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Summary record of the 3268th meeting
Held at the Palais Wilson, Geneva, on Tuesday, 21 June 2016, at 10 a.m.

Chair: Mr. Salvioli

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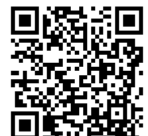

The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 40 of the Covenant (*continued*)

Sixth periodic report of Denmark (continued) (CCPR/C/DNK/6; CCPR/C/DNK/Q/6; HRI/CORE/1/Add.58)

1. *At the invitation of the Chair, the delegation of Denmark took places at the Committee table.*

2. **Mr. Seetulsingh**, reiterating a question he had put to the delegation at the previous meeting, asked how many of the decisions by the Refugee Appeals Board to reject applications for refugee status had been reversed since 2012. The question was an important one since the decisions of the Board at first instance were based on the applicants' credibility and the facts as submitted, but given that applicants were foreigners who usually required the services of an interpreter to communicate, the margin of appreciation available to the Board's members in assessing their credibility was problematic. Furthermore, a person whose application had been rejected by the Refugee Appeals Board could become the author of an individual communication submitted to the Human Rights Committee, if the Board, after rejecting the evidence presented by the applicant, failed to go far enough in assessing the personal risk the applicant would face if deported or sent back to his or her country of origin or country of first asylum.

3. An additional problem was that, after rejecting an application for asylum or refugee status at first instance, the Board was responsible for reopening cases submitted for review and might be perceived as being reluctant to reverse the initial decision. Would the State party consider setting up a tribunal separate from the Refugee Appeals Board to review such cases?

4. He requested further details concerning the Danish Centre against Human Trafficking. In particular, he would like to receive data concerning the number of prosecutions that had been conducted over the past four years in accordance with the new prevention strategies and how many had resulted in a conviction. He also requested further details concerning the special rules in the Aliens Act that sought to provide assistance to victims of trafficking and about the Action Plan to Combat Trafficking in Human Beings (2015-2018). He wished to know what kind of assistance was offered to asylum seekers who, having been victims of human smuggling, cooperated with the authorities in their efforts to smash smuggling rings.

5. With reference to the examples of cases provided by the State party in its reply to question 21 of the list of issues, he asked whether all cases of perceived abuse of the freedom of expression enshrined in section 77 of the Constitution were brought before the courts by the Prosecution Service, pursuant to section 267 of the Criminal Code, or whether in some cases the aggrieved parties were left to have recourse to civil remedies. He wished to know how many prosecutions had been conducted in the past four years, whether they had they been initiated in the district courts and how many convictions they had yielded.

6. **Ms. Siebert-Fohr** said that the Danish Government was to be commended for having admitted a large number of asylum seekers and refugees in recent years, as well as for having approved the majority of the applications for refugee status it had received and for having reversed its decisions on many of the applications it had initially rejected. It was less encouraging, however, that the Aliens Act had been amended in 2016 in order to reduce the number of asylum seekers in Denmark, and she would appreciate receiving more information about the additional legislative amendments planned for the autumn of 2016.

7. Regarding the current legal framework, she asked whether legal immigrants who had lived in Denmark for less than five years were automatically deported in the event that they were imprisoned, without regard for personal or family circumstances, and to what extent the situation of vulnerable groups, such as persons with disabilities and lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, was taken into account in such cases.

8. Regarding family reunification for persons with temporary protected status in Denmark, she asked how the standard three-year waiting period for family reunification could be reconciled with the best interests of the child. More generally, a reading of the State party's reply relating to paragraph 6 of the list of issues, as contained in paragraphs 25-30 of its report (CCPR/C/DNK/6), appeared to show a presumption that the potential for integration of a child and his or her parents was given greater weight than the child's best interests. Referring to the statement in paragraph 30 of the report that the requirements for obtaining family reunification could be waived when Denmark's obligations under international law so required, she asked how that was ensured procedurally and in practice. There appeared to be many statutory presumptions and blanket rules in the aliens regime that excluded a case-by-case analysis, and she invited the delegation to comment on that observation.

9. Given that, under the amended Aliens Act, the police had the power to search asylum seekers and migrants and to confiscate their cash and valuables, she asked what procedural safeguards had been established in that regard and whether they were the same as those pertaining to persons who received social welfare benefits.

