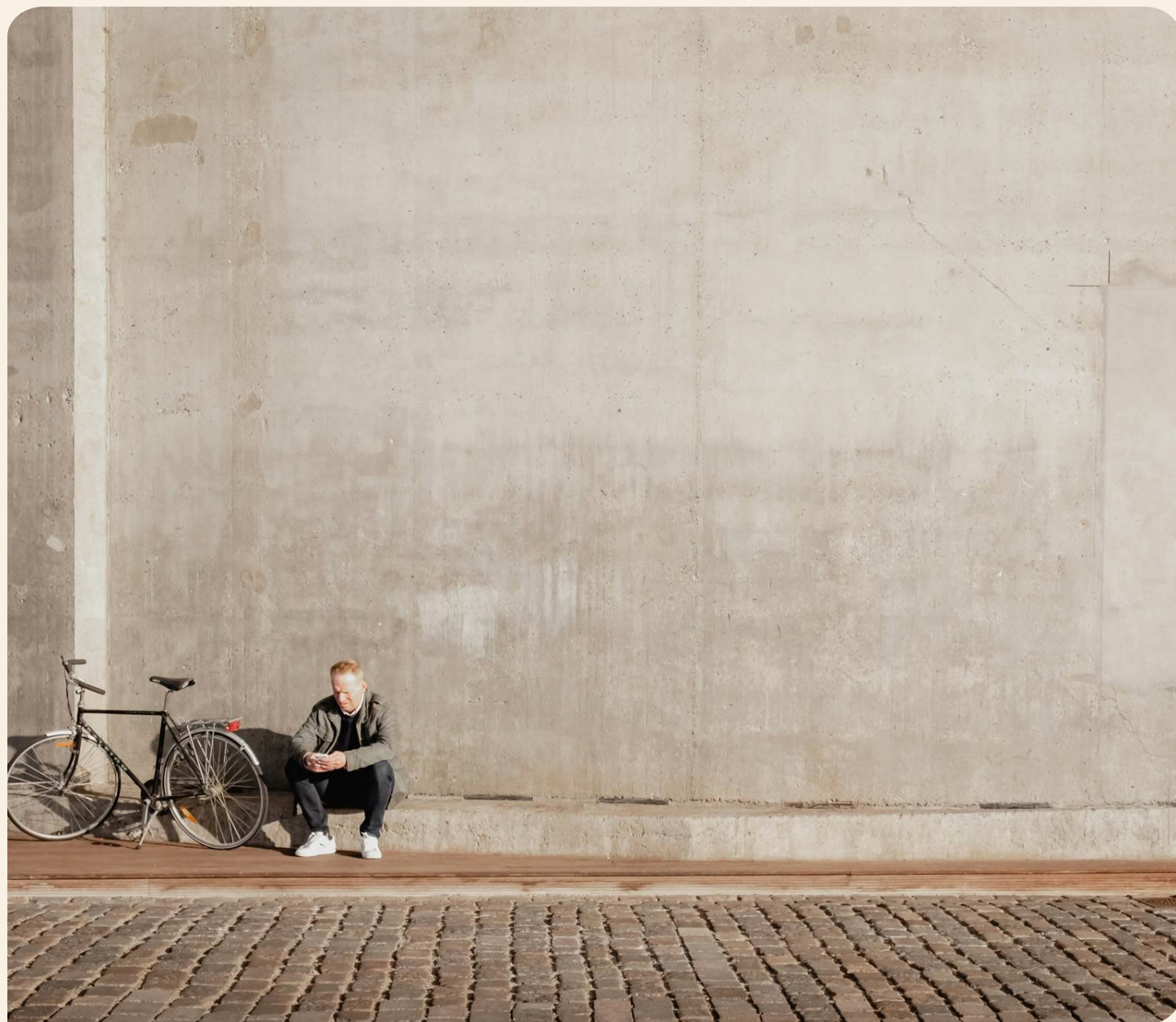


# NHRI input to List of Issues Prior to Report (LOIPR) 2025

UN Human Rights Committee



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e-ISBN no. 978-87-7570-301-2

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## **Preface**

This report by the Danish Institute for Human Rights (the Institute) aims to assist the Human Rights Committee (the Committee) in the context of the adoption of a List of Issues Prior to Reporting (LOIPR) on Denmark during its 144<sup>th</sup> session taking place between 23 June to 25 July 2025.

The report covers the implementation of the International Covenant on Civil and Political Rights (the Covenant) in both Denmark and Greenland. As Greenland is a self-governed part of the Kingdom of Denmark, Inatsisartut, Greenland's parliament, has requested the Institute to function as Greenland's national human rights institution (NHRI).

The focus of the report is on selected issues. Each suggested inquiry is presented with a short justification for its selection. The report is divided into two main sections. The first section concerns the implementation of the Covenant in Denmark and the second one focuses on the implementation of the Covenant in Greenland.

The selection of issues is based on recommendations from the Committee in its 2016 concluding observations.<sup>1</sup> Moreover, is the selection based on relevant human rights debates, legislative developments and recommendations given by the Institute or civil society through public consultation memos, thematic reports etc. The report also contains several issues not previously dealt with by the Committee which the Institute assesses need to be addressed.

### **The Role of The Danish Institute for Human Rights**

The Institute was established in 1987 and is regulated by the Danish Parliament Act no. 553 of 18 June 2012 on the Institute for Human Rights – Denmark's National

Human Rights Institution.<sup>2</sup> The Institute is an independent, self-governing institution within the public administration. It is established and functions in accordance with the UN Paris Principles and the Institute is accredited as an A-status NHRI by the Global Alliance of National Human Rights Institutions (GANHRI).<sup>3</sup> The Institute monitors the human rights situation in Denmark and publishes an annual status report as well as academic research, analyses, and reports on human rights issues.<sup>4</sup>

### **Cooperation with the Human Rights Council of Greenland**

Greenland is a self-governing part of the Kingdom of Denmark. As such, Greenland cannot ratify the Covenant but has agreed to be bound by it. By decision of Inatsisartut – the Parliament of Greenland – the Institute has functioned as the NHRI in Greenland since 2014. Regarding the Institute's mandate in Greenland, the Institute closely collaborates with the Human Rights Council of Greenland (HRCG) to protect and promote human rights in Greenland. The information and recommendations concerning Greenland in the present report have been produced in cooperation with the HRCG. Thus, the Institute and HRCG cooperate in carrying out the monitoring function in Greenland. HRCG was established by Inatsisartut Act no. 23 of 3 December 2012 on the Human Rights Council of Greenland and consists of three permanent members and ten members appointed by Inatsisartut. HRCG is commissioned to participate in the strengthening and consolidation of human rights knowledge and competence in Greenland.

