



THE DANISH
INSTITUTE FOR
HUMAN RIGHTS

UPR MID-TERM REPORT

THIRD CYCLE – DENMARK

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EXECUTIVE SUMMARY OF KEY DEVELOPMENTS AND IMPLEMENTATION

This submission is an independent assessment of the Kingdom of Denmark's progress in the implementation of recommendations from the third Universal Periodic Review (UPR) in May 2021, submitted by the Danish Institute for Human Rights (the Institute). It follows up on the implementation of the 288 recommendations received, 202 recommendations were initially accepted and 86 were noted. Denmark has in its midterm report further accepted nine recommendations¹, partly accepted two² while 75 recommendations remain noted.³

The Institute welcomes the Government's acceptance of further nine recommendations mainly concerning racism and the use of solitary confinement as a disciplinary measure. The Institute recognises the progress made by the Danish Government across several recommendations, including in relation to the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the legislative cap on the use of solitary confinement as a disciplinary measure.

The submission also focuses on areas where there has been insufficient progress, or emerging challenges in the follow up on the UPR recommendations. For example, the Institute is concerned that there has been insufficient progress on the implementation of the recommendation concerning discriminatory terminology regarding social housing.

The Institute commends the Danish Government for improving compliance with its human rights obligations and for its continuing and committed engagement with international human rights compliance mechanisms, including the continuation of the practice of submitting a voluntary UPR midterm report.

THE DANISH INSTITUTE FOR HUMAN RIGHTS

The Institute is established by law⁴ and in accordance with the UN Paris Principles and accredited as an A-status National Human Rights Institution (NHRI).⁵ It is also the national equality body in relation to race and ethnicity and gender. Furthermore, the Institute has special mandates to promote and monitor the LGBT+ area as well as the disability area through the promotion and monitoring of the implementation of the UN Convention on the Rights of Persons with Disabilities.

Greenland is a self-governing part of the Kingdom of Denmark. The Institute is the NHRI of Greenland and cooperates closely with the Human Rights Council of Greenland (HRCG) on promoting and protecting human rights and monitoring human rights challenges in Greenland. The HRCG is a politically independent council established by law with reference to the UN Paris Principles.⁶ The information and recommendations concerning Greenland have been produced in cooperation with the HRCG. The Institute's mandate does not extend to the Faroe Islands.

METHODOLOGY

The submission seeks to provide an overview of the key developments in the implementation of UPR recommendations in Denmark since 2021. The submission follows the suggested template for UPR mid-term report for the 4th cycle from the Office of the High Commissioner for Human Rights (OHCHR).⁷

The Institute has written this report in its capacity as the A-accredited national human rights institution. Additionally, the Institute has provided assistance and secretarial support to the Danish civil society's UPR committee in its drafting of the separate NGO mid-term report. The Institute has maintained a positive and constructive cooperation with the Danish Government, including through meetings with the Ministry of Foreign Affairs and the Government's inter-ministerial Human Rights Committee. The Institute appreciates that the Danish Government, in its UPR mid-term report, has addressed some of the comments and concerns expressed by the Institute during the public hearing process on the draft report.⁸

FOLLOW-UP ON UPR RECOMMENDATIONS RECEIVED

| UPR recommendation ⁹ | Position | Status of implementation | Description of activities undertaken, results & challenges |
|---|-----------|-------------------------------------|---|
| Theme: Ratification of & accession to international instruments | | | |
| <p>60.1 Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Italy) (Argentina) (Lithuania) (Sudan) (Malawi) (Cuba) (Costa Rica) (France) (Albania)</p> <p>Also covers: 60.3 (Japan), 60.4 (Slovakia), 60.5 (Switzerland), 60.6 (Ukraine), 60.7 (Armenia), 60.9 (Czechia), 60.10 (Germany)</p> | Supported | Implemented | <p>On 13 January 2022 Denmark ratified the International Convention for the Protection of All Persons from Enforced Disappearance,¹⁰ and the Convention entered into force on 12 February 2022. The Institute notes that a territorial exclusion was made in respect of Greenland.¹¹</p> <p>The Institute recommends that the Government in co-operation with Naalakkersuisut reconsiders its position on the territorial exclusion in respect of Greenland.</p> |
| Theme: Constitutional & legislative framework | | | |
| <p>60.35 Integrate the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment into its national legislation (Uzbekistan)</p> <p>Also covers: 60.31 (Saudi Arabia)</p> | Supported | In the process of being implemented | <p>In 2023, a parliamentary resolution was proposed concerning the criminalisation of international crimes in Danish law.¹² In August 2023, the government established an expert committee to prepare a legislative proposal, including for the criminalization of torture as a separate offence.¹³ Pursuant to the Government's legislative programme for 2023/2024, the draft proposal is expected to be presented to Parliament in the second half of February 2024.¹⁴</p> <p>In line with general comment no. 2 (CAT/C/GC/2), a part of the content of the obligation to take effective measures to prevent torture as per article 2 of the Convention against Torture is by defining torture as a distinct offence. In this regard the Institute welcomes the initiative to distinctly criminalise torture in the Danish Penal Code. Such criminalisation of torture is expected to enhance the integration of the Convention against Torture into national legislation. In this regard, the Institute recommends that the Government further supports recommendation 60.122 (North Macedonia) and 60.123 (Turkey).</p> |

