

ADVANCE QUESTIONS TO DENMARK – Add.1

CZECH REPUBLIC

- We appreciate that prison conditions generally meet international standards, and the authorities has permitted monitoring visits by independent human rights observers, such as the Institute for Human Rights and Rehabilitation, in accordance with the UN's Optional Protocol to the Convention against Torture. However, we would like to know what measures the Government of Denmark has taken/is going to take to refrain from holding pretrial detainees together with convicted criminals, and detained children together with adults?
- UNHCR considers the amendments to the Aliens Act problematic, insofar as the expulsion of a refugee entails that she/he loses his/her refugee status. UNHCR is also concerned that safeguards against refoulement for persons in need of international protection will be reduced. UNHCR recommended Denmark to ensure that acts which may lead to expulsion are in line with international refugee and human rights law, in order to avoid disproportionate measures being imposed on persons in need of international protection.
- UNHCR is concerned about the further tightening of the Aliens Act for a vulnerable group of minors, who are not found to be sufficiently mature to have their protection needs assessed, upon arrival to the country. The limitation of the residence permit up to the age of 18 is likely to impact negatively on the development and well-being of the child. UNHCR recommended to Denmark to revise the proposed amendments to the Danish Aliens' Act with respect to unaccompanied children seeking asylum, and that a number of safeguards recognizing additional protection and assistance needs of children be applied.
- How does the Government of Denmark implement UNHCR's recommendations?

ESTONIA

- According to our information the Danish Supreme Court has concluded that the decision by the Ministry of Integration to expel – with a 2 year ban of entry into Denmark – 14 persons belonging to the Roma minority was not in accordance with Danish law and EU rules. Are there specific measures that the Government of Denmark is planning to take to avoid possible recurrence of similar situations?
- In September 2010, UNHCR reported that 61 Iraqis, some of whom had been residing also in Denmark and several were from particularly dangerous provinces, including Baghdad and Mosul, were forcibly returned. UNHCR has recommended not to forcibly return refugees to regions where they might be at risk or face persecution or serious harm. Is the Government of Denmark planning to take steps to conform with the UNHCR recommendation?
- According to our information from 2004 to 2010 at least 36 citizenship applications, which according to the Danish legislation should have received positive answer, were rejected by the Danish authorities. In addition there

were about 460 persons who were not informed about their rights to acquire Danish citizenship in accordance with the UN conventions. Could the Government of Denmark elaborate on the steps it is planning to take to guarantee the citizenship to persons to whom it has been unlawfully denied?

- According to the information published by the Danish Ministry of Justice, the number of persons detained for a long-term during preliminary investigation has increased 77 % over the past 10 years. What are the reasons for this significant increase? Estonia would also appreciate information on the intentions of the Government to reduce this figure.

FRANCE

- Le Danemark indique dans son rapport national se préparer à ratifier la convention internationale pour la protection de toutes les personnes contre les disparitions forcées. La France souhaiterait que le Danemark précise l'état d'avancement de cette procédure de ratification et lui recommande vivement de déclarer, au moment de la ratification, accepter la compétence du comité contre les disparitions forcées prévue aux articles 31 et 32 de la convention.
- Le Danemark peut-il indiquer les raisons pour lesquelles il n'a pas ratifié le protocole à la convention relative aux droits des personnes handicapées?
- Le HCR et le CERD, notamment, ont recommandé au Danemark de modifier sa législation pour lever les conditions restreignant le droit au mariage avec un étranger ou entre étrangers comme le droit au regroupement familial. Le Danemark entend-il abroger les dispositions de son droit national qui empêchent en pratique l'union avec une personne qui conserverait des attaches à l'étranger et celles qui interdisent le regroupement familial de conjoints qui n'auraient pas atteint un certain âge?
- L'accès aux soins (hors urgences) des demandeurs d'asile est rendu difficile par le fait que ceux-ci ne disposent pas du numéro de sécurité sociale (« CPR »), clé informatique indispensable pour être identifié et pris en charge. Quelles solutions alternatives sont prévues par le Danemark pour remédier à cette situation?
- Les statistiques européennes (Eurostat) montrent un taux d'emploi des femmes au Danemark très important (plus de 76%). Néanmoins la part des femmes parmi les cadres et dirigeants d'entreprises reste faible (moins de 25%). Le Danemark envisage-t-il des mesures pour favoriser l'accès des femmes aux postes à responsabilité dans les entreprises?

NETHERLANDS

- With reference to paragraphs 4, 39 and 72 of the OHCHR-report, could the government of Denmark elaborate on the manner in which Denmark differentiates between persons identified as victims of human trafficking and persons identified as illegal immigrants? In line with the reports from Amnesty International and the Women's Council, would Denmark consider ensuring

that all victims of trafficking are offered a 100-day ‘reflection period’ regardless of any agreement to cooperate on return to the individual’s country of origin?

- With reference to paragraphs 28 and 72 of the OHCHR-compilation, we note that some rules and provisions in national legislation are not in line with obligations under the different Conventions. Paragraph 1 of the stakeholders-report even mentions that none of the United Nations core human rights conventions, ratified by Denmark, have been incorporated in Danish law. How does Denmark make sure that domestic legislation complies with UN/International Human Rights Conventions, in particular the International Covenant on Civil and Political Rights (ICCPR)? To what extent has Denmark made progress to incorporate international human rights legislation into national legislation?
- As mentioned in paragraph 57 of the national report, we take note of the new ‘National strategy to combat violence in intimate relations’ with over 30 specific initiatives. The national strategy is designed to target all forms of violence in intimate relations: physical, mental, sexual and material violence. Could the government of Denmark share more information with the Human Rights Council on its experiences to reduce the occurrence of violence in intimate relations and also elaborate on the 30 specific initiatives?
- With reference to paragraphs 77 to 79 of the national report, we take note of the different anti-terrorism package (introduced in 2002 and in 2006). Furthermore, paragraph 79 of the national report mentions that civil society criticized the decision by the government that the anti-terrorism package does not need any changes on the basis of legal protection. How does the Danish government ensure the right of privacy and right to a fair trial (equality of arms)?

NORWAY

- Which are the actual or planned measures that will further improve gender equality in Denmark? Measures targeting underrepresentation of women in management positions and measures aimed at ensuring equal pay are of particular interest.
- Which experiences have been drawn from the lowering of the minimum age of criminal responsibility from 15 to 14 as a measure to fight youth crime? Do the results up to now point towards a change in the juvenile crime rate?
- What are the next steps to further improve the protection of children and their rights?
- What practical implications do the current formulations in the Penal Code on marital relations between victims of rape and sexual abuse and the alleged perpetrator, i.e §§ 218, 220 and 227, have with regard to culpability and

sentencing? Are any of these provisions considered for or in the process of revision?