## **Specific information on the implementation of articles 1 to 27 of the Covenant (DENMARK)**

### **Constitutional and legal framework within which the Covenant is implemented, right to an effective remedy (art. 2)**

#### **Incorporation**

Denmark maintains its position relating to incorporation of human rights conventions including to the Covenant. The European Convention on Human Rights remains the only international human rights convention incorporated into Danish law and, thus, making it an explicit part of Danish legislation.

The Institute recalls the Committee's previous concluding observation relating to incorporation of the Covenant and the indication that the Danish courts had expressly applied the provisions of the Covenant in nine cases between 2001 and 2014.<sup>5</sup> The Institute notes that Danish case law still shows reluctance among legal actors to take the Covenant into account. In the reporting period (2016 to 2025), the Institute have found five cases where the Covenant has been invoked. However, the courts in those cases had relied mainly on the European Convention on Human Rights.

While awareness raising activities among legal actors can be an important measure to ensure that the Covenant is invoked and given effect, the Institute questions the impact of the measure in the reporting period.



### **Suggested inquiry**

- Please provide information on measures taken to raise awareness about the Covenant among legal actors as well as the public and indicate the possible impact of those efforts.

### **Reservations**

Denmark maintains its reservations to articles 10 (3), second sentence, 14 (1), (5) and (7) and 20 (1) of the Covenant.

The Institute is unaware of step taken in the reporting period to review the justifications for, and the necessity of maintaining, its reservations since the last review by the Committee in 2016.

### **Suggested inquiry**

- Please describe steps taken to review the justifications for, and the necessity of maintaining, its reservations to the provisions of the Covenant with a view to withdrawing them.

### **National Human Rights Institution in the Faroe Islands**

During the last review, the Committee recommended the State party to ensure the establishment of a Paris Principle compliant national human rights institution (NHRI) in the Faroe Islands.<sup>6</sup>

The mandate of the Institute does not cover the Faroe Islands. However, the Institute notes that the authorities of the Faroe Islands during the third UPR cycle accepted recommendations pertaining to the establishment of a NHRI in compliance with the Paris Principles.<sup>7</sup>

Denmark's midterm report on the implementation of the accepted recommendations it was noted that, 'A task force was appointed by the Minister of Foreign Affairs and Trade to examine and make recommendation on NHRI models that could fit the Faroese society.(...) the Government of the Faroe Islands (...) continues the work on looking at feasible solutions for the establishment of a human rights institution for the Faroe Islands with a full mandate in relation to Covenant rights, and that is compliant with the Paris Principles.'<sup>8</sup>

### **Suggested inquiry**

- Please provide an update on the ongoing efforts to establish a national human rights institution for the Faroe Islands.

## **Counter-terrorism measures and respect for rights guaranteed in the Covenant (arts. 2, 7, 9, 14 and 26)**

### **Independent and Impartial Oversight of Intelligences Services**

The rules governing the Danish Intelligence Oversight Board's (IOB) activities were revised by Act no. 666 of 11 June 2024.<sup>9</sup>

Although the act contains measures suitable for strengthening the oversight of the intelligence services it also includes measures at risk of impairing the effectiveness of the IOB; This includes, the rules for appointment of the chairman of IOB, the specific competence requirements for IOB members and the introduction of rules on the IOB's publication of information may compromise the impartiality and independence of the IOB.

### **Suggested inquiry**

- Please provide information about the independence and impartiality of the Danish Intelligence Oversight Board in light of Act. no. 666 of 11 June 2024.

## **Insufficient Legal Safeguards against Open-Source Intelligence**

The Danish Defense Intelligence Service has capacity to collect data on a massive scale through open-source intelligence and the Danish Security and Intelligence Service is in the process of building such a capacity.

Automated systems can be used to collect and analyze huge amounts of open-source data in short time. The amount of data entails that data analysts can draw up detailed profiles of individuals private life. Thus, use of such automated systems would pose a risk of very serious interference with citizens' right to respect for privacy.

On 31 January 2025, the Danish Ministry of Defense launched a public consultation on a draft law that aims to introduce a new legal framework for the supervision of the Danish Defence Intelligence Service.<sup>10</sup> The revision aims at integrating two landmark judgements from the European Court of Human Rights concerning the electronic collection of communications data (bulk collection) by intelligence services.<sup>11</sup> However, the new provisions in the draft law does take into account open-source intelligence.

Moreover, on 6 February 2025 the Danish Ministry of Justice launched a public consultation on a draft law that aims to support the Danish Security and Intelligence Service's ability to perform data- and analysis-based intelligence activities etc.<sup>12</sup>

The draft law proposes that the Danish Security and Intelligence Service should be able to collect different types of information into larger coherent datasets, including information from publicly available sources (open-source intelligence). Among other things, it is proposed that the Danish Security and Intelligence Service should be able to use information in the datasets as part of an investigation targeting a specific natural or legal person.

However, the proposed legislative framework omits legal safeguards that correspond to the Danish Security and Intelligence Service's powers.

### **Suggested inquiry**

- Please provide information on the legal safeguards in place in relation to data collection through open-source intelligence by the Danish Defense Intelligence Service and the Danish Security and Intelligence Service.

### **Data Retention**

In 2024 the Danish government changed the rules on retention of teledata to comply with judgments from the EU Court of Justice.<sup>13</sup> The institute recalls the Committee's previous concluding observations where the Committee expressed concern about the interception of communications by the police domestically which may result in mass surveillance.<sup>14</sup>

The Institute assesses that the Danish rules on data retention still risk being in violation of Denmark's human rights obligations as they have been interpreted by the EU Court of Justice. Data retention of the entire population is authorised consecutively for one year at a time without a concrete assessment of why it is strictly necessary and how it doesn't attain a systematic character. Thus, the Institute recommends that the government limits the period that data retention is in place for the entire population and ensures that data retention doesn't attain a systematic character.<sup>15</sup>

### **Suggested inquiry**

- Please provide information about how the State party assess that consecutive yearly extensions of data retention for the entire population are strictly necessary and doesn't attain a systematic character.

## **Insufficient Investigation into the Use of Force by the Police**

Complaints concerning the use of force by the police is handled by the Independent Police Complaints Authority, which decides whether there is a basis to initiate criminal proceedings or issue criticism.

However, the Authority lacks an explicit legal basis to investigate cases of torture and ill-treatment in violation of human rights.

The Institute assesses that, in several cases, persons may have been subjected to inhuman or degrading treatment, without these incidents being identified or sufficiently investigated, as they fall outside the scope of the mandate of the Authority and given the high burden of proof within the existing police complaints system.

The Institute notes that the Committee Against Torture recommended Denmark to consider refining the mandate of the Independent Police Complaints Authority to ensure that it is empowered to adequately investigate all cases where torture and ill-treatment may have occurred, including cases where it has not been possible to establish indications of criminal culpability.<sup>16</sup>

### **Suggested inquiries**

- Please provide information about how the State party ensures that all cases where ill-treatment have occurred in relation to the police's use of force are adequately investigated; and
- Please provide information about whether the State party plans to expand the mandate of the Independent Police Complaints Authority, so the Authority, when handling complaints against the police, is authorized to assess whether complainants have been subjected to inhuman or degrading treatment in violation of human rights.