| Theme: Equality & non-discrimination | | | |
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| <p>60.40 Seek a legislative framework that guarantees protection against discrimination of any kind (Nicaragua)</p> <p>Also covers: 60.44 (state of Palestine), 60.47 (Malaysia), 60.52 (Ecuador), 60.56 (Greece), 60.173 (Kazakhstan)</p> | Supported | In the process of being implemented | <p>Denmark has recently adopted legislation that strengthens the prohibition against discrimination. A prohibition against discrimination based on disability and sexual orientation have been introduced outside the labour market, and on the grounds of gender identity, expression, and characteristics both within and outside the labour market.¹⁵</p> <p>The Institute welcomes the new legislation although the Institute believes it lacks several components. Especially outside of the labour market, there are still several characteristics not protected in Danish anti-discrimination legislation. The Institute recommends that the Danish government effectively prohibits discrimination on the grounds of nationality, religion and age, outside the labour market in line with, among others, article 2 (1) of the UN Convention on Civil and Political Rights and article 14 of the European Convention on Human Rights in conjunction with other articles of the Convention.</p> |
| <p>60.45 Continue efforts to develop measures to prevent discrimination, intolerance and racism, and combat hate speech and crimes (Tunisia)</p> <p>Also covers: 60.46 (UK and Northern Ireland), 60.49 (Bangladesh), 60.54 (Georgia), 60.55 (Ghana), 60.59 (Namibia), 60.61 (Qatar), 60.63 (Senegal), 60.64 (Singapore), 60.69-60.72 (Burkina Faso, Côte d'Ivoire, Italy, Japan), 60.74-60.79 (Nigeria, Republic of Korea, Romania, Saudi Arabia, Bolivarian Republic of Venezuela, Malaysia), 60.82 (Costa Rica), 60.83 (Cuba)</p> | Supported | In the process of being implemented | <p>Denmark has commenced the development of an action plan against racism after its announcement in January 2022.¹⁶</p> <p>The proposed action plan aims to combat racism broadly in society, encompassing initiatives from the labour market, education, cultural life to hate crimes. Furthermore, the action plan is expected to map the scope and nature of racism.</p> <p>The Institute has previously made proposals as to what an action plan against racism should encompass.¹⁷</p> |

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| <p>60.93 Continue efforts to combat hate crime, specifically following up on the recommendation by the European Commission against Racism and Intolerance to establish a comprehensive data collection system that would facilitate more efficient policy design and better analysis of the hate crimes committed (Norway)</p> <p>Also covers: 60.94 (Singapore); 60.95 (Viet Nam) and 60.98 (Botswana)</p> | Supported | Partially implemented | <p>Denmark has criminalised hate crimes against LGBT+ persons as well as hate speech against LGBT+ persons and persons with disabilities.¹⁸ Furthermore, the Director of Public Prosecutions (Rigsadvokaten) has published a summary of case-law on hate crimes,¹⁹ that seeks to strengthen efforts to combat hate crimes by improving public prosecutors' knowledge within the area.²⁰</p> <p>However, the Institute assesses that challenges remain with the registration of hate crimes. Studies show that there are significantly more citizens who experience hate crimes than reported cases.²¹ The Institute recommends that the National Police should be required to register a case as a potential hate crime when a victim reports it as such.²²</p> <p>The Institute also recommends that the Ministry of Justice promotes the reporting of hate crimes by, inter alia, a nationwide information effort aimed at civil society, with a view to increase knowledge about hate crimes and the victims' rights and appeal options.²³</p> |
| <p>60.186 Review its social housing policies, including the use of derogatory and exclusionary terms such as "non-Western" and "ghetto", to ensure that there is no inherent discrimination in efforts to enhance social inclusion and provide universal access to adequate housing (Singapore)</p> <p>Also covers: 60.190 (Cambodia), 60.191 (Canada), 60.192 (Malta)</p> | Supported | Partially implemented | <p>Denmark has reviewed its social housing policy. However, in February 2022, the UN Committee on the Elimination of Racial Discrimination found the Danish parallel society legislation discriminatory and stigmatizing. The Committee recommended, among other things, that terms such as 'Western' and 'non-Western' should not be used.²⁴</p> <p>In line with the UN Committee, the Institute finds the housing policy discriminatory and has called for the amendment of the legislation both in relation to the use of stigmatizing terms such as "parallel society" and the ethnicity criterion in categorization of residential areas.²⁵</p> |

