

THE DANISH
INSTITUTE FOR
HUMAN RIGHTS

REPORT PRIOR
TO ADOPTION
OF LIST OF
ISSUES –
DENMARK

JANUARY 2018

THE UN COMMITTEE
AGAINST TORTURE

THE UN COMMITTEE AGAINST TORTURE

REPORT PRIOR TO ADOPTION OF LIST OF ISSUES – DENMARK
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Report to the UN Committee Against Torture in order to assist the Committee in the preparation and adoption of the list of issues prior to submission of the 8th periodic report of Denmark.

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CONTENT

1 INTRODUCTION	5
1.1 The report	5
1.2 The Danish Institute for Human Rights	5
2 INTERPRETATION IN THE ASYLUM PROCEDURES (ARTICLE 3)	7
3 INTERVIEWING ACCOMPANIED CHILDREN IN ASYLUM CASES (ARTICLE 3)	8
4 HEALTH SCREENING OF ASYLUM SEEKERS AND DETENTION UNDER THE DANISH ALIENS ACT (ARTICLE 3)	10
5 SOLITARY CONFINEMENT (ARTICLE 11)	12
5.1 Solitary confinement as disciplinary punishment	12
5.2 Solitary confinement in order to manage certain categories of prisoners	13
5.3 Solitary confinement as protection from other prisoners	14
5.4 Voluntary exclusion from association	14
5.5 Children placed in solitary confinement	15
6 REMAND IN CUSTODY OF CHILDREN (ARTICLE 11)	17
7 COERCION IN PSYCHIATRIC TREATMENT IN DENMARK (ARTICLE 16)	18
7.1 The use of coercive measures in general	18
7.2 Coercion against children	19
7.3 Forensic psychiatry (article 16)	20
8 VIOLENCE AGAINST WOMEN (ARTICLE 2, 12, 13 AND 16)	22
8.1 Adequate Data	22
8.2 Gender Neutral Discourse on Violence	22
8.3 Psychological Violence against women	23
9 PSYCHOLOGICAL VIOLENCE AGAINST CHILDREN (ARTICLE 16)	25
10 MODERN SLAVERY AND FORCED LABOUR (ART. 2, 12, 14 AND 16)	26
11 GREENLAND	28
11.1 Introduction	28
11.2 Torture as an offence (article 1 and 4)	28
11.3 Prison facilities (article 11)	29

11.4	Education of law enforcement personnel and prison officers (article 10)	30
11.4.1	Police personnel	30
11.4.2	Prison officers	31
11.5	The use of pepper spray by the police and in prison facilities (article 11)	31
11.6	Solitary confinement (article 11)	32
11.7	Data collection	33
11.8	National action plan for UN sustainable development goals (SDG)	33

CHAPTER 1

1 INTRODUCTION

1.1 THE REPORT

This report by the Danish Institute for Human Rights (DIHR) contains information to the UN Committee Against Torture in order to assist the Committee in the preparation and adoption of the list of issues prior to submission of the 8th periodic report of Denmark.

The report contains suggested inquiries to the UN Committee Against Torture on selected human rights areas protected within the scope of the UN Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

The selection of issues included in this report is based on recommendations to the Government of Denmark from various international bodies such as UN treaty bodies, UN Special procedures, the Universal Periodic Review of Denmark. Furthermore, the selection of issues is based on relevant human rights debates in Denmark, legislative developments, previous recommendations given by the DIHR or civil society through legal briefs, thematic reports etc. Finally, the selection of issues is based on the recommendations contained in the status report on human rights in Denmark published by DIHR.

1.2 THE DANISH INSTITUTE FOR HUMAN RIGHTS

The Danish Institute for Human Rights is Denmark's national human rights institution (NHRI). DIHR was established in 1987 and is regulated by act no. 553 of 18 June 2012 on the Institute for Human Rights – Denmark's National Human Rights Institution.

DIHR is an independent, self-governing institution within the public administration and is established and functioning in accordance with the UN Paris Principles. DIHR is accredited as an A-status NHRI.

DIHR is also appointed as National Equality Body in accordance with EU directives on equal treatment of all persons without discrimination on the grounds of gender and race or ethnic origin. Furthermore, DIHR is designated as

independent mechanisms to promote, protect and monitor the implementation of the UN CRPD.

DIHR participate in OP-CAT inspections together with DIGNITY – The Danish Institute Against Torture and the Parliamentary Ombudsman, who is appointed as NPM of Denmark.

DIHR monitors the human rights situation in Denmark and publishes a status report as well as academic research, analyses and reports on human rights.

Greenland is a self-governed part of the Kingdom of Denmark. Denmark's ratification of UN CAT (1987) and its optional protocol (2004) applies to Greenland with no territorial exclusion. DIHR is national human rights institution for Greenland and works in close cooperation with the Human Rights Council of Greenland in order to monitor the promotion and protection of human rights in Greenland. DIHR participates in OP-CAT inspections in Greenland upon request from the National Preventive Mechanism (NPM).

The mandate of DIHR does not extend to the Faroe Islands, the other self-governed part of the Kingdom of Denmark.

CHAPTER 2

2 INTERPRETATION IN THE ASYLUM PROCEDURES (ARTICLE 3)

In order to ensure that no person is expelled, returned ("refouler") or extradited to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture, in accordance with art. 3 of the convention, it is crucial that the quality of interpretation is sufficient.

According to a report carried out by Translator Union's Interpretation Committee [unofficial translation] (Translatørforeningens Tolkeudvalg) most interpreters working in the public sector have no interpreter or language education and estimates that this applies to 85-90 percent. The committee states that it is likely that approximately 80 percent of interpreters on the police's interpretation list does not possess documentation of their competences within interpretation/language (e.g. education or exams).¹

DIHR has in relation to other areas (health and the legal system) criticised the quality of interpretation.² DIHR has not carried out studies in relation to the asylum procedure. However, the issues raised in relation to other areas give cause for concern also in asylum cases, as interpreters from the police's list is also applied in asylum cases.³

Suggested Enquiry:

- Please provide information on how the state ensures that the quality of interpreters in the asylum procedure is sufficient and that the challenges and quality issues from other examined areas does not also apply in relation to interpretation in the asylum procedures.

CHAPTER 3

3 INTERVIEWING ACCOMPANIED CHILDREN IN ASYLUM CASES (ARTICLE 3)

In accordance with art. 3 of the convention, no State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture. For the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

Denmark does not have a systematic procedure that ensures that the reasons for applying for asylum for accompanied children are assessed. To the knowledge of DIHR, accompanied children, applying for asylum with their parents are, as a general rule, not interviewed in the asylum procedure. Instead, the parents are asked questions regarding their child's potential conflicts if returned. If the immigration authorities are made aware (e.g. through the interview with the parent or by information from other persons, e.g. personnel at the asylum center or volunteers) that the child has a potential conflict, the authorities can decide to call the child to an interview.

The result of this procedure is that a sufficiently thorough assessment of the child's risk of refoulement is not ensured. For example if the child has a conflict that is unknown to the parent (e.g. if the child is homosexual and has not informed his/her parents) or the child risks inhumane treatment etc. from the parents.

In September 2017, the UN Committee on the Rights of the Child recommended that Denmark introduce interviews for accompanied children in the context of the asylum procedure.

Suggested Enquiries:

- What are the procedures for carrying out interviews with accompanied children in the asylum procedure, under what circumstances do the authorities interview the children, and what criteria are applied when determining if an accompanied child should be interviewed?
- If an accompanied child is interviewed, what safeguards are in place to ensure a child-friendly interview?
- Please provide data on the number of accompanied children interviewed the last five years, their age, and the share of accompanied children interviewed in relation to the total number of accompanied children.