## **Equality and non-discrimination (arts. 2 and 26)**

### **Insufficient Legal Protection Against Discrimination in Danish Law**

The Disability Index shows that the share of persons with disabilities who have experienced discrimination due to age, gender, ethnicity, disability, religion, sexual orientation, or appearance or due to the disability of a cohabitant, child, or parent has increased significantly from 2012 to 2020. In 2018, the Danish Parliament adopted a new law providing protection against discrimination based on disability outside the labour market. Until then, the prohibition against discrimination based on disability had only applied within the labour market.

While the Institute commends the legislative change, the law explicitly states that it does not impose any obligation to provide reasonable accommodation or accessibility. The only exception is that children and youth with disabilities have a right to reasonable accommodation in daycare and public and private elementary schools.<sup>17</sup> This is a critical omission in the legal protection against discrimination based on disability and fails to reflect Article 2 of the Convention on the Rights of Persons with Disabilities (CRPD), which states that denial of reasonable accommodation is a form of discrimination.

### **Suggested Inquiry**

- Please provide information about how the State party will ensure that persons with disabilities are effectively protected against discrimination in the forms of denial of reasonable accommodation and lack of accessibility.

### **Increasing Case Load with The Equal Treatment Board**

The Equal Treatment Board (the Board) handles complaints about discrimination within and outside the labour market in Denmark, including on the grounds of disability.

However, the processing time for settling complaints has increased substantially, which impedes the effective enforcement of the right to equal treatment.<sup>18</sup> Thus, the Board has seen an increase in processing time for settling complaints from an average of 31.1 weeks in 2019 to 71.9 weeks in 2023.<sup>19</sup>

According to the Board, the increased case-processing time is the result of more cases being brought to the Board than the Board can decide with the resources it has at its disposal.

### **Suggested Inquiry**

- Please provide information about measures taken by the State party to ensure that the case-processing time is greatly reduced to ensure effective enforcement of the right to equal treatment.

### **Gender Equality**

In recent years, a number of new regulations have been adopted to strengthen the effective equality of men and women and remove barriers in the labor market.<sup>20</sup>

However, there is still not full equality between men and women in the labor market in Denmark. In the Danish boardroom, men still outnumber women, making up 81 percent of all board members in Denmark. Women still take more time off work to care for sick children than their male colleagues, and women earn on average 12.4% less than men.

### **Suggested Inquiry:**

- Please provide information on how the State party will ensure that the new regulation on gender equality in the labor market will have an effective impact in practice.

## **Violence against women (arts. 2, 3, 7 and 26)**

### **Abortion**

Currently, access to abortion is freely available until the end of the 12th week of pregnancy. Afterwards, access to abortion is permitted only in cases where specific conditions are met, and with the permission of an abortion council.

Research has shown that these councils refuse applications for abortion permissions based on social circumstances or in cases of rape if the pregnancy has passed the 22nd week, even in cases of pregnancies resulting from sexual assault or where the woman is particularly vulnerable. In a specific case, a 16-year-old asylum seeker in Denmark with an intellectual disability, pregnant as a result of a rape, was refused abortion, because she was 23 weeks pregnant, despite her vulnerable situation.

Like the Committee on the Elimination of Discrimination against Women (CEDAW), the Institute is concerned about the restrictions on access to abortion especially in cases regarding sexual assault or other cases, where the woman is particularly vulnerable, such as due to disability or age. Forcing a woman to endure a pregnancy may amount to cruel and inhumane treatment. Under these circumstances there needs to be access to abortion later in the pregnancy, for instance in cases of late-detected pregnancies due to trauma reactions following sexual assault or for individuals with intellectual disabilities.

In the recent cases of *Norma v Ecuador*, *Susana v Nicaragua* and *Lucía v Nicaragua* the Committee has found, that by forcing girls' victims of rape to carry their pregnancies to term and to raise children born out of rape, Ecuador and Nicaragua violated the victims' right to live with dignity and subjected them to situations amounting to torture.

### **Suggested Inquiries**



- Plans to amend the abortion legislation in order to ensure that victims of rape have access to abortion;
- Plans to amend the abortion legislation in order to ensure that the best interest of the child is taken into due account in cases where the person applying for abortion is a minor; and
- Whether the Danish Abortion Councils have handles cases in which victims of rape were denied access to abortion.

## **Domestic Violence**

Women, with a derivative right of residence, will generally lose her residence permit if her marriage or cohabitation with her partner is terminated, as the prerequisite for her right to reside in Denmark will no longer exist. A marriage or cohabitation can be terminated due to violence, cf. article 19(7) of the Danish Aliens Act whereby women in some cases do not lose their residence permit.

The Institute has documented that it can be difficult for women to find an alternative to staying in a violent relationship, given the risk of losing their residence permit.<sup>21</sup> Consequently, these women choose to live with the violence as many do not have the option to return their country of origin as divorcees. Moreover, the Institute notes that female victims of domestic violence in these cases face challenges meeting the burden of proof given difficulties in producing evidence of the violence. In cases of psychological forms of domestic violence, the victim is faced with a particular difficult burden of documentation.

In January 2025 the Ministry of Immigration and Integration suggested to ease one requirement the authorities use in their interpretation of article 19 (7). The concrete suggestion is that the authorities will trust that the women has ended a relationship because of the violence. The Ministry does not suggest easing the requirement on documentation, which, according to the Institute, is the biggest issue and the requirement that risks the women to stay in a violent relationship.<sup>22</sup>

### **Suggested Inquiry**

- Please provide information how the State party ensures that the burden of proof requirements in article 19(7) of the Danish Aliens Act is relieved to ensure an effective protection of women against violence.

## **Right to life, prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and rights of non-citizens (arts. 3, 6, 7, 9 and 13)**

### **Solitary Confinement as a Disciplinary Measure**

In 2023 Denmark limited the maximum duration of solitary confinement as a disciplinary measure ('strafcelle').<sup>23</sup> In respect of adult prisoners the duration has been reduced to 14 days. In exceptional circumstances, the imposition of sanctions up to 28 days is permitted, e.g. in cases of serious repeated offences.

The Institute commends the revision of reducing the length of solitary confinement to a maximum of 14 days. However, in exceptional situations it is still possible to place inmates in solitary confinement for up to four weeks, for example for serious repeat offenders or inmates who are particularly challenging. Further, and contrary to international standards, the placement of juvenile prisoners in strafcelle, for up to 7 days, as a rule, but exceptionally for up to 28 days in cases related to violence against staff, is still permissible.<sup>24</sup>

### **Suggested inquiries**

- Please provide information on what measures are in place to protect juvenile prisoners from the harmful effects of solitary confinement, especially in cases where the duration is extended due to violence against staff; and
- How does Denmark address the specific needs and vulnerabilities of juvenile prisoners placed in solitary confinement.