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| <p>60.212 Step up efforts to increase women's representation in politics and in companies (Belgium)</p> | <p>Supported</p> | <p>In the process of being implemented</p> | <p>Denmark has passed legislation that tightens the requirements for target figures and policies for the underrepresented gender in management and boards in private companies and in the public sector.²⁶ The government is currently examining whether Denmark is required to fully implement the forthcoming EU directive on improving the gender balance among directors of listed companies and related measures.²⁷ If the directive is not fully implemented certain measures to improve the gender balance will not be applicable in Denmark, e.g. preference to the under-represented sex if candidates are equally qualified.²⁸</p> <p>The Institute assesses that the current legislation does not sufficiently secure a more equal gender composition in companies.²⁹ Therefore, the Institute recommends that the forthcoming EU directive will be fully implemented.</p> |
| <p>60.100 Continue promoting the revision of the law to establish mechanisms that allow minors under 18 years of age to modify their legal gender (Uruguay)</p> <p>Also covers: 60.102 (Malta)</p> | <p>Supported</p> | <p>In the process of being implemented</p> | <p>Until recently transgender children have not been able to change their legal gender. Restricting the right to gender change legally for minors may conflict with article 8 of the European Convention on Human Rights.³⁰ Therefore, the Ministry of the Interior and Health changed its practice in August 2023.³¹ The assessment will now be done on a case-by-case basis whether a person under the age of 18 has the right to a legal gender change. Moreover, the government is expected, in February 2024, to submit a bill amending the Civil Registration System Act to align with Denmark's international obligations and establish a transparent and simple system for the authorities.³²</p> <p>The Institute finds the previous automatic practice of denying persons below 18 years old the possibility to change their legal gender discriminating. Therefore, the Institute welcomes the expected amendment of the age limit for changing legal gender.</p> |

| Theme: Business & Human Rights | | | |
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| 60.113 Ensure that their businesses respect human rights and avoid environmental damage in other countries (Islamic Republic of Iran) | Supported | In the process of being implemented | <p>The government has constructively supported the introduction of mandatory human rights and environmental due diligence at the EU level through active involvement in the negotiations of the Corporate Sustainability Due Diligence Directive (CSDDD).</p> <p>A provisional agreement between the EU Council and Parliament on CSDDD was reached in December 2023.³³ The final directive is expected to deviate from the UN Guiding Principles on Business and Human Rights (UNGPs), including in relation to value chain responsibilities and inclusion of the financial sector's downstream impacts.</p> <p>Further negotiations await including related to elements mentioned above and in the received recommendations.</p> <p>The Institute recommends that Denmark continues to support the alignment with international standards, including the UNGPs, in the final negotiations at the EU level as well as in the transposition of CSDDD.</p> |
| Theme: Prohibition of torture & ill-treatment (including cruel, inhuman or degrading treatment) | | | |
| 60.122 Include torture as a distinct offence in its Criminal Code (North Macedonia) Also covers: 60.123 (Turkey) | Noted | In the process of being implemented | See comments to recommendation no. 60.35. |
| Theme: Conditions of detention | | | |
| 60.136 Address the use of solitary confinement as a disciplinary measure in line with the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Ireland) Also covers: 60.140 (Sweden) | Supported | Partially implemented | <p>The Institute commends the government's change of position to recommendation number 60.136 and 60.140 from noted to supported.</p> <p>The recommendations have been implemented in so far that the Danish Parliament passed an act on the use of solitary confinement as a disciplinary measure limiting the maximum duration now is 14 days.³⁴ However, there is still a legislative possibility of extension for more than 15 days as well as a possibility of using solitary confinement vis-a-vis minors that should be addressed to fully implement the recommendations.</p> <p>As the cap on the use of solitary confinement as a disciplinary measure entered into force on 4 September 2023, it is still unclear whether there is an actual reduction in the the use of solitary confinement.</p> |