CHAPTER 4

4 HEALTH SCREENING OF ASYLUM SEEKERS AND DETENTION UNDER THE DANISH ALIENS ACT (ARTICLE 3)

Health screening of asylum seekers are essential to ensure that their rights are respected, for example in relation to detention and credibility assessments.

It is the assessment of DIHR, that the procedures for obtaining information on the applicant's health are not sufficiently thorough.⁴ According to the knowledge of DIHR, in relation to detention, the police e.g. informs the foreigner that he/she should provide information on his/her health. Additionally the detention facilities have e.g. a doctor and a nurse affiliated. Asylum seekers have access to limited healthcare at the asylum centre.

In 2016, the UN Committee Against Torture expressed its concern regarding the screening of and assistance to asylum seekers who are victims of torture. The Committee recommended that Denmark should (a) put into place procedures for the systematic screening and medical examination of alleged torture victims by qualified personnel throughout the asylum process, including at reception centres and places of detention such as the Ellebæk Prison; and (b) ensure that victims of torture are not held in places of deprivation of liberty and have prompt access to rehabilitation services.

Additionally, in 2014, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in 2014 also criticised the conditions of detained foreigners under the Danish Aliens Act (udlændingeloven).⁵

Suggested Enquiries:

- What steps have Denmark taken to follow the recommendation made by the UN Committee Against Torture in 2016?

- What information is available to the authorities on the foreigner's health situation prior to detention and the asylum procedure, including interview and decision?
- What procedures are in place to ensure that the authorities have sufficient information on a foreigner's health situation prior to these decisions?

CHAPTER 5

5 SOLITARY CONFINEMENT (ARTICLE 11)

The use of solitary confinement in Denmark is permitted in the Danish Administration of Justice Act (retspløjeloven) during pre-trial detention (decided by the Danish courts) and in the Danish Sentence Enforcement Act (Straffuldbyrdelsesloven) as a disciplinary measure for convicts (decided by the prison management).

5.1 SOLITARY CONFINEMENT AS DISCIPLINARY PUNISHMENT

Pursuant to section 68 (2) in the Danish Sentence Enforcement Act prisoners can be excluded from association with other prisoners as a punishment due to, inter alia, reasons of escape, smuggling or possession of alcohol, narcotics, or weapons.

The use of solitary confinement as punishment in Danish prisons is at a high level especially the last two years (2016 and 2017 – the exact figures for 2017 has yet not been published by the Prison Service).⁶ One reason for this development is probably that it was decided in 2016 that if a prisoner is found in possession of a mobile phone he shall be punished with 15 days in solitary confinement (first time offence).

This type of solitary confinement was used 2.892 times in 2012; 2.959 times in 2013; 2.867 times in 2014; 2.579 times in 2015; and 2.995 times in 2016.

The UN CAT recommended in its concluding observations to Denmark of 4 February 2016 that Denmark abolishes solitary confinement as a disciplinary measure.

In addition to being punished for disciplinary reasons with solitary confinement – e.g. for possessing a mobile phone - the prisoner can also be punished for committing a criminal offence. Indeed, it is normal practice in Denmark that a prisoner is both disciplinary and criminally punished for the same act/offence e.g. possessing a mobile phone. To illustrate, a Danish High Court ruled in January 2018 (U.2018.403Ø) that a prisoner that had been disciplinary punished

by the prison authorities with 21 days solitary confinement for being in possession of a mobile phone also could be sentenced with 10 days imprisonment for possessing the same phone as this is a criminal offence (section 124 (4) in the Danish criminal code).

Pursuant to the principle of *ne bis in idem* from international law – see e.g. Article 4 in Protocol 7 to the European Convention on Human Rights – a person should not be punished twice for the same act/offence (double jeopardy).

Suggested Enquiries:

- What initiatives will the Danish Government take to abolish or significantly reduce the use of solitary confinement as a punishment?
- How will the Danish Government ensure that prison disciplinary processes and criminal justice processes are co-ordinated in such way that de facto double jeopardy does not arise from the two systems operating separately?

5.2 SOLITARY CONFINEMENT IN ORDER TO MANAGE CERTAIN CATEGORIES OF PRISONERS

Pursuant to section 63 (1) in the Danish Sentence Enforcement Act prisoners can be excluded from association with other prisoners if it is deemed necessary in order to e.g. prevent escape, criminal activity, or violent behavior or because the behavior of the prisoner is clearly irreconcilable with association with other prisoners. The decision to place a prisoner in preventive solitary confinement is taken by the prison authorities.

This type of solitary confinement was used 582 times in 2012; 546 times in 2013; 512 times in 2014; 382 times in 2015; and 484 times in 2016.

The UN CAT recommended in its concluding observations to Denmark of 4 February 2016 that Denmark – in line with international standards e.g. the UN Mandela Rules – should limit the length of permissible solitary confinement to a maximum of 15 days.

Prisoners placed in preventive solitary confinement are not entitled to receiving a reasoning from the prison authorities explaining the decision and thereby not in a position to argue their case.

The European Court of Human Rights has stated that decisions imposing solitary confinement must be based on genuine grounds both *ab initio* as well as when its duration is extended. The statement of reasons should be recorded by the authorities and be increasingly detailed and compelling as time goes by.⁷

Furthermore, the European Committee for the Prevention of Torture (CPT) has stated that any person placed in solitary confinement should be informed in writing of the reasons behind the confinement. The prisoner should be given an opportunity to express his views and there should be a possibility to appeal to authorities outside the prison should he wish to challenge the decision to place him in solitary confinement or to extend the duration of such confinement.

Suggested Enquiries:

- What initiatives will the Danish Government take with a view to significantly reduce the use of this type of preventive solitary confinement?
- Will the Danish Government take initiatives to ensure that prisoners who are placed in preventive solitary confinement are given a reason for the decision and opportunity to express their views on the decision?

5.3 SOLITARY CONFINEMENT AS PROTECTION FROM OTHER PRISONERS

According to section 63 (2) in the Danish Sentence Enforcement Act, prisoners can in exceptional cases be excluded from association with other prisoners for up to five days if it is deemed necessary in order to protect the prisoner against harm from other prisoners.

The European Court of Human Rights has stated that it is unjustified to order a prisoner to be placed in solitary confinement in order to ensure the prisoner's own protection. In such situations, the endangered prisoner should be removed to another section in the prison or to another prison.

Suggested Enquiry:

- Will the Danish Government take initiatives to amend the Sentence Enforcement Act so prisoners cannot be ordered solitary confinement in order to ensure their own protection?

5.4 VOLUNTARY EXCLUSION FROM ASSOCIATION

It is not unusual that prisoners in Danish prisons request to be voluntarily excluded from association with other prisoners (de facto solitary confinement) often due to security concerns.

Pursuant to statistical information from the Danish Prison and Probation Service, 403 prisoners were voluntarily excluded from association in 2012 (137 prisoners for more than 28 days); 433 were excluded in 2013 (142 for more than 28 days); 447 were excluded in 2014 (140 for more than 28 days); 391 were excluded in 2015 (152 for more than 28 days); and 370 were excluded in 2015 (98 for more than 28 days).

Although there has been a decrease in the last years, it is still at a high level and common for prisoners to request voluntary solitary confinement.

Some of the prisoners voluntarily excluded from association with other prisoners enjoy association with another prisoner in their cell.

Suggested Enquiry:

- Will the Danish Government take measure to reduce the number of voluntary exclusion from association with other prisoners?