10. On the question of non-refoulement, she said that statistics should be provided on the use, since 2009, of specialized medical examinations to identify torture victims. She would also like to know whether there was a standard mechanism for identifying torture victims throughout the asylum process. Taking into account the Committee's most recent concluding observations (CCPR/C/DNK/CO/5), in which it had recommended that the State party should exercise the utmost care in relying on diplomatic assurances and monitor the treatment of foreign nationals after their return, she asked what procedures had been set up in order to implement the Committee's recommendation and what actions were envisaged for cases in which such assurances were not fulfilled.

11. The reply relating to paragraph 18 of the list of issues, in which the Committee had asked for comment on reports that the State party had forcibly returned several individuals to a third country, including dangerous areas of Iraq, merely provided an explanation of the procedure that was used by the Danish Immigration Service and the Refugee Appeals Board, but did not make any reference to specific cases. In view of allegations that Denmark had returned asylum seekers to various countries such as Afghanistan, Iraq and Somalia, despite the fact that the returnees were exposed there to the risk of torture or imprisonment, she requested a description of the State party's policy with regard to Somalia, in particular, and whether that policy took into account the particular situation of returnees rather than relying merely on geographic considerations about the safety of specific areas.

12. She invited the delegation to confirm whether amendments to the legal framework on the detention of foreigners had been adopted without a public hearing and whether the Ministry of Immigration, Integration and Housing had discretion to declare special circumstances during which asylum seekers could be detained without judicial review. If that was the case, what was the maximum duration of such periods of detention and was it true that a judicial review was subsequently carried out only at the request of the detainee and not on an ex officio basis? She recalled that the Committee had recently adopted general comment No. 35 (CCPR/C/GC/35) on article 9, which concerned liberty and security of person and established specific requirements and safeguards, including a time period for the ex officio review of any type of detention.

13. She requested statistical data on the number of persons who had been held in pre-deportation detention and the duration of their detention in each case. She also requested information on the material conditions of detention in a former prison that was currently being used for pre-deportation detention. What guarantees were in place to prevent the excessively protracted detention of persons awaiting deportation?

14. **Mr. Iwasawa** said that he wished to urge the State party to update its core document (HRI/CORE/1/Add.58), which dated back to 1995. He asked for clarification concerning how treaties that had not been incorporated into Danish national law could be considered a source of law and could be applied. He requested an explanation of how differences in treatment between the Evangelical Lutheran Church, as the established church of Denmark, and other religious denominations did not contravene article 18 of the Covenant. How was the principle of the separation of Church and State understood in Denmark? In view of the administrative functions of the Evangelical Lutheran Church, such as its responsibility for civil registration, he invited the delegation to explain why it was still necessary to assign that responsibility to the Evangelical Lutheran Church, when legislation regarding the digitation of civil registration processes had entered into force in 2013.

15. He asked whether the Government carried out public hearings across the country when preparing the State party's periodic reports to the United Nations human rights bodies, including the Human Rights Committee, as it did when preparing for the universal periodic review process. Was training in international human rights, in particular the Covenant, provided to judges and public prosecutors, as well as to police and other law enforcement personnel? What steps were taken to enhance awareness of the Covenant and its Optional Protocol?

16. **Ms. Jelić** asked what specific measures had been taken to promote and protect the rights of indigenous peoples in Greenland, especially their right to the preservation of their cultural, linguistic and ethnic identity, in conformity with the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169). Had any affirmative action measures been taken for their advancement? She asked how many cases of discrimination against the Roma had been reported to, and settled by, the Board of Equal Treatment. What had become of the previously aired weekly radio broadcast for the Roma? She wished to know what, specifically, had been done to disseminate information concerning the mandate of the Board among persons belonging to national and ethnic minorities.

17. Following the reorganization of the system of public administration in Denmark, there had been reports that older persons belonging to the German national minority had not been able to communicate fully using the German language, including by electronic means, with administrative bodies. What steps had been taken to rectify that situation? She wished to know what efforts had been undertaken to combat alleged intolerance, racism and xenophobia, in particular to address manifestations of systematic racism in the media and the political sphere against persons belonging to ethnic and national minorities.