Theme: Human trafficking & contemporary forms of slavery

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| <p>60.148 Ensure full investigation in cases of human trafficking, including sexual exploitation, and bring to justice the perpetrators (Iraq)</p> <p>Also covers: 60.149 (Jordan), 60.150 (Nepal), 60.151 (Nigeria), 60.152 (Qatar), 60.153 (Liechtenstein), 60.155 (United Kingdom of Great Britain and Northern Ireland), 60.157 (Botswana), 60.158 (China), 60.159 (Cuba), 60.160 (Democratic People's Republic of Korea), 60.162 (Sudan), 60.164 (Croatia)</p> | <p>Supported</p> | <p>Partially implemented</p> | <p>Human resources have been allocated to the area of human trafficking by establishing a specialized unit under the National Police to strengthen investigation in the area.</p> <p>Despite allocation of additional resources, challenges remain. Since 2019, only three persons have been convicted of human trafficking pursuant to Danish Penal Code, while the number of identified victims of human trafficking continues to be stable at around 70-80 persons annually.³⁵</p> <p>The Institute finds that Denmark is yet to fully implement accepted obligations to ensure full investigation of human trafficking cases.</p> |
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Theme: Human rights & poverty

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| <p>60.182 Reintroduce the national poverty threshold and take active steps to combat increasing poverty among vulnerable individuals, such as children living in Greenland (Czechia)</p> | <p>Partly accepted</p> | <p>Partially implemented</p> | <p>The Danish government has no intention of reintroducing the national poverty threshold.³⁶</p> <p>Statistics Denmark publishes data on the poverty levels in Denmark on a yearly basis,³⁷ which is also part of the general SDG framework. One of the SDG targets is to reduce at least by half the proportion of men, women and children living in poverty according to the national poverty line.³⁸ To monitor this target, Statistics Denmark has defined a national poverty threshold and thus monitor the proportion of the population living below this poverty line.³⁹</p> <p>The Institute believes that an official national poverty threshold along with specific targets would increase accountability and ensure the furtherance of the implementation of the recommendation.</p> |
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| <p>60.183 Take steps to reduce child poverty and social exclusion of children, with a particular focus on Greenland and the Faroe Islands, as well as children with a foreign background (Austria)</p> <p>Also covers: 60.184 (Bahamas)</p> | Supported | Partially implemented | <p>The Institute, generally, welcomes the new reforms which imply several improvements for children, such as the additional support to cover cost related to leisure activities for children or their medical treatment.⁴⁰ The actual impact on child poverty of the reforms is unclear.⁴¹</p> <p>Children of ethnic minorities are overrepresented among poor children in Denmark.⁴² The primary reason for this trend is the design of the Danish social security system. The system is designed so that persons with foreign background get the lowest benefit levels - below or around the poverty threshold.^{43 44} These minimum benefit levels will remain unchanged in the new reforms of the Danish social security system.⁴⁵ Additionally, the reforms imply that the number of citizens receiving these minimum benefit levels will double, by 10.000 additional beneficiaries, who have a total of 11.000 children.⁴⁶ Consequently, children with ethnic minority background will likely be even more overrepresented among poor children in Denmark in the future. Therefore, the Institute does not believe that the Danish government has taken active steps to reduce poverty among children, especially among children with foreign background (as recommended in 60.183 and 60.184). The Institute recommends that Denmark secures subsistence income support for all families with children.</p> |
| Theme: Right to adequate housing | | | |
| <p>60.39 Adopt a comprehensive legislative framework to prohibit all types of discrimination; and repeal provisions that encourage stigmatization or segregation, including the criminalization of begging (Mexico)</p> | Noted | Not implemented | <p>Denmark has not taken steps to limit or repeal the criminalization on begging in the Danish Criminal Code despite recommendations hereon from several human rights actors.⁴⁷</p> <p>The European Court of Human Rights found Switzerland in violation of the European Convention on Human Rights by sentencing a Romanian woman to five days imprisonment for begging.⁴⁸ The Institute finds that there are clear similarities between the Danish and the then Swiss rules, but with the key difference that the penalty for begging in Denmark is harsher.⁴⁹</p> <p>A case is pending at the European Court of Human Rights regarding the Danish criminalization on begging. In the case a Romanian man was sentenced 20 days imprisonment for begging on a pedestrian street in Copenhagen.⁵⁰</p> <p>The Institute recommends that Denmark repeal the criminalization on begging.</p> |

