNK/CO/5, para. 6.
- 93 Ibid., para. 10.
- 94 Ibid., para. 18.
- 95 Ibid., para. 39. See also CRC/C/77/D/3/2016.
- 96 CRC/C/DNK/CO/5, para. 39; and the UNHCR submission for the universal periodic review of Denmark, p. 3.
- 97 CRC/C/DNK/CO/5, para. 40.
- 98 Ibid., para. 40; and the UNHCR submission, p. 3.
- 99 CRC/C/DNK/CO/5, para. 41.
- 100 Ibid., para. 42.
- 101 E/C.12/DNK/CO/6, para. 56; CCPR/C/DNK/CO/6, para. 25; and CRC/C/DNK/CO/5, para. 28 (a).
- 102 E/C.12/DNK/CO/6, para. 57; and CCPR/C/DNK/CO/6, para. 26.
- 103 CRC/C/DNK/CO/5, para. 29 (a).
- 104 E/C.12/DNK/CO/6, paras. 41–42.
- 105 CRC/C/DNK/CO/5, paras. 28 (b)–(d). See also www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3335318:NO (accessed 17 December 2020).
- 106 CRC/C/DNK/CO/5, para. 29 (b).
- 107 CRC/C/DNK/CO/5, paras. 29 (c)–(d); and UNESCO submission, p. 5.
- 108 For relevant recommendations, see A/HRC/32/10, paras. 120.98 and 120.162–120.163.
- 109 E/C.12/DNK/CO/6, para. 70.
- 110 Ibid., para. 71.
- 111 For relevant recommendations, see A/HRC/32/10, paras. 120.168–120.169, 120.171, 120.177–120.178, 120.182, 120.184 and 120.190.
- 112 UNHCR submission, pp. 2–3.

- ¹¹³ Ibid., p. 3.
- ¹¹⁴ Ibid.
- ¹¹⁵ Ibid., p. 4.
- ¹¹⁶ CAT/C/DNK/CO/6-7, paras. 24–25; and CCPR/C/DNK/CO/6, paras. 31–32.
- ¹¹⁷ CCPR/C/DNK/CO/6, para. 31.
- ¹¹⁸ Ibid., para. 32. See also related recent Views by the Human Rights Committee on cases of non-refoulement, including CCPR/C/126/D/2531/2015, CCPR/C/126/D/2603/2015 and CCPR/C/123/D/2575/2015.
- ¹¹⁹ CCPR/C/DNK/CO/6/Add.1, paras. 45–50.
- ¹²⁰ Ibid., paras. 51–63.
- ¹²¹ Ibid., paras. 64–68.
- ¹²² CAT/C/DNK/CO/6-7, paras. 20–21; and CRC/C/DNK/CO/5, para. 40.
- ¹²³ CAT/C/DNK/CO/6-7/Add.1, paras. 8–10.
- ¹²⁴ Letter from the Committee against Torture to the Permanent Mission of Denmark to the United Nations Office and other international organizations in Geneva, dated 10 May 2018, p. 1.
- ¹²⁵ E/C.12/DNK/CO/6, paras. 12–13.
- ¹²⁶ Ibid., paras. 25–26.
- ¹²⁷ For relevant recommendations, see A/HRC/32/10, paras. 120.193–120.195.
- ¹²⁸ UNHCR submission, pp. 4–5.
- ¹²⁹ Ibid., p. 5.
- ¹³⁰ CRC/C/DNK/CO/5, para. 15.
- ¹³¹ CCPR/C/DNK/CO/6, paras. 9–10; and E/C.12/DNK/CO/6, paras. 16–17.
- ¹³² A/HRC/39/48/Add.2, paras. 53–57.
- ¹³³ Ibid., paras. 69–74.
- ¹³⁴ Ibid., para. 82.
- ¹³⁵ Ibid., paras. 84 (a)–(f).
- ¹³⁶ CRC/C/DNK/CO/5, para. 32.
- ¹³⁷ Ibid.
- ¹³⁸ Ibid., para. 31.
- ¹³⁹ Letter from the Committee on the Elimination of Discrimination against Women to the Permanent Mission of Denmark to the United Nations Office and other international organizations in Geneva, dated 21 September 2017, p. 2.
- ¹⁴⁰ CRC/C/DNK/CO/5, para. 34.
- ¹⁴¹ Ibid., para. 35.
- ¹⁴² Ibid., para. 20.
- ¹⁴³ Ibid., para. 21.
- ¹⁴⁴ Ibid., para. 30 (c).
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