18. **Mr. de Frouville** said that he was concerned by the report of the interministerial working group which had concluded that it was impossible to confirm or refute allegations that Central Intelligence Agency (CIA) rendition flights had transited Danish, Greenlandic or Faroese airspace. The report prompted doubt over whether thorough investigations had been conducted. He wondered whether action had been taken on the working group's recommendation that the Council of Europe should pursue the debate on whether existing rules regarding flight surveillance, supervision of foreign intelligence services and State immunity provided adequate protection against human rights violations.

19. The definition of terrorism in section 114 of the Danish Criminal Code was too broad, and he would like to hear the delegation's comments in that respect. The reference to

an individual's intent to destabilize or destroy the fundamental political, constitutional, economic or social structures of a country was particularly vague.

20. He also requested the delegation's views on the amendments to the Act on Passports for Danish Citizens which banned a person from travelling when there was reason to believe that the person might participate in activities that endangered national security. He questioned whether that provision was not too vague and whether it complied with article 12 of the Covenant. In addition, he wondered whether legislation concerning the revocation of nationality was not discriminatory, given that it was applicable to dual nationals only. Further information would be appreciated on the case of the Danish-Moroccan man who had been stripped of his Danish citizenship and would be subject to "tolerated stay" upon his release from prison. Although the Ombudsman had determined that "tolerated stay" did not contravene article 3 of the European Convention on Human Rights, the cumulative effect of such restrictions could be deemed a violation of that article, and thus of article 7 of the Covenant.

21. He asked whether consideration had been given to implementing the latest recommendations of the Committee against Torture (CAT/C/DNK/CO/6-7). In the light of those recommendations, he asked whether the State party had envisaged incorporating a specific crime of torture into penal law; reviewing the provisions on the statute of limitations and bringing them fully into line with the international standards related to torture and ill-treatment; and amending legislation in order to prohibit the placement of minors under the age of 18 in solitary confinement. He looked forward to the results of the review process relating to the independent body that dealt with complaints of excessive use of force and other abuse of power by the police. He wondered whether the State party envisaged a reduction in the use of solitary confinement during pretrial detention and whether alternative measures had been considered. What plans had been made to follow up on the recommendation of the Committee against Torture to tighten regulations concerning recourse to coercive measures, including immobilization of patients, in psychiatric institutions?

22. **Ms. Cleveland** asked whether the State party planned to address the lack of comprehensive civil legislation prohibiting all forms of discrimination, and the lack of statistics and general research on discrimination in Danish society.

23. **Mr. Ben Achour**, noting Denmark's tradition of support for civil society organizations that promoted human rights, asked whether, in the context of the current migrant crisis, national foreign policy for human rights protection was at risk of being undermined or whether Danish diplomatic traditions would remain unaffected by any changes of Government. He requested clarification on the law, adopted in January 2016, permitting the confiscation of refugees' assets worth more than 10,000 kroner, in view of the fact that it was not in conformity with European Union or international standards.

24. **Mr. Shany** said that the fact that the law on the confiscation of refugees' assets had never been applied underscored its real purpose, which was to deter migrants from entering the State party. What bearing did the law have on the new fees for family reunification?

25. **Sir Nigel Rodley** asked what accounted for the difference in the maximum durations of solitary confinement for remand prisoners (up to 8 weeks) and convicts (up to 28 days). In the light of the revised Standard Minimum Rules for the Treatment of Prisoners, which defined prolonged solitary confinement as a period of confinement in excess of 15 consecutive days, would the State party consider revising its rules on the subject?

The meeting was suspended at 11.10 a.m. and resumed at 11.30 a.m.

26. **Mr. Rehfeld** (Denmark) said that thorough investigations had been conducted by government authorities into the alleged Central Intelligence Agency rendition flights, which

had resulted in a substantial report with clear and forceful conclusions. It was regrettable that the report had not been fully translated into English. The report had also reiterated that extraordinary renditions constituted a violation of Danish sovereignty and the case was considered closed.