5.5 CHILDREN PLACED IN SOLITARY CONFINEMENT

The Danish Administration of Justice Act allows the placement of remand prisoners in solitary confinement for a period of up to four weeks for 15 – 17 year old children. During the last five years, the use of solitary confinement during remand custody has been very limited. Recent figures by the Danish Director of Public Prosecution shows that children suspected of criminal activities in 15 cases was placed into isolation during the year 2016. Further, the numbers show that one out of the 15 cases was conducted with no legal basis in the Danish Administration of Justice Act. Additionally, nine of the 15 cases was inconsistent with the Danish Administration of Justice Act.⁸

Furthermore, solitary confinement can be conducted as a disciplinary measure for convicted minors for a period of up to 28 days. From 2009 to 2013 solitary confinement as a disciplinary measure for 15-17-year olds was conducted 158 times. In most of these cases the children had limited access to contact with other inmates.⁹ In October 2014, The Danish Prison and Probation Service instructed Danish prison institutions to draw attention on reducing the use of solitary confinement as a punishment towards young detainees.¹⁰

Denmark has previously received recommendations from, inter alia, the UN Committee against Torture, to bring its legislation and practice on solitary confinement into line with international standards by abolishing solitary confinement of minors. Denmark has received similar recommendations during the Universal Periodic Review on 21 January 2016.

Suggested Enquiries:

- What efforts has been taken since 2016 to limit the use of solitary confinement during pre-trial detention for persons under the age of 18?
- What steps has been taken to ensure that the use of solitary confinement as a disciplinary measure for persons under the age of 18 is limited to only very exceptional cases?
- Provide updated information on the number of cases since 2014 where persons under the age of 18 were placed in solitary confinement as a disciplinary measure.
- Provide updated information on any steps taken by the State to monitor the use and effects of solitary confinement in cases concerning persons under the age of 18.

CHAPTER 6

6 REMAND IN CUSTODY OF CHILDREN (ARTICLE 11)

The Danish Administration of Justice Act (retsplejeloven) permits the placement of 15 – 17 year olds in pre-trial detention for up to eight months. This limit is subject to further extension in cases which the court considers to be exceptional circumstances. The conditions for extension are not further specified.

During the Universal Periodic Review 21 January 2016 it was recommended that Denmark introduce alternative measures to pre-trial detention for children wherever possible, and develop clear rules for the treatment of children in police custody and monitor their effective implementation in practice. Denmark accepted the recommendation and noted that the Danish Administration of Justice Act already contains alternative measures to pre-trial detention.¹¹

In 2017, the UN Committee on the Rights of the Child recommended that Denmark amend the Administration of Justice Act to ensure that such detention is only used as a last resort and for the shortest possible period of time, not exceeding six months and that, it is reviewed on a regular basis with a view to withdrawing it.

Suggested Enquiries:

- Will Denmark in accordance with international recommendations take any steps to introduce an upper time limit for the duration of pre-trial detention of children?
- Will Denmark take any steps to clarify on what specific conditions the courts may extend a pre-trial detention for children?

CHAPTER 7

7 COERCION IN PSYCHIATRIC TREATMENT IN DENMARK (ARTICLE 16)

Coercion in mental health treatment affects the right to personal liberty and respect for physical and mental integrity. These fundamental rights are protected in a number of core international human rights instruments.

7.1 THE USE OF COERCIVE MEASURES IN GENERAL

In Denmark, there is a widespread use of coercion in the psychiatric system. In February 2015, the Danish government enacted a number of amendments to the Danish Psychiatric Act (Psykiatriloven) regarding coercion in the psychiatric system.¹² The purpose was to increase the focus on equality, patient participation, dialogue and cooperation with regard to hospitalisation, accommodation, and treatment at psychiatric wards and thereby to ensure that coercion is only used when all other options have been exhausted. Accordingly, the purpose was also to reduce the use of coercion.¹³

Despite the official strategy to reduce coercion in the psychiatric system, the number of psychiatric patients subjected to coercive measures has increased by 100 persons between 2012 and 2016. In 2016 coercive measures were applied towards 5,966 persons corresponding to 22.8 percent of all persons admitted to psychiatric wards.¹⁴

Forced physical restraint with belts is one of the most invasive measures available in the Danish psychiatric system. The use of forced physical restraint with belts amounted to 5,120 instances in 2016.¹⁵ Of these restraints, 522 lasted more than 48 hours.¹⁶ A decrease from recent years (2011-2013) when the use of forced physical restraints with belts lasting more than 48 hours was an average of 778 instances per year.¹⁷ However, while the use of long-term physical restraints have decreased, there has been an increase in the use of other coercive measures, including forced medication.¹⁸ This might indicate that other coercive measures, such as forced medication with tranquilizers merely replaces long-term physical restraints with belts.

From a human rights perspective, special attention has been given to the use of forced physical restraints because it can easily be a case of degrading treatment. The Danish situation regarding forced physical restraints has been under scrutiny on several occasions.

In 2016, The UN Committee against Torture expressed its concern for the frequent recourse to coercive measures in psychiatric institutions, often accompanied by immobilization of patients.

Suggested Enquiries:

- How will the State Party limit the use of coercive measures in the psychiatric institutions?
- What steps will the State Party take to avoid the use of forced restraints with belts lasting more than 48 hours?

7.2 COERCION AGAINST CHILDREN

According to the Danish Health Data Authority, the number of children who have been subject to coercion in psychiatric treatment has increased since 2011. In the years 2011 to 2013, on average 243 children per year were exposed to coercive measures, corresponding to 16.6 percent of all children admitted to psychiatric wards. In 2016, the figures had risen to 351 children and by 22.4 percent.¹⁹

Furthermore, the above-mentioned amendment of the Danish Psychiatric Act in 2015²⁰ changed the legal status held by minors in relation to coercion in the psychiatric system. The amendment of the act established that the use of forced admission to a hospital as well as forced treatment do not constitute 'coercion' if 1) the patient is under the age of 15 and 2) the holder of custody has consented to the admission or the treatment, c.f. Section 1(4) of the Psychiatric Act. This means that a child below the age of 15 does not enjoy the procedural safeguards and standards provided for in the Psychiatric Act contrary to what applies to children over the age of 15 and adults.

In 2017, the UN Committee on the Rights of the Child noted with concern that forced treatment as well as the use of restraint remain legal under Danish legislation. Thus, the Committee urged Denmark to ensure that children, including children with psychosocial or intellectual disabilities, who are residing in institutions or psychiatric hospitals, are under no circumstances subjected to excessive restraint.

Suggested Enquiries:

- How will the State Party reduce the use of coercive measures against children?
- Will the State Party amend the legislation on coercion in the psychiatric system in order to ensure children under the age of 15 procedural safeguards and standards equivalent to those provided for children over the age of 15 and adults?

7.3 FORENSIC PSYCHIATRY (ARTICLE 16)

Article 16 of the UN Convention against Torture provides that each State Party shall undertake actions to prevent acts of cruel, inhuman or degrading treatment, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

According to the Danish Criminal Code (straffeloven), persons who at the time of a criminal act were irresponsible due to mental illness or mental retardation can be exempted from punishment, c.f. Sections 16 and 69. Instead, such persons may be sentenced to treatment, c.f. Sections 68 and 69.