## **Persons in Remand**

Several international human rights actors have repeatedly raised concern on pre-trial detention practices in Denmark. Recently, have both the Committee against Torture (CAT) and the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) called for a review of the regulatory framework governing the conditions and rights of persons in remand.<sup>25</sup>

The Institute notes that the Government in its follow up to CAT on its concluding observation on conditions of detention of persons in remand indicated that, 'The Danish Government is currently looking into the use of remand detention as part of a penal reform'.<sup>26</sup>

### **Suggested inquiry**

- Please provide updated information on the government's plans to look into the use of remand detention as part of a penal reform.

## **Voluntary Exclusion from Association**

Pursuant to section 33(3) of the Sentence Enforcement Act, a person on remand or inmate may voluntarily choose to be excluded from association for instance, if they feel threatened. Inmates, who choose voluntarily to be excluded from association with other inmates, will often stay up to 23 hours in their cell – and they are thereby in practice in solitary confinement. There are no time limits on the length of the exclusion or other regulations to mitigate the harmful effects of isolation. Inmates who have voluntarily chosen to exclude themselves from association are, thus, the group of isolated people with the poorest rights protection, as there is no general regulation on the use of this type of solitary confinement.

The lack of regulation to ensure mitigating measures after a certain period of time in isolation e.g. more visits or telephone contacts, visits by medical doctors, psychological treatment, etc. further exacerbate the already vulnerable situation of this group of persons deprived of their liberty.

Moreover, and compared with other groups in solitary confinement, this group of inmates is afforded less legal protection as legal guarantees pertaining to e.g. forced exclusion of association, such as monitoring by prison staff through their reporting and follow up memos or the possibility to complain exist do not exist as a protection. The lack of adequate rules and mechanisms in place for this group of persons deprived of their liberty was noted by CAT in its review of Denmark.<sup>27</sup>

### **Suggested Inquiry**

- Please provide information about measures taken to ensure adequate rules and mechanisms are in place vis-a-vis persons who have voluntarily excluded themselves from association.

### **Segregation of Accused Persons from Convicts.**

Article 10 (2) (a) in conjunction with article 14 (2) provides for the segregation of accused persons from convicted ones, save in exceptional circumstances, as well as affirming the right to be presumed innocent.

The Institute notes that issues stemming from the shortage of prison staff and overcrowding in the country's prison and detention system also leads to the inability to segregate accused persons from convicted ones.<sup>28</sup> The practice, coupled with prolonged waiting times for transfer—up to several months in some cases— may undermine the rights of both accused persons as well as that of convicted.<sup>29</sup>

### **Suggested Inquiries**

- Please indicate how separation of accused persons from convicted is affected and explain how the treatment differs;
- Please provide statistical information on the extent of the practice of deviating from the principle and describe in what - certain situations - the state party may have to deviate from the principle from the principle of separating convict prisoners and remand prisoners; and

- Please describe steps taken to ensure that remand prisoners are separated from convicted prisoners.

### **Coercive Measures in Psychiatric Institutions**

The use of coercion and restraint measures in psychiatric treatment at hospitals has increased in the last decade but stabilised the last couple of years.<sup>30</sup> In the same period the number of psychiatric patients exposed to coercion has remained at a stable, but high, level. In 2023, a total of 5,925 patients were exposed to coercion in psychiatry, corresponding to 1 in 4 psychiatric patients.<sup>31</sup> This means that patients exposed to coercion today on average experience more coercion than ten years ago.

In 2020 the European Court of Human Rights convicted Denmark of violating a patient's human rights in a case of forced fixation. The CPT as well as the CRPD and CAT have also criticized the Danish use of coercion on several occasions.

#### **Suggested Inquiries:**

- Please provide detailed information about measures taken by the State party to limit the use of coercive measures in psychiatric institutions.

### **Extraterritorial Incarceration**

The Institute notes that the Committee against Torture in its review of Denmark in 2023 recommended Denmark to refrain from leasing a prison facility in Kosovo.<sup>32</sup> However, Denmark's follow up to CAT<sup>33</sup> clearly indicates that the State party pursues its plans in this regard.

#### **Suggested Inquiries:**

- Please provide updated information on the establishment of detention facilities outside its territory and when the facility is expected to be put into use.

## **Externalisation of Asylum Procedures**

The Danish government is pursuing the establishment of a reception centre outside Denmark's borders.<sup>34</sup> According to the model, asylum seekers must be transferred from Denmark to the reception centre in order to have their asylum case processed. If they are granted asylum, they can subsequently be granted protection in that country.

In 2021, the Danish Parliament passed the law making the transfer of asylum seekers to a safe third country possible.<sup>35</sup> Several international actors have criticized the proposed model and plans to externalise asylum procedures.<sup>36</sup> The Institute has noted, that the aforementioned law does not specify what legal safeguards must be in place in the third country; who can be exempted from being transferred from Denmark; what protection refugees will receive in the third country; or whether Denmark should exercise jurisdiction in the third country.<sup>37</sup>

The current government's goal is for a reception centre to be established by the EU or in cooperation with other countries. No agreement has yet been reached with another country on a reception centre.

## **Suggested Inquiries**

- Please provide updated information on the State party's plans to externalise its asylum procedures; and
- Please explain how the State party will ensure that human rights are respected if asylum seekers are transferred to a country outside Denmark; and what legal safeguards must be in place in the third country; who can be exempted from being transferred from Denmark; what protection refugees will receive in the third country; or whether Denmark should exercise jurisdiction in the third country.

## **Elimination of slavery and servitude (art. 8)**

### **Trafficking in Persons**

Following the last review<sup>38</sup>, Denmark has criminalised human exploitation in section 262 b of the Danish Penal Code with the purpose of convicting more offenders. The provision explicitly criminalises the exploitation of "another person's significant economic or personal difficulties, lack of insight, recklessness, or relationships."<sup>39</sup> Moreover, a new action plan to combat human trafficking is being developed.

Since 2007, the authorities have assessed that 1311 individuals have been exposed to human trafficking in Denmark.<sup>40</sup> However, the actual number of people exposed to human trafficking in Denmark is unknown, since the field is characterised by numbers of unreported cases. Few perpetrators are being found guilty of trafficking and only 8 perpetrators were convicted from 2020-2024 even though the numbers of people being exposed to trafficking has been steady for years. In 2024, 78 persons were exposed to trafficking officially.<sup>41</sup>

The low number of convictions for human trafficking coupled with an increase in the number of persons exposed to trafficking has been criticized by the Council of Europe's expert group on trafficking (GRETA).<sup>42</sup> GRETA has highlighted the need for the establishment of an independent rapporteur on human trafficking in Denmark.<sup>43</sup>

### **Suggested Inquiries**

- Please provide an overview of how many police officers, hereby specialized police officers, that are responsible for trafficking in human beings and how the police investigate cases of trafficking effectively; and
- Please provide inform on the forthcoming action plan to combat human trafficking, and whether it includes the establishment of a permanent, independent rapporteur to monitor Denmark's efforts in combating human trafficking.