27. While the State party was facing challenges owing to the migration crisis, it currently exceeded the United Nations target of 0.7 per cent of gross national product allocation to development assistance and fulfilled its international human rights obligations. The recommendations of the Committee against Torture were under evaluation by the State party and would be given effect in the near future.

28. **Mr. Glynstrup** (Denmark) said that the Refugee Appeals Board was an independent body whose decisions were not subject to appeal or judicial review. The oral proceedings it conducted were similar to those of the ordinary courts; the positions of Chair and Deputy Chair had to be filled by judges; and the assessment of evidence was not governed by the rules applicable in other judicial procedures.

29. Although diplomatic assurances were accepted in some deportation cases, they had not been used to return migrants to their country of origin. Orders for the return of refugees and asylum seekers were assessed by the Immigration Service and the Refugee Appeals Board on a case-by-case basis in accordance with international obligations and the principle of non-refoulement. Vulnerable groups, such as pregnant women and unaccompanied minors, were given special consideration. Unaccompanied minors were provided with post-arrival integration support. Orders were issued for suspended expulsions in cases where the deportation was not in conformity with international standards.

30. Pursuant to the Aliens Act, rejected asylum seekers should be detained only in special facilities and, if it was necessary to detain them in prisons, they should be held separately from criminals, with the exception of unaccompanied minors, who should never be detained in prisons. In February 2016, the Parliamentary Ombudsman, the Danish Institute Against Torture (DIGNITY) and the Danish Institute for Human Rights had made an unannounced visit to a facility used to detain rejected asylum seekers, and the Ombudsman had expressed serious concerns regarding their living conditions. The Prison and Probation Service had recognized the need to improve the situation. Rejected asylum seekers held at that facility enjoyed 13 hours of association time a day on weekdays and 12 hours a day at weekends; during association time, they were able to participate in various scheduled activities, including 1 hour a day in the open air.

31. The Aliens Act had been amended on 20 November 2015 to expand the rules governing the detention of asylum seekers. The amendment specified special circumstances, including a very large increase in the number of asylum seekers, under which the right to judicial review within three days of detention could be suspended, although efforts would nevertheless be made to complete the process as quickly as possible. Detained asylum seekers were entitled to receive information on judicial review and legal representation in a language that they understood or could reasonably be presumed to understand. The Government was confident that the new rules, which it had not yet had to use, were in full conformity with its international human rights obligations, including its obligations under the European Convention on Human Rights.

32. Owing to a large increase in the number of asylum seekers entering Denmark, the Government had found it necessary to introduce a number of initiatives in the field of asylum and immigration, including the so-called asylum package adopted on 26 January 2016, by an expedited procedure. Foreigners could be detained for a maximum of 18 months in total. Tolerated stay was granted to an alien rejected for a residence permit if the principle of non-refoulement prevented him or her from being returned, and, although it had no maximum length, it entailed limited conditions and rights. The Refugee Appeals Board

could reopen previously rejected applications for permanent residence, and, if expulsion had not been enforced, an alien claiming that a material change in his or her circumstances had occurred could request that the public prosecutor bring the matter of the revocation of the expulsion order before the court. Every six months, a review was conducted to determine whether an alien granted tolerated stay could be returned to his or her country of origin. The Government was confident that its policy was in full conformity with its international human rights obligations, including its obligations under the Covenant. In the autumn of 2016, the Government would propose new rules on tolerated stay, including a rule requiring aliens granted tolerated stay to notify their accommodation centre if they planned to be absent between 11 p.m. and 6 a.m.

33. The Aliens Act had been amended again on 3 February 2016 to empower the immigration authorities to search asylum seekers and seize cash and any items worth more than 10,000 kroner, the aim being to raise money to cover part of the costs incurred during the asylum process. Items of sentimental value and living aids for disabled persons were exempt, and asylum seekers could challenge cases of perceived wrongful seizure by bringing them before the courts. The Government was confident that its policy was in full conformity with its international human rights obligations, including its obligation to protect the rights to privacy and property, and the Danish Institute for Human Rights had approved the bill specifically from a human rights perspective.