| Theme: Right to health | | | |
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| 60.125 Reduce the use of coercive measures in the psychiatric system, in particular against children (Italy) Also covers: 60.126 (Sweden), 60.127 (Austria) | Supported | In the process of being implemented | Denmark has not succeeded in significantly reducing the number of patients exposed to coercion. The total number of coercive measures has begun to increase significantly for adult patients in the past three to four years. ⁵¹ In addition, there has been a significant increase in the extent of coercion and physical force against children and young people in psychiatry since 2018. ⁵² The effects of the 10-year plan for the psychiatry are to be seen. ⁵³ |
| Theme: Violence against women | | | |
| 60.130 Take measures to increase prosecution of perpetrators of sexual violence (Bahamas) | Supported | Partially implemented | Denmark introduced a consent-based rape provision in 2021. ⁵⁴ However, there is still a high prevalence of sexual violence, including rape, in Denmark coupled with a tendency of underreporting among victims. ⁵⁵ In the Ministry of Justice's victim survey, a relatively high proportion of Danish women reported having been victims of rape or attempted rape within the past five years (2.4 percent in 2020, 3.4 percent in 2021 and 3.3 percent in 2022). In 2022, around 62,000-82,000 women had experienced rape or attempted rape within the past five years. ⁵⁶ Only one quarter of reported cases had reported it to the police (for the total survey period between 2005-2022). ⁵⁷ From 2018 to 2022, 7389 cases were reported to the police and 4753 cases were prosecuted. In 2022 alone, 1925 reports were made and 1209 cases on rape were prosecuted, ⁵⁸ and 138 convictions were handed down by the courts for rape. ⁵⁹ At the same time, numbers on prosecutions and convictions indicate that there are still relatively few incidents that lead to prosecution and conviction. ⁶⁰ The Institute recommends that the government take further steps to ensure effective prosecution of rape cases throughout the judicial system. |
| 60.131 Continue its efforts to eliminate all forms of sexual and gender-based violence, including by addressing barriers to reporting, investigation and prosecution of sexual violence, and to provide justice to survivors (Liechtenstein) | Supported | Partially implemented | Following the introduction of a consent-based rape provision in 2021, the number of charges, indictments and convictions has increased. However, there appear to be significant barriers to reporting rape given the low number incidence of reports, charges and convictions as noted above (see recommendation 60.130). Many citizens are uncertain about how to ensure consent, and stereotypes about rape are still accepted by a significant proportion of the population, especially among young men. ⁶¹ The Institute recommends that the Danish government takes further measures to continue the fight against rape and increase the number of reports of rape to the police, including through education and general information in the area. |

| Theme: Persons with disabilities | | | |
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| 60.231 Adopt comprehensive legislation to include measures to combat discrimination against people with disabilities (Mauritius) | Supported | Partially implemented | <p>In 2018, a ban on discrimination against persons with disabilities outside the labor market was introduced.⁶² In 2020, the law was changed so that children and juveniles with disabilities have the right to reasonable individual adaptation of services in day care, public schools, independent schools and private primary schools.⁶³</p> <p>However, the Disability Discrimination Act still lacks a general right to reasonable accommodation in accordance with Article 5(3) of the UNCRPD.</p> |
| 60.233 Adopt a comprehensive national disability action plan with specific and measurable targets for the implementation of the UN Convention on the Rights of Persons with Disabilities (Bulgaria) | Noted | In the process of being implemented | <p>The Government has announced the development of a new national disability action plan.⁶⁴ However, the upcoming action plan is expected to focus solely on the labour market and education.⁶⁵</p> <p>The Institute considers that a comprehensive action plan would better ensure the rights of persons with disabilities.</p> |