## **Treatment of persons deprived of their liberty, independence of the judiciary and fair trial (arts. 2, 9, 10 and 14)**

### **Detention Conditions for Rejected Asylum Seekers and other Foreigners with No Residence Permit**

Rejected asylum seekers and persons who lose their residence permit in Denmark may, even if they have no criminal record, be administratively detained for up to six months.<sup>44</sup> The detention can further be extended for up to 18 months if it is considered necessary to motivate them to cooperate with the authorities on their departure from Denmark.<sup>45</sup>

Several human rights bodies have criticised this practice, in particular, the generally carceral format of administrative detention for the purpose of deportation.<sup>4647</sup> In its follow up to CAT, the Danish government noted several initiatives to maintain and enhance the living conditions at Ellebæk Detention Centre, including the separation of administratively detained foreign nationals from foreign nationals remanded in custody, accommodations for families, the reduction of accommodations per room and access to internet.<sup>48</sup>

### **Suggested Inquiries**

- Please provide detailed information about measures taken to reduce the length of administrative detention of rejected asylum seekers and other foreigners to as short a period as possible, to only use detention as a measure of last resort, and efforts taken to expand the application of non-custodial measures; and
- Please provide information on reported initiatives to maintain and enhance living conditions at Ellebæk Detention Centre.



## **Freedom of expression (art. 19)**

### **Freedom of Expression for Private Sector Employees**

Denmark has proposed to enact new legislation codifying existing rules and principles of freedom of expression of civil servants.<sup>49</sup> Numerous studies show reluctance amongst civil servants to speak up out of fear of consequences from their employer.<sup>50</sup> The Institute have previously recommended that Denmark implements central initiatives to disseminate knowledge on civil servants' right to expression and welcomes this legislative development. However, the newly proposed bill does not include private sector employees performing tasks in central welfare areas such as privately owned hospital, residential facilities, the education system or childcare facilities.

### **Suggested inquiry**

- Please provide information on how the State party ensures the freedom of expression of private employees performing public tasks.

## **Equality and non-discrimination, right to participate in public life and the protection of the rights of persons belonging to ethnic minorities (arts. 2, 25, 26 and 27)**

### **Equal Recognition before the Law for Persons who have been Stripped of their Legal Capacity**

According to section 29 of the Constitution, individuals who have been stripped of their legal capacity are not eligible to vote in national parliamentary elections.

In 2019, an amendment was made to the Guardianship Act.<sup>51</sup> This amendment permits only partial deprivation of legal capacity. The advantage of partial

deprivation over full deprivation is that it is less invasive and enables the individual concerned to participate in national parliamentary elections. However, in practice, the use of partial deprivation of legal capacity has been limited, and most legal capacity deprivations are still full.<sup>52</sup>

### **Suggested Inquiry**

- Please provide information how the State party is investigating the extent and reasons for the limited use of partial deprivation of legal capacity and ensure that the deprivation of legal capacity is always kept to the absolute minimum necessary.

### **Avoid Discrimination of Homeless Foreigners**

Several legislative initiatives have been adopted and politically framed as being aimed at homeless foreign nationals and preventing public begging.<sup>53</sup> This includes an increase in the penalty for certain types of begging and a ban against establishing or residing in a camp of 'permanent nature' which disrupts public order.<sup>54</sup> Persons who contravene this ban can receive a zonal ban on staying in an entire municipality for up to two years.

The laws primarily affect foreign citizens, as data from 2021 and 2022 shows that the vast majority of those charged with 'unsafe begging' and setting up and staying in 'unsafe camps' were foreign nationals. In 93 per cent and 98 per cent of cases, respectively, the charge was made against a foreign national.<sup>55</sup>

### **Suggested inquiry**

- Please provide information on the measures taken by the State party to ensure that the police don't discriminate against foreigners sleeping on the street or begging in public in the application of general legislation.

## **Right to privacy or family (art. 17)**

### **Withdrawal of Residence Permits for Syrian Refugees**

In recent years, immigration authorities have systematically assessed whether certain groups of refugees, particularly from certain areas of Syria, are still entitled to protection.<sup>56</sup> This is due to legislative changes according to which all refugees' stays in Denmark are of a temporary nature and whereby the Danish authorities must revoke a refugee's residence permit unless it is in violation of Denmark's international obligations, this includes the right to respect for private or family life.<sup>57</sup>

The Institute considers the Danish Immigration Service's human rights assessment is problematic in cases involving adult children where the Danish practice too often assumes that adult children and their parents do not have a family life that is protected under Article 8 ECHR and regarding children's independent attachment where an overall consideration of the best interest of the child doesn't seem to play a significant role. In addition, the current procedure in cases of withdrawal of residence permits does not ensure an overall assessment of the family's attachment to Denmark when cases are assessed in the second instance, even though it is necessary to make a concrete assessment.<sup>58</sup>

### **Suggested inquiry**

- Please provide information on the measures taken by the State party to ensure that the assessment by the Danish Immigration Service is in compliance with human rights obligations and that an overall assessment of the family's attachment to Denmark is made when cases are assessed in the second instance.

## **Specific information on the implementation of articles 1 to 27 of the Covenant (GREENLAND)**

### **Equality and non-discrimination (arts. 2 and 26)**

#### **Anti-Discrimination Legislation**

Committee on the Rights of Persons with Disabilities (CRPD) recommended the Government of Greenland to adopt new comprehensive cross-sectoral anti-discrimination legislation and for Greenland to ensure that reasonable accommodation is provided in all spheres of society and to ensure effective legal remedies to persons with disabilities.<sup>59</sup> In 2024 the CRPD repeated its recommendation to the authorities to explicitly establish the duty to provide reasonable accommodation and ensure accessibility in the aforementioned law.<sup>60</sup>

In May 2024, Greenland's Parliament, Inatsisartut, passed the Inatsisartut Act on Equality and Anti-Discrimination. The law aims to prevent discrimination and to promote equal treatment of all persons, including persons with disabilities.<sup>61</sup>

The HRCG and the Institute commend Inatsisartut's adoption of a general ban on discrimination based on, inter alia, disability. Moreover, that the law establishes an Equal Treatment Board to handle complaints on violations of the law.

However, the law does not address the right to reasonable accommodation and accessibility. Thus, it is unclear whether and to what extent the law protects these rights. The right to reasonable accommodation and accessibility are fundamental rights according to the Convention on the Rights of Persons with Disabilities (CRPD) and should be clearly addressed and protected.