34. **Ms. Zeuner** (Denmark) said that a recovery and reflection period of 30 days was granted to victims of trafficking who did not have permission to remain in Denmark, and, in special circumstances, it could be extended to a maximum of 120 days. Like other foreign nationals, victims of trafficking could apply for asylum or residence on other grounds. Asylum would be granted if the applicant fell within the provisions of the 1951 Convention relating to the Status of Refugees or risked the death penalty or being subjected to torture or inhuman or degrading treatment or punishment in his or her home country, and rejected applications were automatically referred to the Refugee Appeals Board. Pursuant to the Aliens Act, a temporary residence permit could be issued to a foreign national whose presence in Denmark was required for the purpose of investigation or prosecution, and the initial six-month period could be renewed provided that it did not extend beyond the duration of the investigation or prosecution period.

35. **Ms. Saugmann-Jensen** (Denmark) said that the Government made some exceptions to the rules on family reunification for foreigners granted temporary protected status to ensure compliance with its international human rights obligations. In 2004, the Government had introduced a rule governing applications for family reunification made by children, which stipulated that, in cases where the applicant and one of the applicant’s parents were resident in their country of origin or another country, a residence permit could be issued only if the applicant had, or had the possibility of establishing, such ties with Denmark as provided a basis for successful integration. However, if the application had been submitted no later than two years after the person residing in Denmark had obtained a definitive residence permit or if there were particularly compelling reasons weighing against it, the rule was not applied. According to a European Court of Justice judgment of 12 April 2016, the fact that an application for family reunification had been made during or after the two years following the obtaining of a definitive residence permit by the parent residing in Denmark could not in itself be a decisive indication as to the intentions of the parents of the minor concerned by that application with regard to the latter’s integration. On 3 June 2016, the Government had adopted new rules according to which an integration assessment had to be carried out for all family reunification applications involving children aged over 8 years, although the requirement would be waived in exceptional circumstances. The fees for family reunification applications had been abolished in 2012, but recently reintroduced alongside the introduction of fees for permanent residency applications. The standard non-

returnable fee was 6,000 kroner for a family reunification application and 3,600 kroner for a permanent residency application.

36. **Mr. Spies** (Denmark) said that the Board of Equal Treatment had received 157 complaints of discrimination on the basis of ethnicity between 2009 and 2014, but he did not know how many cases had involved Roma. A social media campaign had been conducted to raise awareness of ethnic discrimination, and, on 21 March 2015, events had been held in honour of the International Day for the Elimination of Racial Discrimination. The Government had supported several initiatives aimed at combating racism, ethnic discrimination and xenophobia, and, from 2012 to 2015, had allocated 20 million kroner to such initiatives.

37. **Mr. Jensen** (Denmark) said that the Government was reviewing the conclusions made by the Committee against Torture. The disciplinary punishment of solitary confinement was imposed only on detainees who had committed serious violations of the detention regime, including escape and violence against other detainees. The maximum length of a period of solitary confinement was four weeks, and detainees in solitary confinement were held in normal cells and had access to books and television. The prison authorities worked to minimize the psychological risks to detainees held in solitary confinement and allowed them limited association time. The number of solitary confinement placements made annually had decreased from 3,044 in 2011 to 2,579 in 2015, and 1,205 had been made in the first five months of 2016. The very few persons aged under 18 held in adult prisons were in principle subject to the same detention regime, but the prison authorities in practice made special allowance for their age in any disciplinary decisions. In 2014, the Department of Prison and Probation had instructed institutions to exercise restraint in the use of solitary confinement as a disciplinary punishment for detainees aged under 18 and always to consider whether a suspended measure would be sufficient to achieve the intended purpose. From 1 May 2015 to 30 April 2016, 11 minors had been placed in disciplinary cells.

38. **Ms. Jensen** (Denmark) said that, although there was a psychological element to the definition of intent under Danish law, the Prosecution Service must be able to prove beyond reasonable doubt that the accused intended to commit an offence.

39. The Government would launch a thorough review of its counter-terrorism legislation. Pursuant to section 267 of the Danish Criminal Code, any person who defamed the character of another person was liable to a fine or to a period of imprisonment for a term not exceeding four months, and, with the exception of, inter alia, cases in the public interest, the offences covered by that section were subject to private prosecution. An assessment was to be made of whether it was necessary to update the Criminal Code provisions on defamation and the right to privacy.