| Theme: Human rights & counter-terrorism | | | |
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| <p>60.274 Uphold the rule of law and international human rights obligations in its effort to combat terrorism and terror-related crimes (Indonesia)</p> <p>Also covers: 60.279 (Belarus)</p> | Supported | In the process of being implemented | <p>In December 2023, the Government proposed an adjustment to the Danish rules on data retention to comply with EU-law.⁶⁶ However, further adjustments to the existing Danish rules on data retention are needed as telecommunications companies are required to retain data to an extent that risk being in violation of EU-law.⁶⁷</p> <p>Furthermore, Institute considers that it is necessary to change the regulatory framework for both the Danish Defense Intelligence Service and the Danish Security and Intelligence Service to ensure compliance with the case law of the European Court of Human Rights. In particular, it is the assessment of the Institute that the existing legal framework do not ensure effective oversight of these intelligence services. The Danish Intelligence Oversight Board should have a general authority to make legally binding decisions towards the Danish Defense Intelligence Service and the Danish Security Intelligence Service and should be authorised to supervise all activities of the intelligence services. A political agreement to strengthen the oversight of intelligence services was reached and a draft law is expected to be presented in the current legislative session in Parliament.⁶⁸</p> |
| Theme: Migrants | | | |
| <p>60.92 Design policies to eliminate intersecting forms of discrimination, especially against elderly and migrant women, and ensure that the granting of residence permits to women and children who have been victims of domestic violence is not conditioned upon the receipt of social benefits (Argentina)</p> | Supported | Not implemented | <p>The Danish Aliens Act ensures women who are victims of violence and who have been reunited with their spouse, under certain circumstances, can retain their residence permit if they leave their spouse.</p> <p>While section 19 (7) of the Danish Aliens Act contains a provision with the purpose of protecting women in violent relationships from having their residence permit revoked, the provision does not sufficiently protect women as the burden of proof is too heavy.⁶⁹</p> <p>Four draft proposals from the Parliamentary opposition on changing article 19 (7) of the Aliens Act by e.g. easing the requirements of documentation is currently pending in Parliament with the Committee on Immigration and Integration.⁷⁰</p> <p>The Government does not intend to ease the requirements of documentation.⁷¹</p> |

Theme: Refugees & asylum seekers

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| <p>60.251 Ensure that the review or termination of international protection is limited to cases in which the standards of the 1951 Convention are clearly present, the circumstances that led to the granting of protection have ceased to exist, or significant changes have occurred that ensure that the person no longer faces a real risk of serious harm (Uruguay)</p> | <p>Supported</p> | <p>Partially implemented</p> | <p>According to the Government, the Danish asylum legislation in Denmark is in full accordance with Denmark's human rights obligations, and termination of residence permits only takes place when the conditions of the Refugee Convention are met. The Government assesses that recommendation 60.251 has been implemented.</p> <p>The Institute notes that Denmark, in comparison to other European countries, has a stricter interpretation of termination of residence permit vis-a-vis refugees with subsidiary protection status, including with residence permits under section 7(2) and 7(3) of the Aliens Act.</p> <p>The Institute further notes that refugees with subsidiary protection status receive a weaker protection than refugees with convention status in the question of termination.</p> <p>Since 2019, Denmark has revoked residence permits for Syrian refugees to a greater extent than other European countries.⁷²</p> <p>The Institute recommends that the Government clarifies that the implementation only applies to convention refugees.</p> |
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GREENLAND

| UPR recommendation | Position | Status of implementation | Description of activities undertaken, results & challenges |
|---|-----------|-------------------------------------|--|
| Theme: Equality & non-discrimination | | | |
| <p>60.281 Adopt comprehensive anti-discrimination legislation in Greenland that encompasses all the prohibited grounds of discrimination, including sexual orientation and gender identity (Iceland)</p> <p>Also covers: 60.283 (Canada)</p> | Supported | In the process of being implemented | <p>The Institute and the HRCG comments Naalakkersuisut (the Government of Greenland) for the proposal for a gender equality and anti-discrimination law to protect against discrimination based on gender, pregnancy, maternity leave, sexual orientation, gender identity, gender expression, gender characteristics, race, skin color, national, social or ethnic origin, disability, age, political view, religion or belief, both within and outside of the labour market.⁷³ The draft law also includes the establishment of an independent appeals board.</p> <p>However, the preparatory work suggests that both direct and indirect discrimination should be admissible, provided that the differential treatment pursues a legitimate aim.⁷⁴ From a discrimination law perspective, direct discrimination can rarely be justified and will therefore in general be unlawful. On that basis, the Institute and HRCG recommend, that the forthcoming legislation delineates specific exceptions to direct discrimination.</p> <p>To ensure the effective protection against discrimination on the ground of disability, the law should include a duty to make reasonable adjustments.⁷⁵ Furthermore, to ensure that the independent appeals board can effectively handle complaints on discrimination, it is important that the board is adequately funded.</p> <p>To ensure full implementation of the recommendations, the Institute and the HRCG recommend that the proposed legislation identifies specific types of lawful exceptions to direct discrimination and adds an explicit duty to make reasonable adjustments for people with disabilities. These elements are a prerequisite for the anti-discrimination law to be considered comprehensive.</p> |