### **Suggested Inquiry**

- Please provide information about how the Nalaakersuisut will ensure the explicit individual right to reasonable accommodation and address how the right to accessibility will be ensured and promoted as well as the possible plans to amend Act on Equality and Anti-Discrimination.

## **Violence against women (arts. 2, 3, 7 and 26)**

### **Legislation on psychological Violence**

As of January 2024, psychological violence in close relationships has been criminalized as an independent provision in the Criminal Code for Greenland.<sup>62</sup> The criminalization of psychological violence in close relationships establishes that psychological violence is considered just as serious and harmful as physical violence.

While the HRCG and the Institute commend Naalakkersuisut's adoption of a strengthened protection against violence in close relationships, the Institute has highlighted, in parallel with a criminalization of psychological violence, the importance of increasing knowledge and education on psychological violence in Greenland.<sup>63</sup>

Whereas a lack of sufficient and disaggregated data providing information in a broad range of areas challenges the monitoring of the human rights situation in Greenland, the lack of disaggregation of data on reported incidents of violence provides for a specific example. The Police Authority in Greenland do not disaggregate data in relation to reports of violence in its statistics.<sup>64</sup> All reports of violence are categorized solely as 'violence'. Therefore, it is not possible to get an overview of whether it is gender-based violence, violence against children, psychological violence, hate crime, etc.

### **Suggested inquiries**

- Please provide information on measures taken to raise awareness that Naalakkersuisut have done to implement awareness-raising to increase knowledge and education on psychological violence; and
- Please provide statistics/data on psychological violence.  
Please provide information on how the State party will ensure monitoring on cases on psychological violence.

### **Legislation on rape**

In July 2023, Naalakkersuisut adopted an amendment to the legislation on rape.<sup>65</sup> The legislation on rape is now based on a criterium of consent rather than coercion. The HRCG and the Institute commend Naalakkersuisut's adoption of a strengthened protection against rape.

The Danish government adopted the amendment to the Danish legislation on rape in December 2020, which led to a significant increase in the number of reported cases of rapes within the first year following the adoption.<sup>66</sup> However, there has not been the same increase in the number of reported rapes in Greenland since the law entered into force in July 2023.<sup>67</sup>

The Institute highlighted in 2022 in a consultation response to the bill that it is important that, in parallel with a legislative amendment to the rape legislation, to carry out information efforts and campaigns as well as education.<sup>68</sup>

In Denmark, there has been an extensive public debate about consent before the law was introduced, which led to awareness raising leading up to the provision coming into force. There has not been a similar public debate about consent in Greenland before the law was introduced. The discussion about the consent provision has primarily taken place at political level as part of the legislative process.

### **Suggested inquiry**

- Please provide information on measures taken by the authorities to raise awareness on the adoption of a consent-based rape provision to the legislation on rape.

## **Right to life, prohibition of torture and other cruel, inhuman or degrading treatment or punishment, and rights of non-citizens (arts. 3, 6, 7, 9 and 13)**

### **Prohibition of Torture**

The HRCG and the Institute note the Committee's concern about not including torture as a separate offence in its Criminal Code during the previous review.<sup>69</sup>

As of January 2025, torture has been criminalised as a distinct offence in section 118 I of the Danish Penal Code.<sup>70</sup> However, the newly criminalisation of torture in Denmark does not extend to Greenland but can be enacted through a royal decree.<sup>71</sup> Thus, torture as a specific offence under Greenland's Penal Code ("kriminalloven") is yet to be explicitly defined as a punishable act. Instead, the prohibition of torture is implemented as different 'ordinary' criminal acts e.g. violence or coercion.<sup>72</sup>

### **Suggested inquiry**

- Please indicate whether, and to what extent, the State party, in cooperation with Naalakkersuisut, envisages the incorporation of a specific crime of torture into Greenland's penal law?

### **Forced and involuntary contraception implants in Greenland**

Around 4,500 Greenlandic women and girls, some as young as 12, had IUDs inserted between 1963 and the 1970s, in many cases without consent and with lifelong psychological and physical consequences. It has later emerged that the insertion of IUDs and other contraceptive procedures without consent has continued to this day.<sup>73</sup>

The HRCG and the Institute assesses that the girls and women were subjected to a gross violation of their right to self-determination, and that this may constitute degrading and inhuman treatment in violation of both the European Convention on Human Rights, the UN Convention on Torture, the UN Convention on the Rights of the Child and ILO Convention 169 on the Rights of Indigenous Peoples.

Along with the HRCG, the Institute, and Inuit Circumpolar Council (ICC) and the Greenlandic Children's Ombudsman Institution, MIO, have called on the Danish state to investigate which human rights may have been violated in connection with the case. The same call has been made by several UN human rights mechanisms.<sup>74</sup>

In 2023, Naalakkersuisut and the Danish government launched an investigation into the IUD case and other contraceptive practices in the period from 1960 to 1991, when Greenland took over responsibility for the health sector. However, the investigation does not look at the human rights aspects of the cases.<sup>75</sup>

### **Suggested inquiry**

- Please indicate whether the State party consider itself obligated under human rights law to investigate on its own initiative whether human rights violations have been committed in connection with the spiral scandal; and
- Please indicate whether and how the State party will ensure redress and reparation to victims of human rights violations committed in connection with the spiral scandal.



## **Treatment of persons deprived of their liberty, independence of the judiciary and fair trial (arts. 2, 9, 10 and 14)**

### **Persons Sentenced to a Psychiatric Measure in Greenland Placed in Denmark**

The Greenlandic Criminal Code allows for the court to sentence persons with mental illness or 'retardation' (intellectual disability) to a psychiatric measure, i.e., they are sentenced to placement or treatment instead of punishment.<sup>76</sup> Additionally, the Greenlandic Criminal Code permits persons sentenced to a forensic psychiatric measure to be placed in Denmark due to a lack of specialist institutions and psychiatrists in Greenland.<sup>77</sup> The Danish authorities have reported challenges in recruiting and retaining staff in the field of forensic psychiatry in Greenland.<sup>78</sup>

In 2021 researchers found that 28 persons from Greenland were sentenced to a psychiatric measure in Denmark, some of those classified as either 'insane' or 'mentally retarded' ('intellectual disability'). 24 of these persons had no expiration date for their measure.<sup>79</sup> Thus, persons from Greenland sentenced to a psychiatric measure are often sentenced to indefinite periods of deprivation of liberty in Denmark. This raises several important issues, including that the measures and care is provided in a manner that takes due account of their cultural origins.

#### **Suggested inquiry:**

- Please provide information about measures to provide persons sentenced to a psychiatric measure in Greenland placed in Denmark access to culturally sensitive care, including whether treatment is provided in Greenlandic.