The applied measure of treatment in a specific case and the length of this measure depends on what is considered expedient for the prevention of further offences. Hence, there is no requirement that the measures of treatment must be proportionate in their severity to the seriousness of offences. Consequently, the length of sentences to treatment can be problematic when persons with disabilities are sentenced to up to five years or indeterminately for crimes that would have deprived them their liberty in a much shorter timespan if they had been given a prison sentence.²¹

The number of persons with disabilities who are sentenced to treatment has increased significantly during the past decades. In 2001, 362 sentences to treatment were passed.²² In 2016, the figure had risen to 779 sentences to treatment.²³

Furthermore, in the Danish media, it has been suggested that long case processing times at the Danish Prosecution Service and the Medico-Legal Council (Retslægerådet) imply a risk that court-ordered psychiatric patients will not be released from forensic psychiatric wards and institutions within a reasonable time after having been declared recovered.²⁴ These patients are thus confined for a longer period than their need for treatment necessitate.

A sentence to treatment may very well be experienced as a sentence to punishment and as degrading treatment due to the above-mentioned issues.

In 2014, the UN Committee on the Rights of Persons with Disabilities expressed concern for the distinction between punishment and treatment in Danish criminal law. The committee further noted that treatment is a social control sanction and should be replaced by formal criminal sanctions for offenders whose involvement in crime has been determined.

Suggested Enquiries:

- Will the State Party amend the legislation on forced treatment in the penal system to ensure proportionality between offences and length of treatment sentences?
- Will the State Party take steps to reduce the number of persons sentenced to forensic psychiatric treatment?
- Please provide detailed information on whether the Danish Prosecution Service has handled cases in which forensic psychiatric patients has been confined for a longer period than their need for treatment necessitated.

CHAPTER 8

8 VIOLENCE AGAINST WOMEN (ARTICLE 2, 12, 13 AND 16)

8.1 ADEQUATE DATA

Numerous efforts in the area of data collection exist in Denmark, but as noted by GREVIO (Group of Experts on Action against Violence against Women and Domestic Violence) in the Baseline Evaluation Report for Denmark²⁵ (vis-à-vis the Istanbul Convention) there is still widespread absence of the data collection categories required under article 11 of the Istanbul Convention²⁶. For instance, very little data is disaggregated by sex, relationship between victim and perpetrator, type of violence, or by place of occurrence. The law enforcement and prosecution services in Denmark collect data in relation to the provisions of the Danish criminal code, but do not always break it down by sex/age of the victim and perpetrator or by their relationship.²⁷ These categories are equally important for reporting to the UN Committee against Torture with respect to Article 16 in the UN Convention against Torture.

In 2010 the UN Committee against Torture recommended that Denmark assess the effectiveness of action plans in combatting violence against women and address obstacles to the effective prosecution of acts of violence against women so that the judicial remedy is increasingly sought and used successfully.

Suggested Enquiry:

- Provide detailed information, including a timeframe, with respect to the sustained collection of data on violence against women, violence against men, and violence against children.

8.2 GENDER NEUTRAL DISCOURSE ON VIOLENCE

In May 2011, the Council of Europe's Committee of Ministers adopted the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention)²⁸.

In its November 2017 Baseline Evaluation Report of Denmark²⁹, the GREVIO expert group notes with concern the shift in discourse that has taken place in Denmark. Moving from a conceptualisation of violence against women or gender-based violence, the discourse has now become one of violence in the family, intimate violence or bi-directional violence.

While the State party must be applauded for recognising all experiences of violence, this recognition should not come at the cost of downplaying the vast differences in the levels of violence experienced by men and women respectively. There is a risk that the master narrative of violence in the Danish state apparatus becomes one that ignores the gendered dimensions that are often central to any understanding of the violence that take place between men and women.

Suggested Enquiry:

- What steps will the State party take to ensure that the gender dimensions of intimate violence are not ignored in the current adoption of an increasingly gender-neutral vocabulary in the combat against violence?

8.3 PSYCHOLOGICAL VIOLENCE AGAINST WOMEN

Denmark has no explicit provisions to ensure the protection of women from psychological violence. On this basis, the UN Committee on the Elimination of Discrimination against Women (CEDAW) recommended in 2015 that Denmark should adopt a legislative framework that explicitly provides for the protection of women from psychological violence, in line with article 33 of the Istanbul Convention.³⁰

However, the Danish Ministry of Justice states in a state report to the Group of Experts on Action against Violence against Women and Domestic Violence (2017)³¹ that article 33 of the Istanbul Convention on psychological violence does not require change of legislation as it is already criminalised in sections 245(2)³², 260³³ and 266³⁴ of the Danish Criminal Code (straffeloven). Thus, the exercise of psychological violence is still not recognised as a separate criminal offense in the Danish Criminal Code and no concrete definition of psychological violence has been developed.

Danish case law shows that psychological violence despite the legal possibility to apply the above sections is not recognised as a crime by the judiciaries. Studies of case law (2012-2013)³⁵ on sections 245(2) and 260 of the Danish Criminal Code shows that neither sections have been applied in judgements to state psychological violence against a current partner. Nor have the scant judgements

passed on section 266 of the Danish Criminal Code against a former partner referred to the offense as psychological violence.

Further, the Director of Public Prosecution has issued binding guidelines for the police and the prosecutors on handling of criminal cases, including cases on domestic violence (guidelines on Interrelation Violent Crimes updated on 1 July 2016)³⁶. However, the guidelines does not contain information or relevant case law regarding threats and other forms of psychological violence.

Furthermore, the Director of Public Prosecution has developed binding guidelines on how the police and prosecution service must handle cases concerning restraining orders, exclusion- and expulsion orders.³⁷ However, the guidelines do not refer to psychological violence.

Suggested Enquiry:

- How will the state party ensure the protection of women from psychological violence?

CHAPTER 9

9 PSYCHOLOGICAL VIOLENCE AGAINST CHILDREN (ARTICLE 16)

The protection of children against abuse is regulated in the Danish Act on Social Services (serviceloven). The act has recently been amended to secure prompt action and immediate intervention in certain cases of abuse ('Overgrebspakken', in English 'The abuse package').

However, the term "abuse" is defined narrowly as only encompassing 'sexually abuse' or 'violent abuse',³⁸ and thus excluding mental abuse and child neglect. In fact, the narrow definition of the term "abuse" in this recent amendment is not compatible to the term used in article 19 in the Convention on the Rights of the Child, unfolded in the Committee's General comment no. 13 (2011).

Suggested Enquiry:

- Will the State party consider to amend the social Service Act (serviceloven) with a view to include protection against psychological abuse and neglect equal to that provided against psychical and sexual abuse?

CHAPTER 10

10 MODERN SLAVERY AND FORCED LABOUR (ART. 2, 12, 14 AND 16)³⁹

Modern slavery and forced labour are prohibited by a range of international treaties and conventions ratified by Denmark.

Denmark has adopted a number of measures to address human trafficking and forced labour including establishing the Centre Against Human Trafficking (CMM), and is currently on its fourth Action Plan to Combat Trafficking in Human Beings, 2015-2018.⁴⁰ While ratifying the Protocol to the Forced Labour Convention in June 2017,⁴¹ the Minister of Employment of Denmark stated that “[f]orced labour ... is a severe violation of basic rights and human dignity.”⁴²

The number of documented victims of modern slavery and forced labour within Denmark remains relatively low.⁴³ However the CMM noted that in the period 2007 to the end of 2015, 511 persons were identified as victims of trafficking in Denmark, and there is basis to believe that the number of victims of human trafficking may be higher than what documented figures indicate.⁴⁴

Beyond cases of modern slavery and forced labour in Denmark,⁴⁵ Danish businesses, multinational businesses operating in Denmark, and the Danish Government’s procurement contracts often have supply chains and suppliers in third party states where cases of forced labour have been documented. In late 2017 Danish media reported that the Danish Royal Navy’s new warship (“Lauge Koch”) was partly built between 2014 and 2016 at a Polish shipyard (Crist), which allegedly used North Korean workers in conditions of forced labour.⁴⁶ The Danish Defence Minister stated in November 2017 that the Ministry of Defence had no knowledge or suspicion that the Polish shipyard was using North Korean forced labour workers when they signed the contract or when the warship was being built.⁴⁷

In March 2014, Denmark was one of the first states to adopt a Business and Human Rights National Action Plan (NAP) in accordance with UN Guiding Principles on Business and Human Rights. The Danish NAP notes that the Danish Criminal Code protects the right to life and human rights against torture, slavery, while proscribing a range of activities connected with human trafficking. The Danish NAP includes a more substantive approach to extra-territorial jurisdiction,

including establishing “an inter-ministerial working group which will discuss the need for and feasibility of legislation with extraterritorial effect in areas of particular relevance.” The Danish NAP further notes that “[i]n terms of legislation with extraterritorial effect, the [CSR] Council recommended that the Danish government, in addition to the international work, consider introducing relevant national legislation for particularly gross violations.”

