



## International Covenant on Civil and Political Rights

Distr.: General  
29 November 2011

Original: English

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### Human Rights Committee

#### 103rd session

Geneva, 17 October-4 November 2011

### **Draft list of issues prior to the submission of the sixth periodic report of Denmark (CCPR/C/DNK/6)\***

#### **General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant**

1. Please provide information on any significant developments in the legal and institutional framework within which human rights are promoted and protected at the national level that have taken place since the previous periodic report, including any relevant case law. Please also provide information on measures adopted to disseminate the Covenant among judges, lawyers and prosecutors.
2. Please provide information on significant political and administrative measures taken since the previous report to promote and protect human rights under the Covenant since the previous report, and the resources allocated thereto, their means, objectives and results.
3. Please provide any other information on new measures taken to disseminate and implement the Committee's previous recommendations (CCPR/C/DNK/CO/5), including any necessary statistical data.

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\* The present list of issues was adopted by the Committee at its 103rd session, according to the new optional procedure established by the Committee at its ninety-ninth session. This new procedure consists of the adoption of lists of issues by the Committee, which are transmitted to States parties prior to the submission of their periodic reports. The replies from States parties to these lists of issues will constitute their periodic reports under article 40 of the Covenant.

## **Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the Committee's previous recommendations**

### **Constitutional and legal framework within which the Covenant is implemented (art. 2)**

4. Does the State party envisage withdrawing or reviewing its reservations entered upon ratification of the Covenant, in particular since the reform of the jury system? If not, please provide detailed reasons why it does not intend to do so (CCPR/C/DNK/CO/5, para. 5; CCPR/C/DNK/5, para. 350).

5. Please indicate any changes in the State party's position on not incorporating the Covenant into its domestic legal order. (CCPR/C/DNK/CO/5, para. 6) Furthermore, please provide examples, if any, of cases in which the provisions of the Covenant have been invoked before and by the courts, and to what effect.

6. Please indicate what procedures are in place for the implementation of the Committee's Views under the Optional Protocol. Specifically, please elaborate on the measures taken to implement the Committee's Views in the case of *Mohamed El-Hichou v. Denmark* (CCPR/C/99/D/1554/2007).

7. Please comment on how the State party guarantees the protection of the rights under the Covenant in the Faroe Islands and Greenland. Does the national human rights institution, the Danish Institute for Human Rights (DIHR), have the mandate to cover the Faroe Islands and Greenland? If not, please explain why.

### **Counter-terrorism measures and respect for rights guaranteed in the Covenant (arts. 7, 9 and 14)**

8. Please update information on the legislative, administrative and other measures the Government has taken to respond to the threats of terrorism, and please indicate if, and how, these have affected human rights safeguards in law and practice. Please provide detailed information about (a) judicial control of police access to private and confidential information, and (b) proceedings of deportations and expulsions of aliens on national security grounds, in particular under the amended Aliens Acts.

9. In light of the Committee's previous recommendations (CCPR/C/DNK/CO/5, para. 9), please provide the report of the governmental task force investigating allegations related to transit through its territory of so-called "rendition flights". Furthermore, please provide detailed information on the implementation of its recommendations and any other measures taken to ensure that the State party's airspace and airports are not used for such purpose.

### **Equality between men and women, non-discrimination, and political participation of women (arts. 2, 3, 25 and 26)**

10. What is the current status of the strategy on gender mainstreaming with regard to the participation of women in political life and the labour market? In light of the Committee's previous recommendations (CCPR/C/DNK/CO/5, para. 7), please provide information about the measures, including temporary special measures taken by the State party to increase the representation of women in publicly elected and appointed bodies, as well as in high-level and managerial positions in the public and private sectors, and the results achieved therefrom. Please provide statistical data on: (a) the political participation of women, including at the local level and in the Faroe Islands and Greenland, and (b) women in high-level positions in the private sector.

11. Please provide information, including up-to-date disaggregated statistical data, on the differences in the employment rate of men and women, including refugee women and women from an immigration background, and the differences between men and women with regard to wages. What steps have been taken or envisaged to overcome the obstacles to women's full participation and advancement in the workplace?

