



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of Denmark and welcome the constructive engagement of the Government of Denmark and the participation also of representatives of the Governments of the Faroe Islands and Greenland during the 38th session of the UPR Working Group in May 2021.

As the final outcome report on the review of Denmark was recently adopted by the Human Rights Council at its 48th session, I would like to take this opportunity to follow up on a number of areas raised in the two reports that my Office had prepared for the review of Denmark – the Compilation of United Nations information and the Summary of Stakeholders' submissions – which I consider in need of particular attention over the next four and a half years, until the next cycle of the UPR. In identifying those areas, I have considered the statements and recommendations made by 112 delegations and the presentation made and responses provided by the delegation of Denmark. I have also considered the actions taken by the Governments of Denmark, the Faroe Islands and Greenland to implement the 122 recommendations fully supported as well as those that were partially accepted during the second cycle of the UPR. The aforementioned areas cover a range of issues, which appear in the annex to this letter.

I welcome measures taken by the Government of Denmark to combat and prevent domestic violence and gender-based violence against women and girls, including sexual violence. Denmark amended the legal definition of rape in the Criminal Code to qualify sex without consent as a rape. Denmark also adopted legislative changes, criminalizing psychological violence in close relationships, and has taken several measures to protect women from such violence.

I note the adoption, in 2018, of an act on prohibition against discrimination on grounds of disability to prohibit direct and indirect discrimination in public and private spheres and an amendment to the Act in 2020, aimed at ensuring the provision of a reasonable accommodation for persons with disabilities in public and private schools and day cares. I also note the adoption of the first national action plan on the protection of the rights of lesbian, gay, bisexual, transgender and intersex persons.

I welcome the adoption of an amendment to the Marriage Act by the Faroese Parliament, which came into force in 2017, allowing same-sex marriages in line with a recommendation from the UPR. I took note of the establishment of a separate Ministry for Children, Youth and Family by the Government of Greenland, aiming at strengthening the protection of the rights of children in line with the Convention on the Rights of the Child and recommendations from the UPR.

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H.E. Mr. Jeppe KOFOD
Minister for Foreign Affairs
Denmark

I encourage Denmark to develop a comprehensive national human rights action plan in order to achieve concrete results in the areas highlighted in the annex to this letter and to facilitate preparations for the fourth cycle of the UPR. My advice to all Member States is to develop and implement national action plans in close consultation and cooperation with all stakeholders, in particular the national human rights institution and all civil society organizations and, where necessary, with the support of international organizations, including my Office.

I also encourage Denmark to make further efforts to strengthen its national mechanism for comprehensive reporting and follow-up to recommendations received from all international and regional human rights mechanisms and to treaty obligations, linking them to the Sustainable Development Goals. To this end, I strongly recommend the use of the OHCHR practical guide on this topic, which is available at:

http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf

Please note that I am sharing my advice with all Member States as they go through the third cycle of the UPR with a view to assisting States with the implementation of the recommendations, following the review. One important measure that can positively contribute to follow-up action is voluntary mid-term reporting. Therefore, I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the UPR outcome report. In this regard, I welcome the practice of Denmark of submitting mid-term reports and encourage the Government of Denmark to continue with this practice and to submit a mid-term report on follow-up to the third cycle of the review by 2023.

As stated by the Secretary-General in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist Denmark in relation to the areas identified in this letter and its annex.

Please accept, Excellency, the assurances of my highest consideration.



Michelle Bachelet
High Commissioner for Human Rights

cc: H.E. Mr. Jenis av RANA
Minister of Foreign Affairs and Culture
Faroe Islands

H.E. Mr. Múte Bourup EGEDE
Prime Minister of Greenland

Ms. Birgit VAN HOUT
Regional Representative of the United Nations High Commissioner for Human Rights
OHCHR Regional Office for Europe
Belgium

Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

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

A. Cross-cutting issues

Equality and non-discrimination

- Continuing efforts to combat discrimination, racism and xenophobia, including through the adoption of a comprehensive anti-discrimination legislation.
- Implementing effective measures to prevent and combat hate crime and hate speech online and offline, including in political discourse based on race, ethnicity and religion.
- Continuing efforts to improve the legal framework to effectively prevent cases of discrimination, hate speech and hate crime based on sexual orientation, gender identity or sex characteristics.

Development, the environment, and business and human rights

- Continuing efforts to tackle climate change and its negative impact on the realisation of human rights and to meet its targets to reduce greenhouse gas emission.
- Improving domestic legislation to ensure that business entities exercises human rights due diligence in their operations at home and abroad.

Human rights and counter-terrorism

- Ensuring that counter-terrorism legislation is in conformity with the provisions of the International Covenant on Civil and Political Rights.