Suggested Enquiries:

- How does Denmark intend to strengthen legal protections to prevent modern slavery and forced labour from occurring within the supply chains of 1) Danish businesses, 2) international businesses operating in Denmark, and iii) within Danish Government procurement contracts, both in Denmark and abroad?
- How does Denmark intend to help identify and provide remedy to victims in Denmark?
- What plans does Denmark have to update its 2014 National Action Plan on Business and Human Rights and provide SMART targets to help businesses address modern slavery and forced labour within their supply chains?

CHAPTER 11

11 GREENLAND

11.1 INTRODUCTION

Greenland is a self-governed part of the Kingdom of Denmark. Denmark's ratification of UN Convention against Torture (CAT) (1987) and its optional protocol (2004) applies to Greenland with no territorial exclusion. However, issues pertaining access to justice and loss of liberty are primarily under the jurisdiction of the Danish Government. Legislation regulating these areas is adopted by the Danish parliament with special regard to the Greenlandic context as well as it is being administrated by the Danish Ministry of Justice.

This chapter addresses issues regarding implementation of CAT in Greenland. The following information and suggested enquiries have been prepared in consultation with the Human Rights Council of Greenland.⁴⁸

11.2 TORTURE AS AN OFFENCE (ARTICLE 1 AND 4)

Torture is an offence under Greenland's penal code (kriminalloven), although torture is not explicitly defined as a punishable act in the legislation. The prohibition of torture is implemented in the particular provisions covering the different distinct criminal acts, such as rape (section 77), murder (section 86), violence/assault (section 88), unlawful coercion (section 91) and robbery (section 112). Psychological and mental torture is covered by section 88 of Greenland's penal code, even though torture is not explicitly mentioned.

In its Concluding observations on the combined sixth and seventh periodic reports of Denmark (2016), the Committee Against Torture reiterated its previous recommendation to Denmark to make torture a punishable offence per se.

Suggested Enquiry:

- Does the state party intend to propose amendments to Greenland's penal code so that it includes torture as specific offence in order to strengthen the deterrent effect of the prohibition and enhancing the ability of responsible officials to track the specific crime of torture?

11.3 PRISON FACILITIES (ARTICLE 11)

Greenland's Prison and Probation Service (Kriminalforsorgen), which is part of the Danish Prison and Probation Service, manages six "open prison institutions" (åbne anstalter) and a closed section in the institution in Nuuk. Greenland's Penal Code (Kriminalloven) takes as its overriding point of departure the resocialisation of criminal offenders. The theoretical focus is thus on the measures necessary to rehabilitate the offender rather than on which punitive measure a specific offense should result in. Therefore, the convicts while in a prison institution must – as much as possible – not be retained from participating in the society outside of the institution.

In recent years, criticism has risen against the Prison and Probation Service that the open prison institutions are managed as de facto closed prisons⁴⁹. Concern has also been raised of the poor and dilapidated conditions in the prison institutions, including by Naalakkersuisut, the Greenlandic Self-Rule Government, in its 2017 Strategy and Action Plan for the justice sector.⁵⁰ In facilities in some of the smaller towns and settlements, the inmates do not have access to toilets or usable kitchens.⁵¹ Furthermore, concern has been raised regarding the lack of capacity of the prison institutions leading to the accommodation of detainees, convicted and custodial sentenced in the same place without differential treatment.^{52 53}

There are also issues regarding remand prisoners who are, especially in the settlements (bygder) remanded in facilities where there are no full time staff and where there are no adequate facilities to accommodate a remand prisoner. The Danish Parliamentary Ombudsman (Folketingets Ombudsmand) after its monitoring visits to five facilities in Greenland in 2013 criticized the conditions for remand prisoners. The Ombudsman followed up in letters in 2015, requesting information from the Danish Ministry of Justice, Greenland's police and the Prison and Probation Service on what was done to improve the facilities for remand prisoners.⁵⁴ The Police Commissioner in Greenland replied that there is focus on the conditions and that these situations occur seldom and are of short duration.⁵⁵

There exists little or no systematically collected data on how the authorities are addressing these concerns and whether the conditions at the prison institutions and concerning remand prisoners have in practice improved.

Since the establishment of a secured institution specifically for minors in custody in April 2014, there are no minors (15-17 year old) in prison institutions. However, if assessed that a minor will not benefit from being held in the

institution for minors, a minor can be detained in prison institutions together with adult convicts.

Men compose the majority of the inmates in Greenland's prisons.⁵⁶ Female inmates are numerically so few that they are referred to serve their sentence in prison institutions together with men.⁵⁷

Suggested Enquiries:

- What initiatives has the State party taken to modernise and upgrade Greenland's prison institutions in order to:
 - ensure access to proper sanitary and kitchen facilities
 - avoid that remand prisoners, convicted and custodial sentenced are placed in the same prison institution
 - ensure that minors are not together with adults convicts
 - ensure that women are not serving time together with men

11.4 EDUCATION OF LAW ENFORCEMENT PERSONNEL AND PRISON OFFICERS (ARTICLE 10)

11.4.1 POLICE PERSONNEL

Law enforcement personnel in Greenland receive a 2-year long education administered by the Greenlandic Police and modelled over the Danish Police's education. Police cadets are selected through an application process consisting of a psychical test, a written assignment, a test of the ability to cooperate and an individual oral examination. Furthermore, the cadets are obliged to present a professional level of Danish as a requirement for admission to the program.⁵⁸

The Danish Ministry of Justice regulates the education in respect of the guiding principles for public education made by in the Danish Ministry of Higher Education and Science. The Danish Elementary Police Education's curriculum includes an element of training in human rights and the European Convention of Human Rights. Based on the Danish curriculum, a supplement has been developed to the elementary training of the Greenlandic police. The Danish National Police and the Danish Police Academy are responsible for ensuring that Greenland's Police is regularly informed of changes and adjustments to the curriculum.⁵⁹

The police's use of force is regulated in the Administration of Justice Act for Greenland⁶⁰ cf. the Greenlandic Penal Code.⁶¹ None of the outlined exemptions to legal responsibility for acts normally prohibited cover circumstances

equivalent to the use of torture as defined by the Convention against Torture art. 1.

11.4.2 PRISON OFFICERS

The training of prison officers in Greenland is an education of 2-years duration and is based on on-the-job training, including two 7 to 8 weeks long courses and a one-month long internship in another prison facility.⁶² The current curriculum does not contain a separate element regarding the prohibition of torture or degrading treatment against detained persons imprisoned in the facilities of the Greenlandic Prison Service. However, the Prison Service's is currently revising the curriculum and expect to extend the syllabus to cover human rights, including the prohibition of torture.⁶³

Suggested Enquires:

- While noting that training of police and prison officers now entail components on issues regarding torture, there is a lack of documentation on assessment of effectiveness of torture related training programs. How does the State party assess the effectiveness of training programs for police and prison officers?

