



**International covenant  
on civil and  
political rights**

Distr.  
GENERAL

CCPR/C/DNK/Q/5  
7 August 2008

Original: ENGLISH

HUMAN RIGHTS COMMITTEE  
Ninety-third session  
Geneva, 7-25 July 2008

**LIST OF ISSUES TO BE TAKEN UP IN CONJUNCTION WITH THE  
CONSIDERATION OF THE FIFTH PERIODIC REPORT OF DENMARK  
(CCPR/C/DNK/5)**

1. Please provide information on the outcome of the draft proposal regarding a new constitution for the Faroes that was submitted by the Constitutional Committee on 18 December 2006 which, inter alia, contains provisions with regard to a future referendum in respect of the possible secession of the Faroes from the Kingdom of Denmark (State party fifth periodic report, CCPR/C/DNK/5, para. 55).

**Constitutional and legal framework within which the Covenant  
and the Optional Protocol are implemented  
(art. 2)**

2. Given that “incorporation [of the Covenant into domestic legislation] would only be of symbolic character, since it would not change anything with regard to the existing state of law in Denmark” (CCPR/C/DNK/5, para. 65), please indicate what legal obstacles were foreseen by the State party which led to its decision not to incorporate the Covenant into its domestic law, contrary to the recommendations of the Committee on Incorporation of Human Rights Conventions into Danish Law (State party report, paras. 58 and 59).

3. Bearing in mind the recommendation made by the Committee in its previous concluding observations according to which the State party should consider withdrawing some or all of its reservations to the Covenant (CCPR/CO/70/DNK, para. 9), please indicate whether the State party will act on this recommendation and provide up-to-date information on the position of Denmark with respect to all of its reservations to the Covenant, including in particular the reservation to article 10, paragraph 3.

**Right to effective remedies  
(art. 2)**

4. Please provide further information on the composition of the Committee established to review and evaluate the current system for handling complaints against the police and processing

criminal cases against police officers pursuant to part 93 (b) to (d) of the Danish Administration of Justice Act (State party report, paras. 214-216). Has the Committee issued any preliminary conclusions based on its review?

**Principle of non-discrimination, and equality between the sexes  
(arts. 2, 3, 25 and 26)**

5. Please provide information on the efforts made by the State party to enhance the participation of women in public life, including at the local level and in the Faroe Islands, and the results achieved. Please include information on statutory quotas or affirmative action programmes to achieve equal representation of women in political decision-making positions and at high-levels of the public service, if any. Please also provide information on the efforts made by State party to enhance the participation of women in the private sector, particularly in senior positions.

6. Please indicate the status of the 2007 bill proposing the establishment of a Complaints Board on Equal Treatment that would cover all fields of discrimination stipulated in the Danish anti-discrimination legislation (State party report, para. 142).

7. Further to the information provided in paragraphs. 412 and 413 of the report, please indicate whether the State party has taken any measures to promote “equality between National Church members and members of other religions, between members of religions and non-believers, in respect of financial subventions, educational cost and special tax” as recommended by the Committee (CCPR/CO/70/DNK, para. 14 (c)), as well as with regard to birth registration, and with what results.

**Prohibition of torture and inhuman and degrading treatment and punishment,  
liberty and security of the person, and treatment of prisoners  
(arts. 7, 9 and 10)**

8. Please indicate whether the State party intends to incorporate a specific offence of torture in its Criminal Code, as recommended by the Committee Against Torture (CAT/C/DNK/CO/5, para. 10) and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, in the statement issued following his visit to Denmark and Greenland in May 2008.

9. What guarantees exist, in law and in practice, against possible refoulement of persons who may be exposed to a violation of their rights under article 7 of the Covenant in the country of return?

10. Please provide information on the measures taken by the State party to address domestic violence and sexual harassment perpetrated against women in Denmark as well as, in particular, in Greenland, including obstacles to such measures encountered, if any.