**Violence against women, including domestic violence (arts. 3, 7 and 26)**

12. Please provide information on:

(a) The outcome of national plans and strategies to prevent and combat violence against women, including domestic violence and marital rape, referred to in the State party's follow-up response; (CCPR/C/DNK/CO/5/Add.1, paras. 3-5); and

(b) Measures taken or envisaged to ensure equal protection for all victims of gender-based violence. Please comment on the reported lack of legal protection for foreign women and lack of access to shelters for women with disabilities (CCPR/C/DNK/CO/5, para. 8).

**Prohibition of torture and of other cruel, inhuman or degrading treatment or punishment, excessive use of force, security of person and treatment of prisoners, and juvenile justice (arts. 3, 6, 7, 9, 10 and 24)**

13. Please indicate whether, and to what extent, the State party envisages:

(a) Incorporating a specific crime of torture into penal law;

(b) Reviewing its rules and provisions on the statute of limitations and bringing them fully in line with the international standards;

(c) Establishing an independent body with authority to receive and investigate all complaints of excessive use of force and other abuse of power by police; and

(d) Amending its Administration of Justice Act to clearly define the conditions for pretrial detention and to prohibit the placement of minors under the age of 18 in solitary confinement.

14. Please comment on reports (a) that solitary confinement during pre-trial detention continues to be used other than in exceptional circumstances (CCPR/C/DNK/CO/5, para. 11; CCPR/C/DNK/CO/5/Add.1), and (b) that minors on remand continue to be detained in the same facilities as adult inmates.

15. Please provide statistical information on the use of coercive treatment in mental health facilities. What action does the State party envisage taking to use alternative treatment?

**Prohibition of slavery or forced or compulsory labour (arts. 3, 8 and 24)**

16. Please provide detailed information on measures taken (a) to prevent and combat sexual exploitation and trafficking in persons, (b) to prosecute and punish such acts, and (c) to assist and protect the victims of trafficking, inter alia, by providing remedies to or facilitating the granting of residence permits to them regardless of their cooperation in investigations. What are the results achieved? Please also provide relevant statistical data, disaggregated on the basis of gender, age and country of origin.

**Non-discrimination and protection against arbitrary expulsion of foreigners (arts. 2 and 13)**

17. Please provide up-to-date information regarding the compatibility with the Covenant of the laws and practice concerning the departure of refugee and asylum-seekers from the territory of the State, and on the grounds for expulsion and the procedures leading to it, including those for reaching a decision on the legality or illegality of a person's stay in the country. Please inform the Committee of measures taken to effectively implement the Committee's previous recommendations in relation to diplomatic assurances (CCPR/C/DNK/CO/5, para. 10).

18. Please comment on reports that the State party has forcibly returned several individuals to a third country, including dangerous areas of Iraq, against the advice of the United Nations High Commissioner for Refugees (UNHCR), at the risk of violating the Covenant.

19. Please update the State party's intention to revise the Aliens Acts, in particular concerning a maximum limit to the length of deprivation of liberty for migrants and asylum-seekers pending deportation (A/HRC/13/39/Add.6, pp. 51-52).

**Freedom of religion and equal protection (arts. 18 and 26)**

20. Please elaborate on the legislative, administrative and other measures taken to ensure equal enjoyment of the right to freedom of religion or belief in full conformity with article 18 of the Covenant, especially relating to the disparity in treatment between the Evangelical Lutheran Church and other religious groups, including with respect to the financial support provided (CCPR/C/DNK/CO/5, para. 12).

**Freedom of expression and incitement to national, racial or religious hatred (arts. 19 and 20)**

21. Please comment on the extent to which domestic law that regulates journalistic freedom of expression is compatible with articles 19 (3) and 20 of the Covenant.

**Rights of persons belonging to minorities (art. 27)**

22. Please provide up-to-date information on the situation with respect to the enjoyment of rights guaranteed by article 27 of the Covenant, including the right to self-identification, of (a) the Thule Tribe of Greenland (CCPR/C/DNK/CO/5, para. 13), and (b) members of the Roma community.

23. What has been the impact of the Board of Equal Treatment in dealing with complaints relating to discrimination against minorities? What measures have been taken or are planned to strengthen its procedure for lodging complaints?

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

24. Please indicate what steps the State party has taken to disseminate information about the Committee's previous concluding observations on the fifth periodic report. Please also provide information about steps currently being taken to raise public awareness of the Covenant and its Optional Protocol among judges, public officials, police and law enforcement officers, legal advisers and the public at large, including in the Faroe Islands and Greenland.