40. The Committee on Criminal Law had concluded that all acts defined as torture were already covered by Danish criminal law. Torture had been made an aggravating circumstance in the determination of penalties for violations of the Criminal Code, such that, rather than being convicted of a general crime of torture, perpetrators were instead convicted of a specific crime, such as assault by the use of torture. The Government was confident that the existing provisions of Danish criminal law fulfilled its international human rights obligations.

41. A special principle of proportionality based on section 770 (b) of the Administration of Justice Act was applicable to cases of solitary confinement in pretrial detention. Such confinement was permissible only if the purpose could not be achieved by less invasive measures, if solitary confinement was proportionate to the specific circumstances of the case, and if the case was being processed without undue delay.

42. According to the general principle of proportionality, if the conditions for detention on remand had been met, but the purpose of the detention could be achieved through less invasive measures, a court could decide, pursuant to section 765 of the Administration of Justice Act and subject to the consent of the accused, to impose an alternative measure such as submission to supervision, residence in a suitable home or institution, or provision of security in an amount to be determined by the court.

43. New rules on solitary confinement had entered into force in 2007 and the Director of Public Prosecutions had subsequently issued guidelines concerning the use of such confinement and closely monitored developments in that regard. The Director collected information on completed cases of solitary confinement from police commissioners on a quarterly basis and submitted an annual report on the matter to the Ministry of Justice. The reports were subsequently sent to parliament and published. The police commissioners forwarded the quarterly statistics to regional State prosecutors so that they could supervise the police and prosecution districts. According to the annual report for 2014, the use of solitary confinement had decreased by 93.5 per cent since 2001 and by 36 per cent between 2013 and 2014.

44. Regional State prosecutors also submitted an annual report to the Director of Public Prosecutions on the quality and legality of criminal proceedings, in which they highlighted changes in the number and duration of cases of solitary confinement and action taken to reduce their number.

45. **Mr. Aagaard** (Denmark), referring to the amendments to the Act on Passports for Danish Citizens, said that article 12 of the Covenant permitted restrictions on freedom of movement, for instance to protect national security and public order (*ordre public*). Participation in certain unlawful activities abroad could pose a threat to national security and public order.

46. **Ms. Bengtsen** (Denmark) said that the Danish Government, when ratifying the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169), had declared, with the consent of the Government of Greenland, that the Inuit were the only indigenous population in Greenland. The Supreme Court had ruled that the Thule tribe did not constitute a tribal people or a distinct indigenous people within or coexisting with the Greenlandic people as a whole. The Supreme Court decision did not mean that the Inughuit of Uummannaq were not capable of maintaining their identity or using their own language.

47. With regard to language rights, the parliament of Greenland had passed Act No. 7 on language policy in 2010 with a view to strengthening and developing the Greenlandic language as a mother tongue and a second language. According to the Act, the Greenlandic language consisted of three main dialects. The language spoken in Avanersuaq was an Inuit dialect. The right of the local population, including the Inughuit of Uummannaq, to use their own Inuit dialect was therefore guaranteed. The Inughuit of Uummannaq also enjoyed the right to maintain their identity.

48. **Ms. Appel** (Denmark) said that the Action Plan to Combat Trafficking in Human Beings targeted not only victims of trafficking for prostitution but all other trafficking victims. The Plan was based on five pillars: prevention of human trafficking; identification of victims of trafficking; provision of support for individual victims; prosecution of traffickers; and partnership and coordination. Victims were offered accommodation in safe houses, psychological and legal assistance, health care, and short-term education and training courses. In November 2015 the Action Plan had been amended to promote outreach work by NGOs, particularly on behalf of individuals trafficked into prostitution or forced labour. The support mechanisms and services offered to victims did not depend on their willingness to cooperate in investigations. The Action Plan would be externally evaluated in due course.

49. **Ms. Juul** (Denmark) said that all citizens were equal before the law and public authorities were prohibited from discriminating against citizens on any ground. The legislation prohibiting discrimination on grounds of race, colour, national or ethnic origin, belief or sexual orientation also prohibited discrimination in the private sector. All ministries were responsible for guaranteeing protection for minority groups. For example, the Minister of Heath had recently announced that, on 1 January 2017, Denmark intended to remove the ICD-10 code for transsexualism from its current placement under the International Statistical Classification of Diseases and Related Health Problems in a subsection of chapter V entitled “Gender Identity Disorders”, with a view to ensuring that its classification was no longer perceived as discriminatory by the transgender community.