## **Discrimination and incitement to discrimination, hostility or violence (arts. 20 and 26)**

### **Addressing Sexual Assault Impact on Persons with Disabilities in Greenland**

A 2023 joint report by HRCG, Tilioq, and DIHR highlighted the disproportionate number of persons with disabilities in sheltered residences and residential homes who have experienced sexual assault. However, there remains a lack of comprehensive data and statistics on the living conditions for this group of persons with disabilities. Furthermore, the report underscores the importance of access to rehabilitation.<sup>80</sup>

Similarly, Naalakkersuisut has recognized the need for a special focus on persons with disabilities in residential institutions as they constitute a special risk group in relation to sexual assault.<sup>81</sup> As well as several human rights mechanisms have called for strengthening of monitoring mechanisms in residential care institutions.<sup>82</sup>

#### **Suggested inquiry:**

- Please provide information about how Naalakkersuisut will ensure better knowledge about persons with disabilities living in sheltered residences and residential homes who are victims of sexual abuse, as well as more knowledge about reporting practices pertaining to this group; and
- Please provide information about how Naalakkersuisut will ensure access to relevant rehabilitation for victims of sexual abuse.

## **Equality and non-discrimination, right to participate in public life and the protection of the rights of persons belonging to ethnic minorities (arts. 2, 25, 26 and 27)**

### **Data collection to Enable Monitoring of Human Rights**

More than 88 % of the population in Greenland identify as Inuit. This makes the country one of the rare places in the world where the Indigenous population constitutes the majority.<sup>83</sup> However, a lack of data providing information on human rights is a challenge in a broad range of areas. The lack of data can be seen as a part of a larger global trend where insufficient and incomplete data makes Indigenous Peoples and their challenges invisible in the statistics. Enhancing data on Indigenous issues in Greenland requires a broader understanding of the ethical guidelines for data collection and research among a wider range of stakeholders. These relates both to the importance of active and meaningful participation in data collection and the right of Indigenous communities to control how data about them is collected, used, stored, and shared.<sup>84</sup>

The lack of data challenges the monitoring of the human rights situation, since incidents of human rights violations might indicate challenges, but data on the scope of the challenges is not available. An example of this is sexual abuse of persons with disabilities. Several cases in the media, and a report by Naalakkersuisut, indicate that employees in facilities for persons with disabilities suspect incidents of sexual violations against residents in most facilities in Greenland.<sup>85</sup> However, data on the scope of affected persons (including children) is not available.<sup>86</sup>

The scope of discrimination and hate speech is another area which lacks data and knowledge. In 2024, Naalakkersuisut established a Council for Equal Treatment and stated that discrimination is a reality in Greenland.<sup>87</sup> However, data on the scope of discrimination based on gender, disability, ethnicity, and other characteristics is not available.

A third example regards the justice area where systematically extracted data on the conditions for inmates is inadequate. For example, it is not possible to systematically extract data on solitary confinement of inmates from a case handling system.<sup>88</sup>

Both national and international human rights actors have recommended strengthening of systematic data collection in areas such as the rights of children, conditions for persons with disabilities, violence against women and access to justice.<sup>89</sup> Within these areas, it is central to ensure the possibility of disaggregating data by gender, age, disability, and other parameters. Without data disaggregation in these areas, it is very challenging to shed light on possible inequalities in the human rights situation for different groups of citizens.

**Suggested inquiry:**

- Please provide information about measures taken by the state to improve systematic data collection on human rights and the rights of Indigenous Peoples in the following areas:
  - Violence against children and women in close relationships, including persons with disabilities;
  - Discrimination and online hate speech; and
  - Prison and probation services, including data on solitary confinement.

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<sup>1</sup> Human Rights Committee, concluding observations on the sixth periodic report of Denmark, 15 August 2016, document no. CCPR/C/DNK/6, available at: [tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FDNK%2FCO%2F6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FDNK%2FCO%2F6&Lang=en).

<sup>2</sup> Legislative act no. 553 of 18 June 2012 on the Danish Institute for Human Rights, Denmark's National Human Rights Institution (*Lov om Institut for Menneskerettigheder – Danmarks Nationale Menneskerettighedsinstitution*), available in Danish at <https://www.retsinformation.dk/eli/lt/2012/553>.

<sup>3</sup> Global Alliance of National Human Rights Institutions (GANHRI) Report and Recommendations of the Session of the Sub-Committee on Accreditation (SCA), October 2024, available at: [https://ganhri.org/wp-content/uploads/2025/01/SCA-Report-2nd-Session-2024-dec\\_EN.pdf](https://ganhri.org/wp-content/uploads/2025/01/SCA-Report-2nd-Session-2024-dec_EN.pdf).

<sup>4</sup> Danish Institute for Human Rights, website, available at: <https://menneskeret.dk/>.

<sup>5</sup> Human Rights Committee, concluding observations on the sixth periodic report of Denmark, 15 August 2016, document no. CCPR/C/DNK/6, para. 5 and 6 and Human Rights Committee, 117th session, summary record of the 3267th meeting, para. 18 CCPR/C/SR.3267, available at: [tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FSR.3267&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FSR.3267&Lang=en).

<sup>6</sup> Human Rights Committee, concluding observations on the sixth periodic report of Denmark, CCPR/C/DNK/CO/6, para. 9-10.

<sup>7</sup> Report of the Working Group on the Universal Periodic Review, Denmark, recommendation no. 60.285 (India), 60.286 (Rwanda), 60.287 (Peru), 60.288 (Poland), A/HRC/48/10, available at: <https://docs.un.org/en/A/HRC/48/10>.

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- <sup>8</sup> Denmark's UPR Mid-term report 2023, available at:  
[https://www.ohchr.org/sites/default/files/documents/hrbodies/upr/sessions/session24/dk/Denmark\\_Mid-TermReport2023.pdf](https://www.ohchr.org/sites/default/files/documents/hrbodies/upr/sessions/session24/dk/Denmark_Mid-TermReport2023.pdf).
- <sup>9</sup> Legislative act no. 666 of 11 June 2024 on amendment of the law on the Danish Security and Intelligence Service (PET), the law on the establishment of a committee on the defense and police intelligence services, and the law on the protection of whistleblowers (Strengthening oversight of intelligence services) (*Lov om ændring af lov om Politiets Efterretningstjeneste (PET), lov om etablering af et udvalg om forsvarets og politiets efterretningstjenester og lov om beskyttelse af whistleblowere (Styrkelse af tilsynet med efterretningstjenesterne)*), available in Danish at:  
<https://www.retsinformation.dk/eli/lta/2024/666>.
- <sup>10</sup> Draft proposal for an Act to amend the Act on the Danish Defence Intelligence Service (FE), the Act on the Protection of Whistleblowers and the Act on the Committee on the Intelligence Services (Strengthening the supervision of the Danish Defence Intelligence Service) (*Udkast til forslag til lov om ændring af lov om Forsvarets Efterretningstjeneste (FE), lov om beskyttelse af whistleblowere og lov om Udvalget vedrørende Efterretningstjenesterne (Styrkelse af tilsynet med efterretningstjenesterne)*), available in Danish at:  
<https://www.ft.dk/samling/20241/almudel/FOU/bilag/73/2972966.pdf>.
- <sup>11</sup> European Court of Human Rights case of Big Brother Watch and Others v. The United Kingdom, 25 May 2021 and case of Centrum för Rättvisa v Sweden, 25 May 2021.
- <sup>12</sup> Draft proposal for an Act to amend the Act on the Danish Security and Intelligence Service (PET) (Supporting the Danish Security and Intelligence Service's ability to perform data- and analysis-based intelligence activities, etc.) (*Udkast til forslag til Lov om ændring af lov om Politiets Efterretningstjeneste (PET) (Understøttelse af Politiets Efterretningstjenestes mulighed for at udføre data- og analysebaseret efterretningsvirksomhed mv.)*), available in Danish at:  
<https://www.ft.dk/samling/20241/almudel/reu/bilag/141/2975908.pdf>.