11. Please provide information on the inter-ministerial working group established to investigate the alleged rendition flights operating through Denmark and Greenland, including preliminary outcome of their investigations, if any. Please comment on the compatibility with article 7 of the Covenant of the recent plans by the State party to rely on diplomatic assurances to return suspected terrorists to countries in which the practice of torture is alleged.

12. Please provide information on the incidence of abuse or ill-treatment perpetrated on prisoners, including the incidence of deaths in custody. Please provide detailed information on investigations and prosecutions, if any, and on the results. Please also provide information on compensation granted to victims or their families.
13. Please indicate whether a ceiling on the maximum time a person can be detained without charge has been established (State party report, para. 246), and if so, what is the time limit (article 9.3 of the Covenant)?
14. Please indicate whether the State party intends to introduce any measures to impose a limit on the duration of solitary confinement of persons charged for a crime under chapters 12 or 13 of the Criminal Code, including persons under the age of 18.
15. Please indicate what measures are foreseen by the State party in order to provide recourse to judicial review of a decision by prison authorities to place a convicted prisoner in solitary confinement and to ensure judicial supervision of such confinement.
16. Paragraph 300 of the State party report indicates that “[a] small group of young offenders has served their sentence together with adults in open prisons provided it is in the best interest of the young offender”. Please indicate the number of juvenile offenders under the age of 18 who are currently held in custody with adult inmates, and explain why such detention would be in their best interest. Please also provide further information on the “foot shackle” arrangement for juvenile offenders, mentioned in paragraph 278 of the State party report.
17. Please provide information on the extent of inter-prisoner violence and the measures taken by the State party to address it.

**Freedom of movement and prohibition of arbitrary expulsion of aliens  
(arts. 12 and 13)**

18. Please comment on the compatibility of the Integration Act regarding allocation of refugees to a municipality (State party report, paras. 318-326) with article 12 of the Covenant.

**Right to a fair trial (art. 14)**

19. Please provide an update on the proposed reform of the judicial system in Greenland, mentioned in paragraph 282 of the State party report, and on the status of the drafting of a new Special Criminal Code and a new Special Administration of Justice Act for Greenland.
20. Please provide information on the implementation of the 1 January 2007 court reform (State party report, para. 346) and indicate whether the reform has had a positive effect on the processing time of court cases.
21. Please provide information on the implementation of the July 2004 rules on access to documents in civil and criminal proceedings (State party report, para. 354) and indicate any difficulties encountered in its implementation.
22. Please confirm the adoption of the legislation for the reform of the jury system

mentioned in paragraph 350 of the report, and provide information on the operation of the legislation as a matter of practice, including its compliance with article 14, paragraph 5, of the Covenant. Please indicate if, under the circumstance, consideration is being given to withdrawing of the reservation of the State party to article 14, paragraph 5.

**Right to family life  
(art. 23)**

23. Please provide information on the compatibility with article 23 of the Covenant of the 2002 amendment to the Aliens Act which introduced the so-called 24-year-rule which reportedly stipulates that non-resident spouses can only be united and thus cohabit with their spouse living in Denmark, when both parties have reached the age of 24.

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

24. Please provide information on the outcome of the claim for compensation by the members of the Thule community in Greenland in respect of their displacement from their lands and the loss of traditional hunting rights on account of the construction of the military base at Thule (CCPR/CO/70/DNK, para. 10). It is reported that the Supreme Court did not consider the Thule Tribe as a separate indigenous people in its decision of 28 November 2003. Please explain the view of the Danish Government on the question.

25. Please provide information on the situation with respect to the enjoyment of rights protected by article 27 of the Covenant, of: (a) members of the Thule community; (b) members of the German minority living in areas not contiguous with the German-Danish border; and (c) members of the Roma community.

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

26. Please provide information on the steps taken to disseminate information on the Covenant and on the submission of the present report. Please also provide up-to-date information on how human rights training and education of the police force have been enhanced (State party report, para. 100).

- - - -