11.5 THE USE OF PEPPER SPRAY BY THE POLICE AND IN PRISON FACILITIES (ARTICLE 11)

Pepper spray was introduced in the Greenlandic Police in 2010⁶⁴ as a measure intended to limit the use of other use of force when faced with a violent perpetrator. There are no publicly available executive order regulating the use of pepper spray by Greenland's Police.

As of April 2017, new legislation has introduced pepper spray as a legal measure in Greenland's prison facilities. The Prison and Probation Service is currently revising its executive order on the use of force against prisoners and preliminary detainees seeking to specify the particular requirements for and rules related to the use of pepper spray. The new executive order is expected to enter into force in 2018. In a public consultation memo concerning the executive order, the Danish Institute for Human Rights recommended that the executive order must ensure prisoners access to medical assistance after all types of physical conflicts with the prison authorities; that a complaint mechanism must be established and hierarchy in use of different forms of force must be introduced in order to ensure proportionality.

In light of the poor conditions of prison facilities in Greenland, (see section above) there is a deep concern for the use of pepper spray as a measure to pacify and/ or to deter convicts.

Suggested Enquiry:

- When will the State party ensure publicly available regulation on the use of pepper spray by the police?

11.6 SOLITARY CONFINEMENT (ARTICLE 11)

The Prison and Probation Service does not provide systematic data on the number of detainees in solitary confinement in accordance with court rulings.⁶⁵ The data available on solitary confinement is incomprehensive, is not aggregated and not comparable.

In regard to solitary confinement in accordance with Greenland's Penal code (Kriminalloven), the Prison and Probation Service has informed the Danish Institute for Human Rights that solitary confinement is applied as a sanction for breach of the prison institutions regulations or as a preventive measure to avoid evasion of criminal activities in and from the prison or to avoid violent behaviour.

The Prison and Probation Service has conducted a manual count of number of solitary confinement in accordance with the Penal Code, resulting in 131 cases of solitary confinement in 2014, 180 cases in 2015 and 122 cases in 2016. The number for 2017 is not available. The Prison and Probation Service cannot provide information on the duration of these confinements and cannot provide aggregated information on for instance gender or how many of the cases entail repeated solitary confinement for the same person.

In its Concluding observations on the combined sixth and seventh periodic reports of Denmark, the Committee Against Torture recommended Denmark to compile relevant statistical data to the monitoring of the implementation of the Convention at national level.

Suggested Enquiries:

- Does the State party have a comprehensive statistical overview of the use of solitary confinement in Greenland, including both the number of occasions and the number of people affected?
- What steps has the State party taken to analyse the relatively high number of solitary confinements as a disciplinary measure for convicts in order to decrease the use of solitary confinement?

11.7 DATA COLLECTION

Additionally to the field of solitary confinement, there is a severe lack of fact-based knowledge in Greenland in a number of other areas. In absence of data it is difficult to monitor progress or regress in implementation of the Convention. The data that does exist is often incomprehensive, not disaggregated, not comparable and out-dated.

Suggested Enquiry:

- How will the State party ensure the collection and presentation of publicly available, comprehensive, disaggregated and updated data on all services of the police and the Prison and Probation Service concerning detention of persons, including average occupancy rates, average ratio of men and women, the use of force against persons in detention, the number of violent assaults and deaths etc.?

11.8 NATIONAL ACTION PLAN FOR UN SUSTAINABLE DEVELOPMENT GOALS (SDG)

UN General Assembly adopted in 2015, UN's 2030 Agenda for sustainable development and the 17 global goals. The Danish Government adopted a national action plan for follow-up of the SDG's in March 2017.⁶⁶ The action plan addresses only a limited number of priorities and does not entail initiatives to implement SDG's that fulfil Denmark's obligation on goals that also pertain its jurisdiction areas for Greenland. In context of UN Convention against Torture, SDG no. 16 (Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels) is particularly relevant. Greenland has not as yet adopted a similar action for the areas it has jurisdiction of.

Suggested Enquiries:

- How will the State party ensure inclusion and follow-up of SDG's in Greenland for areas Government of Denmark has jurisdiction for?
- How will Naalakkersuisut ensure that its action plan will include follow-up initiatives targeting in particular SDG no. 16 (Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels) in dialogue with Denmark?

END NOTES

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<http://www.dtfb.dk/theme/upload/Uploads/127D4CCBD8F5421E8C5DA4CD71D853E2.pdf>, and Translatørforeningen (2017), 'Tolkning i Danmark kræver certificering',

factsheet, June 2017, available in Danish at:

<http://tolkelisten.dk/onewebmedia/Faktaark%20juni%202017.pdf>.

² The Danish Institute for Human Rights (2014), 'Lige adgang til sundhed, En analyse af praktiserende lægers møde med patienter med etnisk minoritetsbaggrund', 2014, English summary available at (pages 11-13):

https://menneskeret.dk/sites/menneskeret.dk/files/media/dokumenter/udgivelser/lige_adgang_til_sundhed_pdfa.pdf, and The Danish Institute for Human Rights (2015)

'Tolkning i retsvæsenet', 2015, English summary available at (pages 8-10):

https://menneskeret.dk/sites/menneskeret.dk/files/media/dokumenter/udgivelser/lige_behandling_2015/tolkning_retsvaesenet_2015.pdf.

³ Administrative Order no 393 of 4 May 2009 on requirements for interpreters who are used by the authorities on the area of the Ministry of Refugees, Immigration and Integration (Bekendtgørelse nr. 393 af 4. maj 2009 om krav til tolke, der anvendes af myndigheder på Ministeriet for Flygtninge, Indvandrere og Integrations område), available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=124815>.

⁴ Institut for Menneskerettigheder, 'Asyl, Status 2015-16', chapter 5.3, available in Danish at:

https://menneskeret.dk/sites/menneskeret.dk/files/media/dokumenter/udgivelser/status/2015-16/delrapporter_med_issn/status_2015-16_-_delrapport_om_asyl_-_issn.pdf.

⁵ Report to the Danish Government on the visit to Denmark carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 4 to 13 February 2014, Chapter 'C. Foreign nationals held under aliens legislation', available at: <https://rm.coe.int/168069570e>.

⁶ Statistical information from the Prison Service can be found here, see p. 35-36:

<http://www.kriminalforsorgen.dk/Årlige-statistikberetninger-7541.aspx>

⁸ Statement of the Danish Director of Public Prosecution of 1 May 2017, available in Danish at: <http://www.ft.dk/samling/20161/almdel/reu/bilag/329/index.htm>

⁹ See the Danish Human Rights Institutions subreport on Children (2015-2016), p. 39 f., available in Danish at: <http://menneskeret.dk/udgivelser/boern-status-2015-16>