B. Civil and political rights

Right to life, liberty and security of person

- Ensuring that torture is included in the Criminal Code as a distinct offence.
- Continuing efforts to reduce the use of coercive measures in mental health institutions.
- Establishing procedures for the screening and medical examination of alleged torture victims throughout the asylum process.

Administration of justice, including impunity, and the rule of law

- Continuing efforts to address prison overcrowding and ensuring that all prisons operate within their official capacities.
- Establishing specialized juvenile courts and ensuring that specialized judges for children receive appropriate training.
- Promoting non-judicial measures for children accused of criminal offences and, whenever possible, using alternative measures to sentencing.
- Ensuring that pre-trial detention for children of 15 to 17 years is only used as a last resort for the shortest possible period of time, not exceeding six months, and that it is reviewed regularly with a view to withdrawing its use.
- Ensuring that children are not placed in prison together with adults.

Fundamental freedoms

- Decriminalizing defamation and placing it within a civil code.
- Ensuring non-discriminatory treatment of all religious communities within its territory.

Prohibition of all forms of slavery

- Strengthening measures to prevent and combat trafficking in human beings, including for the purpose of labour exploitation, and ensuring that all victims can benefit from the assistance and protection measures.
- Ensuring effective mechanisms for the identification and protection of child victims of trafficking and that child victims receive support from child psychologists and social workers and have access to child-sensitive complaints mechanisms and redress procedures.

C. Economic, social and cultural rights

Right to an adequate standard of living

- Reintroducing a national poverty threshold and ensuring that it enables households to enjoy an adequate standard of living.
- Upholding the right to adequate housing and addressing residential segregation, including by removing the definitional element of a “ghetto” with reference to residents from “non-Western” countries and assessing the impact of the “ghetto package” on affected communities and providing the support needed to facilitate their integration.
- Repealing the legal provisions criminalizing conducts associated with situations of poverty and of deprivation of the right to adequate housing, such as begging and rough sleeping as well as investing in measures that provide long-term solutions and support the social reintegration of homeless people and increasing the capacity of shelters for homeless people.

Right to health

- Ensuring that all persons, including migrants, have equal access to health services, regardless of their legal status and documentation, and removing the restrictions on access to free health care by children and women in irregular situations.

Right to education

- Implementing measures to reduce the impact of children's socioeconomic backgrounds on their education outcomes and extending the provision of free education to refugee children, irrespective of their residence status:
- Stepping up efforts to ensure inclusive education for children with disabilities and accessibility of schools for them.

D. Rights of specific persons or groups

Women

- Continuing to promote women's equal access to full-time employment in all parts of its territory and eliminating the gender wage gap.
- Continuing measures to prevent domestic violence and gender-based violence, including sexual violence against women and girls.

Children

- Allocating sufficient social benefits to prevent children from living in poverty, particularly children from a foreign background, and refraining from further budget cuts without an assessment of the impact that austerity measures would have on children's rights, including children with disabilities.
- Promoting family-based care and strengthening the foster care system for children who could not stay with their families, with a view to reducing institutionalization.
- Promoting non-violent forms of child-rearing and increasing efforts to raise awareness about the unlawfulness of violence against children and inform children about their right to be free from violence.

Migrants, refugees and asylum seekers

- Ensuring that the current policies on the return of migrants and asylum seekers respect the principle of non-refoulement.
- Ensuring that the detention of migrants and asylum seekers are reasonable, necessary and proportionate, and reducing the maximum length of detention under the Aliens Act to as short a period as possible, with detention being a measure of last resort.
- Ensuring 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 is considered insufficiently mature and that the best interests of the child are a primary consideration in immigration cases.

- Refraining from placing asylum-seeking families awaiting deportation in detention and ensuring that all unaccompanied children are placed in specialized asylum centres for children and that siblings are not separated.
- Improving conditions in migration detention centres and repealing amendments to the Aliens Act regarding access to fundamental legal safeguards and confiscation of asylum seekers' assets to compensate for the costs of their reception.
- Ensuring that beneficiaries of temporary subsidiary protection have effective access to family reunification without a waiting period.

E. Specific regions or territories

Faroe Islands

- Establishing a human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

Greenland

- Stepping up efforts to combat sexual exploitation and abuse of children in Greenland and ensuring that professionals working with children are trained in identifying sexual abuse.
- Strengthening anti-discrimination legislation to ensure effective protection of residents of Greenland against discrimination on all recognised grounds.
- Ensuring that information on pollution and adequate forms of waste management is made available and accessible to local communities of Greenland, including potential options to reduce exposure to toxic substances.
- Ensuring that the promotion of economic expansion is constantly sided by efforts to improve chemicals and waste management systems.

Greenland and the Faroe Islands

- Developing poverty reduction measures for children living in Greenland and on the Faroe Islands.