| Theme: Violence against women | | | |
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| 60.218 Continue efforts to address violence against women and children, with a particular focus on Greenland, where strengthened data collection on that matter is needed (Austria) | Supported | Partially implemented | <p>The level of violence in Greenland is high. According to Greenland's Police, 19,2 out of 1,000 citizens were exposed to violence in 2022.⁷⁶</p> <p>However, this data is not disaggregated by gender. However, Naalakkersuisut's Action Plan Against Violence in Intimate Relationships 2023-2027 specifies that the Population Survey ("Befolkningsundersøgelsen") in Greenland is foreseen to include questions on violence in intimate relationships to ensure continuous data collection on violence against women and children.⁷⁷</p> <p>Moreover, the Greenland Police is in the process of consolidating data to specify and organize ongoing investigations in cases concerning abuse against children.</p> <p>It is essential for the Greenland Police to have a case handling system which allows for systematic and reliable extraction of data that is comprehensive, disaggregated and comparable along with the necessary financial and human resources, including competencies to manage the systems.</p> |
| Theme: Children | | | |
| 60.282 Continue the development of programmes to combat the sexual abuse of children in Greenland (United States of America) | Supported | Partially implemented | <p>Greenland's Police reported in 2022 that the numbers of sexual assaults against children are still "alarming high".⁷⁸</p> <p>It is positive that the initiatives in Naalakkersuisut's National Action Plan on Parental Neglect of Children (2020-2030) include combating sexual abuse of children. Additionally, the governments of Greenland and Denmark agreed on implementing 16 initiatives for a reinforced effort for vulnerable children and young people in Greenland.⁷⁹</p> <p>However, the UN Special Rapporteur on the Rights of Indigenous Peoples recently recommended that Greenland and Denmark "Increase efforts to combat child sexual abuse and violence, as well as impunity, including by developing and conducting long-term educational and awareness-raising programmes and campaigns on preventive measures".⁸⁰</p> <p>In continuation of this recommendation, the Institute and HRCC find it particularly important that the responsible authorities ensure that the different strategies and action plans regarding children's rights are coordinated in a comprehensive and effective manner to ensure the most effective protection of children and youth against sexual abuse.</p> |

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| <p>60.182 Reintroduce the national poverty threshold and take active steps to combat increasing poverty among vulnerable individuals, such as children living in Greenland (Czechia)</p> <p>Also covers: 60.183 (Austria), 60.280 (Lithuania)</p> | <p>Supported</p> | <p>In the process of being implemented</p> | <p>The number of children living in poverty has been increasing in the past years and poverty is more widespread in settlements than in towns.⁸¹ Thus, it is positive that Naalakkersuisut is working to clarify a poverty threshold related to children to take steps to reduce child poverty by ensuring better knowledge of child poverty in Greenland. Moreover, that Naalakkersuisut considers that poverty is not only a question of financial resources. However, it is not clear whether or how Naalakkersuisut intends to measure dimensions of child poverty other than financial resources. In particular it is unclear how the threshold will be defined and whether it will account for the unequal distribution of child poverty (e.g., across geography and family types).⁸² The Institute and the HRCG recommend that Naalakkersuisut apply a multidimensional approach beyond financial resources to measure child poverty.</p> |
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ENDNOTES

- 1 See recommendation no. 60.59, 60.61, 60.46, 60.63, 60.69, 60.70, 60.78, 60.136 og 60.140.
- 2 See recommendation no. 60.154 and 60.182.
- 3 <https://www.ft.dk/samling/20231/almdel/REU/bilag/90/2804971.pdf>.
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