- ¹⁰ The Minister of Justice answer of 20. November 2014 to a question in Parliament, www.ft.dk/samling/20141/almdel/reu/spm/10/svar/1173268/1423003.pd.
- ¹¹ The Kingdom of Denmark's response to the recommendations set out by the UN Human Rights Council in the Universal Periodic Review on 21 January 2016.
- ¹² Denmark, Act no. 579 of 4 May 2015 amending the Act on Use of Force in the Psychiatry (Determination of the legal position of minor psychiatric patients, introduction of new objects clause, increased criteria for forced physical restraint, amendment of the criteria for the opening and control of mail, inspection of wards and possessions and body search etc.) available in Danish at: <https://www.retsinformation.dk/pdfPrint.aspx?id=169965>
- ¹³ Travaux préparatoires of Act no. 579 of 4 May 2015 amending the Act on Use of Force in the Psychiatry (Determination of the legal position of minor psychiatric patients, introduction of new objects clause, increased criteria for forced physical restraint, amendment of the criteria for the opening and control of mail, inspection of wards and possessions and body search etc.), available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=167641>
- ¹⁴ The Danish Health Data Authority (Sundhedsdatastyrelsen), 'Tabel med årlige indikatorer, baseline og milepæl'- årlig opgørelse, indicators 9.07 and 9.08, available in Danish at: <http://esundhed.dk/sundhedsaktivitet/tip/Sider/tip03.aspx>
- ¹⁵ The Danish Health Data Authority (Sundhedsdatastyrelsen), 'Tabel med årlige indikatorer, baseline og milepæl'- årlig opgørelse, indicator 1.03, available in Danish at: <http://esundhed.dk/sundhedsaktivitet/tip/Sider/tip03.aspx>
- ¹⁶ The Danish Health Data Authority (Sundhedsdatastyrelsen), 'Tabel med årlige indikatorer, baseline og milepæl'- årlig opgørelse, indicator 1.11, available in Danish at: <http://esundhed.dk/sundhedsaktivitet/tip/Sider/tip03.aspx>
- ¹⁷ The Danish Health Data Authority (Sundhedsdatastyrelsen), 'Tabel med årlige indikatorer, baseline og milepæl'- årlig opgørelse, indicator 1.11, available in Danish at: <http://esundhed.dk/sundhedsaktivitet/tip/Sider/tip03.aspx>
- ¹⁸ The Danish Health Data Authority (Sundhedsdatastyrelsen), 'Tabel med årlige indikatorer, baseline og milepæl'- årlig opgørelse, indicators 3.01, 3.02, 3.03, 6.01 and 6.02, available in Danish at: <http://esundhed.dk/sundhedsaktivitet/tip/Sider/tip03.aspx>
- ¹⁹ The Danish Health Data Authority (Sundhedsdatastyrelsen), 'Tabel med årlige indikatorer, baseline og milepæl'- årlig opgørelse, indicators 9.01 and 9.02, available in Danish at: <http://esundhed.dk/sundhedsaktivitet/tip/Sider/tip03.aspx>
- ²⁰ Denmark, Act no. 579 of 4 May 2015 amending the Act on Use of Force in the Psychiatry (Determination of the legal position of minor psychiatric patients, introduction of new objects clause, increased criteria for forced physical restraint,

amendment of the criteria for the opening and control of mail, inspection of wards and possessions and body search etc.) available in Danish at:

<https://www.retsinformation.dk/pdfPrint.aspx?id=169965>

²¹ The Danish Institute for Human Rights (Institut for Menneskerettigheder) and the Council for Socially Marginalised

People (Rådet for Socialt Udsatte) (2006), 'Brug af særforanstaltninger over for psykisk syge kriminelle i et menneskeretligt perspektiv', p. 169, available in Danish at:

https://menneskeret.dk/files/media/dokumenter/udgivelser/ifmr_udred_4.pdf

²² Denmark, The Ministry of Justice, Research Division (2017), 'Nye foranstaltningsdomme I 2016', 4 December 2017, p. 2, available in Danish at:

http://www.justitsministeriet.dk/sites/default/files/media/Arbejdsomraader/Forskning/Forskningsrapporter/2017/foranstaltningsdomme_2016.pdf

²³ Denmark, The Ministry of Justice, Research Division (2017), 'Nye foranstaltningsdomme I 2016', 4 December 2017, p. 2, available in Danish at:

http://www.justitsministeriet.dk/sites/default/files/media/Arbejdsomraader/Forskning/Forskningsrapporter/2017/foranstaltningsdomme_2016.pdf

²⁴ Zetland (2017), 'Stoffer, afpresning og tabte liv bag hegnet: Den store fortælling om et psykiatrisk system i krise', 6 July 2017

²⁵ GREVIO (Group of Experts on Action against Violence against Women and domestic Violence) (2017), Baseline Evaluation Report: Denmark, paragraph 40-54, available at:

<https://rm.coe.int/grevio-first-baseline-report-on-denmark/16807688ae>

²⁶ Council of Europe (2011), Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention), Council of Europe Treaty Series - No. 210, available at:

<https://rm.coe.int/168008482e>

²⁷ GREVIO (Group of Experts on Action against Violence against Women and domestic Violence) (2017), Baseline Evaluation Report: Denmark, paragraph 47, available at:

<https://rm.coe.int/grevio-first-baseline-report-on-denmark/16807688ae>

²⁸ Council of Europe (2011), Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention), Council of Europe Treaty Series - No. 210, available at:

<https://rm.coe.int/168008482e>

²⁹ GREVIO (Group of Experts on Action against Violence against Women and domestic Violence) (2017), Baseline Evaluation Report: Denmark, available at:

<https://rm.coe.int/grevio-first-baseline-report-on-denmark/16807688ae>

³⁰ The Council of Europe, The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (The Istanbul

Convention), 1 August 2014, available at: <https://rm.coe.int/168046031c>

³¹ The Kingdom of Denmark, Report submitted by Denmark pursuant to Article 68, paragraph 1 of the Council of Europe Convention on preventing and combating violence against women and domestic violence (Baseline Report), 18 January 2017, available at: <https://rm.coe.int/16806dd217>

³² Pursuant to section 245(2) of the Criminal Code, any person who harms the body or health of another person is liable for imprisonment for a term not exceeding six years.

³³ Pursuant to section 260 of the Criminal Code, any person who coerces someone to do, accept or fail to do something through the use of violence or threats of violence, of considerable damage to property, of deprivation of liberty, of making an incorrect allegation of a criminal or defamatory act, or of disclosing private details; or any person who coerces someone to do, accept or fail to do something through threats of reporting or disclosing a criminal act, or of making true defamatory accusations, and such coercion is considered not to be properly justified by the underlying cause of the threat, is liable for a fine or imprisonment for a term not exceeding two years.

³⁴ Pursuant to section 266 of the Criminal Code, any person who threatens to commit a criminal act in a manner suited to create a serious fear in another person for his or her own or other people's life, health or welfare is liable for a fine or imprisonment for a term not exceeding two years.

³⁵ Rasmussen N. and The Danish Institute for Human Rights, The Right to a Life Without Violence (Ret til et liv uden vold), 2014, available in Danish at: https://menneskeret.dk/sites/menneskeret.dk/files/media/dokumenter/udgivelser/ret_til_et_liv_uden_vold_pdfa.pdf

³⁶ The Director of Public Prosecution, Interrelational Violent Crimes (Samlevsrelaterede personfarlige forbrydelser), updated on 1 July 2016, available in Danish at: [https://vidensbasen.anklagemyndigheden.dk/api/portals\(6e302527-f0b3-4a5e-889a-668aa67e5491\)/Print/h/6dfa19d8-18cc-47d6-b4c4-3bd07bc15ec0/VB/a3a56704-cac9-462e-be3f-87831b846dca](https://vidensbasen.anklagemyndigheden.dk/api/portals(6e302527-f0b3-4a5e-889a-668aa67e5491)/Print/h/6dfa19d8-18cc-47d6-b4c4-3bd07bc15ec0/VB/a3a56704-cac9-462e-be3f-87831b846dca)

³⁷ The Director of Public Prosecution, Restraining orders, Exclusion- and Expulsion Orders (Tilhold, opholdsforbud og bortvisning), updated on 1 January 2017, available in Danish at: <https://vidensbasen.anklagemyndigheden.dk/h/6dfa19d8-18cc-47d6-b4c4-3bd07bc15ec0/VB/61c6c46a-54b0-42fe-acb4-cce6572421ba>