50. **Ms. Have** (Denmark) said that the Danish Psychiatric Act protected patients’ rights and comprehensive rules ensured that there was no risk of abuse. Coercive measures could not be used until every effort had been made to secure the patient’s voluntary cooperation. Patients should be given reasonable time to consider the procedure. Moreover, less coercive measures should be used whenever possible. Coercive measures should be exercised with maximum consideration for the patient with a view to avoiding any violation of his or her dignity. Nursing staff could discontinue mechanical restraint, where appropriate, without a prior assessment by a doctor. They were required to have a conversation with the patient shortly afterwards to ensure that he or she understood the reason for the coercion.

51. The aim was to reduce the use of coercion, including mechanical restraint, by 50 per cent by the end of 2020. However, coercion in psychiatric hospitals was sometimes necessary for the patients themselves or for the safety of other patients. According to the results of monitoring procedures, there had been a decrease in the use of coercion in 2015. Moreover, the number of patients subjected to mechanical restraint for more than 48 hours had decreased considerably during the preceding three years. The Government had allocated billions of Danish kroner for the creation of an environment conducive to a reduction in the use of coercive measures, such as the establishment of experimental force-free psychiatric units. It had also created a task force for psychiatry to monitor progress towards the 2020 goal. Data were provided regularly to the Danish parliament. As the use of coercion in psychiatric hospitals was registered and monitored very closely, the authorities could quickly decide on concrete initiatives. The Government would continue focusing on the reduction of coercion in such hospitals.

52. **Ms. Dissing-Spandet** (Denmark) said that the procedures for acting on the Committee’s Views and on judgments of the European Court of Human Rights were the same. The documents were channelled through the Ministry of Foreign Affairs and then distributed to the relevant authorities, which took appropriate measures. Denmark had invariably complied with the Committee’s Views.

53. The Danish authorities had held public hearings when preparing for the universal periodic review process, but it had not yet considered holding such hearings when drafting reports for the treaty bodies. However, reference had been made to all human rights treaties during the public hearings on the universal periodic review.

54. The Committee’s concluding observations were disseminated primarily through the Ministry of Foreign Affairs and the Danish Institute for Human Rights. The Ministry published the report and the concluding observations on its website. The Institute also issued a biannual status report on human rights in Denmark and submitted an annual report to the Danish parliament.

55. **Ms. Seibert-Fohr** said that Danish courts should be provided with clear instructions regarding the State party’s international obligations. Incorporation of the Covenant into domestic law would facilitate that process.

56. **Mr. Muhumuza** said that although the Refugee Appeals Board was autonomous and independent, applicants for refugee status and asylum seekers rarely obtained satisfaction on appeal. Their cases were almost invariably dismissed.

57. **Ms. Cleveland** said that anti-discrimination legislation, including the 1996 Act on Prohibition against Discrimination in respect of Employment, was apparently not applicable in the Faroe Islands. She requested information regarding the prohibition of discrimination, including with respect to sexual orientation, in the Islands.

58. It had been reported that the Faroe Islands had enacted legislation legalizing same-sex marriage in April 2016, but that the legislation must first be approved by the Danish parliament. She asked whether the report was accurate.

59. **Mr. Glynstrup** (Denmark) said that it was for the Refugee Appeals Board to decide whether it wished to review particular cases if new material evidence was produced. The initial assessment was occasionally overturned.

60. **Mr. Rehfeld** (Denmark) said that further answers and statistical data would be provided as soon as possible.

61. Denmark looked forward to receiving the Committee's concluding observations and to continuing its dialogue on the individual complaints system.

62. **The Chair** said that he associated himself with Ms. Seibert-Fohr in highlighting the importance of incorporating the Covenant into domestic law.

63. He was pleased to hear that the State party had similar procedures for acting on the Committee's Views and on judgments of the European Court of Human Rights.

The meeting rose at 1.05 p.m.