³⁸ Preparatory works, Act no. 496 of 21 May 2013, amending the Act on Social Service (protection of children and youth against abuse), available in Danish at: www.ft.dk/Rlpdf/samling/20121/lovforslag/L181/20121_L181_som_fremsat.pdf

³⁹ Reference is made to these Articles following the Concluding observations on initial report of Pakistan, 1 June 2017, where the Committee against Torture noted that “trafficking in persons for sexual exploitation and forced or bonded labour, including exploitation of children as domestic workers in slave-like conditions” were violations of CAT Arts. 2, 12, 14 and 16 UN CAT, Concluding observations on initial report of Pakistan, 1 June 2017, CAT/C/PAK/CO/1 (CAT, 2017), para 32. Also see, for example, UN CAT, Concluding observations on the fifth periodic report of China with respect to Hong Kong, China, 3 February 2016, CAT/C/CHN-HKG/CO/5 (CAT, 2016) para 20; UN CAT, Concluding observations on Guinea in the absence of its initial report, 20 June 2014, CAT/C/GIN/CO/1 (CAT, 2014) para 18; UN CAT, Concluding observations on the combined fifth and sixth periodic reports of Peru, 21 January 2013, CAT/C/PER/CO/5-6 (CAT, 2013) para 21

⁴⁰ Denmark, The Ministry for Children, Gender Equality, Integration and Social Affairs, [Action Plan to Combat Trafficking in Human Beings \(May 2015\), 2015-2018](#)

⁴¹ Denmark deposited the instrument of ratification of the [Protocol of 2014 to the Forced Labour Convention, 1930](#) in June 2017

⁴² [While depositing the instrument](#) Mr Troels Lund Poulsen, Minister of Employment of Denmark, noted that: “Forced labour has no place in a civilized world. It is a severe violation of basic rights and human dignity ... In Denmark, we have luckily only seen very few cases of forced labour. It is, however, important that we all sign up and give strong support to ILO's important work in this area and thereby bring hope to the many victims of forced labour worldwide of whom there are still too many.”

⁴³ [A 2014 Danish Radio article](#) reported that approximately 700 slaves existed in Denmark. According to the source, slavery often took place behind closed doors of factories, hotels, restaurants, brothels and private homes. DR, Professor, Around 700 slaves in Denmark, 2014.

⁴⁴ While introducing the [fourth Action Plan to Combat Trafficking in Human Beings \(May 2015\), 2015-2018](#) The Centre Against Human Trafficking Denmark noted that “[i]n the period 2007 to the end of 2015, 511 persons were identified as victims of trafficking in Denmark. There is reason to believe that the number of victims of human trafficking is higher than what official figures indicate.” Also see, for example, the [Center Mod Menneskehandel, Managing the Risk of Hidden Forced Labour, A Guide for Companies and Employers, 2014](#), p2, where the figures are provided in the specific situation of “human trafficking for forced labour” rather than in relation to forced labour and modern slavery.

⁴⁵ [Center Mod Menneskehandel, Human Trafficking for Forced Labour in Denmark, A Summary Report by Anders Lisborg, 2012](#), [The Local DK, Children trafficked to Denmark](#)

[for sex and forced labour, 18 February 2016, CPH Post Online, Modern-day slavery, 14 November 2013](#)

⁴⁶ The Danish military hired a Danish firm (“Karstensens Skibsværft”) to carry out the construction of the new warship. The Danish firm subcontracted with Crist to conduct part of the work on the warship.

⁴⁷ [CPH Post Online, Danish warship built by North Korean forced labour, 25 September 2017](#). Despite the human rights protections adopted slavery and forced labour remain prevalent; the [2017 Global Estimates of Modern Slavery](#) state that on any given day in 2016, 40 million people were victims of modern slavery, including 25 million people in forced labour and 15 million people in forced marriage. [The Global Estimates of Child Labour 2012-2016](#), published in 2017, highlights that 152 million children aged 5-17 were estimated to be child labourers.

⁴⁸ For more information see: <http://humanrights.gl/>

⁴⁹ Among others, Annemette Nyborg Lauritsen, “The Great Greenlandic Incarceration”, Danish Sociology no. 4/25 2014 and The Danish Bar and Law Society, Rule of law in Greenland, 2016, page 11.

⁵⁰ Naalakkersuisut, “Strategy and action plan for the Justice sector” 2017, page 14.

⁵¹ Danish Institute for Human Rights, Human Rights in Greenland – Status 2016, 2016 pp 90 and 91 (in Danish https://menneskeret.dk/sites/menneskeret.dk/files/media/dokumenter/udgivelser/status/2015-16/groenland/menneskerettigheder_i_groenland_-_status_2016.pdf)

⁵² Naalakkersuisut, “Strategy and action plan for the Justice sector” 2017, page 14.

⁵³ Greenland’s Statistic, on detainees in prison institutions, page 7,

<http://www.stat.gl/publ/da/SA/201719/pdf/2017%20statistisk%20Arbog.pdf>

⁵⁴ Danish Parliamentary Ombudsman, “Greenland’s Detentions in Ombudsman’s spotlight” news from 15 January 2015

http://www.ombudsmanden.dk/find/nyheder/alle/groenlandske_detentioner/

⁵⁵ Letter of 27 November 2015 from the Police Commissioner in Greenland to the Danish Ministry of Justice replying to the Danish Parliamentary Ombudsman’s inquiry.

⁵⁶ Annemette Nyborg Lauritsen, “Show me your prisoners ...”- Insight into Greenland’s inmate Population , NFK 2 – 2017, page 165.

⁵⁷ Annemette Nyborg Lauritsen, “Show me your prisoners ...”- Insight into Greenland’s inmate Population , NFK 2 – 2017, page 165.

⁵⁸ (DANISH) <https://www.politi.dk/Groenland/da/politiskolen/>

⁵⁹ Danish Police Academy; Curriculum for Elementary Education of the Danish Police - valid from October 1 2017 (DANISH) <http://politiskolen.dk/dokumenter/studieordning-politiets-basisuddannelse-okt-2017.pdf>

⁶⁰ Danish Parliament's consolidated act no. 1581 of 13 December 2016 on the Administration of Justice Act for Greenland, section 61 (DANISH)<https://www.lovtidende.dk/pdf.aspx?id=182027>

⁶¹ Greenlandic Penal Code section 9, subsection 3, regarding self-defence (in order to secure that legal injunctions are obeyed, effectuate a legal arrest and/or prevent a captive's escape), and section 10 regarding imminent legal necessity, (DANISH) <https://www.lovtidende.dk/pdf.aspx?id=187105>

⁶² (DANISH) <http://kriminalforsorgen.gl/anstaltsbetjentuddannelsen/>

⁶³ Information is provided by the Prison and Probation Service in an e-mail to the Danish Institute for Human Rights 19 December 2017 (our reference no. 17/02658-15).

⁶⁴ Information is provided by the Greenlandic Police in an e-mail to the Danish Institute for Human Rights 26 January 2018 (our reference no. 17/02658-20).

⁶⁵ Information is provided by the Prison and Probation Service in an e-mail to the Danish Institute for Human Rights 19 December 2017 (our reference no. 17/02658-15).

⁶⁶ Danish Ministry of Foreign Affairs (*Udenrigsministeriet*), Handlingsplan for FN's Verdensmål – Danmarks opfølgning på FN's verdensmål for bæredygtig udvikling. Marts 2017 (in Danish) <http://um.dk/da/danida/strategi%20og%20prioriteter/verdensmaal>

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