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- <sup>13</sup> Legislative act no. 644 of 11 June 2024 on amendment of the Administration of Justice Act (Amendment of the rules on urgent securing and disclosure of information on telecommunications traffic, the rules on reopening criminal cases etc.) (Lov om ændring af retsplejeloven (*Ændring af reglerne om hastesikring og udlevering af oplysninger om teletrafik, reglerne om genoptagelse af straffesager m.v.*), available in Danish at: <https://www.retsinformation.dk/eli/lt/2024/664>.
- <sup>14</sup> Human Rights Committee, concluding observations on the sixth periodic report of Denmark, 15 August 2016, CCPR/C/DNK/6, para. 27.
- <sup>15</sup> The Danish Institute for Human Rights, public consultation memo on the change in the Danish regulation on data retention, 18. January 2024, available in Danish at: <https://menneskeret.dk/hoeringssvar/aendring-reglerne-logning>.
- <sup>16</sup> Committee against Torture, concluding observations on the eighth periodic report of Denmark, 8 December 2023, document no. CAT/C/DNK/CO/8, para. 40-41.
- <sup>17</sup> See sections 3 and 9A of consolidated legislative act no. 1071 of 10 August 2023 on the prohibition against discrimination based on disability (*Bekendtgørelse af lov om forbud mod forskelsbehandling på grund af handicap*), available in Danish at: <https://www.retsinformation.dk/eli/lt/2023/1071>.
- <sup>18</sup> Committee on the Rights of Persons with Disabilities, concluding observations on the combined second and third periodic reports of Denmark, 8 October 2024, CRPD/C/DNK/CO/2-3, para. 2-22.
- <sup>19</sup> Equal Treatment Board's response to the Institute's information request about the Equal Treatment Board's case-processing time for board hearings on disability, March 8, 2024. Case-processing time for cases regarding disability is not including chairman's decisions and secretarial rejections.
- <sup>20</sup> See for instance legislative act no. 1602 of 17 December 2024 on gender distribution among management members in certain large publicly listed companies (the Gender Balance Law) (*Lov om kønsfordeling blandt ledelsesmedlemmer i visse store børsnoterede aktieselskaber (kønsbalanceloven)*), available in Danish at:

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<https://www.retsinformation.dk/eli/lta/2024/1602#ida81de723-ef42-45a4-8b80-2be7eddda27f>.

<sup>21</sup> The Danish Institute for Human Rights, 'Migrant women trapped in violent marriages' October 2023, available in Danish at:  
<https://menneskeret.dk/files/media/document/Udenlandske%20kvinder%20fastholdt%20i%20voldelige%20%C3%A6gteskaber%2C%20Institut%20for%20Menneskerettigheder%2C%20oktober%202023.pdf>.

<sup>22</sup> The Danish Institute for Human Rights, public consultation response, 17 February 2025, available in Danish at:  
<https://menneskeret.dk/files/media/document/H%C3%B8ringssvar%20over%20udkast%20til%20%C3%A6ndring%20af%20udl%C3%A6ndingeloven%2C%20integration sloven%20og%20danskuddannelsesloven%20.pdf>.

<sup>23</sup> Legislative act no. 893 of 21 June 2022 on amending the law on the enforcement of sentences, the Penal Code, the Administration of Justice Act and various other laws (Follow-up on the multi-year agreement on the economy of the correctional services 2022-2025, including renting prison spaces abroad, revision of the disciplinary punishment system, placement in one's own home with an electronic ankle bracelet or halfway house, etc.) (*Lov om ændring af lov om fuldbyrdelse af straf m.v., straffeloven, retsplejeloven og forskellige andre love (Opfølgning på flerårsaftalen om kriminalforsorgens økonomi 2022-2025, herunder leje af fængselspladser i udlandet, revision af disciplinærstraffesystemet, udstationering til eget hjem med fodlænke eller udslusningsfængsel m.v.)*), available in Danish at:  
<https://www.retsinformation.dk/eli/lta/2022/893>.

<sup>24</sup> See Rule 45 (2) of the UN Standard Minimum Rules on the Treatment of Prisoners (Nelson Mandela Rules) and Rule 67 of the UN Rules on Protection of Juveniles Deprived of Liberty (Havana Rules).

<sup>25</sup> Committee against Torture, concluding observations on the eighth periodic report of Denmark, 8 December 2023, document no. CAT/C/DNK/CO/8, Para. 18-19, available at:  
[tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CA](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CA)



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[T%2FC%2FDNK%2FCO%2F8&Lang=en](#) and Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment 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, 12. December 2024, para. 121, available at: <https://rm.coe.int/1680b2bb49>.

<sup>26</sup> Committee against Torture Information received from Denmark on follow-up to the concluding observations on its eighth periodic report, para. 7, available at: [tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FDNK%2FFCO%2F8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FDNK%2FFCO%2F8&Lang=en).

<sup>27</sup> Committee against Torture, concluding observations on the eighth periodic report of Denmark, 8 December 2023, document no. CAT/C/DNK/CO/8, Para. 20-21.

<sup>28</sup> Committee against Torture, Information received from Denmark on follow-up to the concluding observations on its eighth periodic report, para. 8-9, available at: [tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FDNK%2FFCO%2F8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FDNK%2FFCO%2F8&Lang=en).

<sup>29</sup> Legal Committee, Reply to parliamentary question no. 582 (2025), available at: <https://www.ft.dk/samling/20241/almindel/reu/spm/582/svar/2120904/2990759.pdf>

<sup>30</sup> The Danish Health Data Authority (2024): *Brug af tvang i psykiatrien*, available in Danish at: <https://www.esundhed.dk/home/emner/patienter%20og%20sygehuse/brug%20af%20tvang%20i%20psykiatrien>.

<sup>31</sup> The Danish Health Data Authority (2024): *Nedbringelse af tvang i psykiatrien*, available in Danish at: <https://www.esundhed.dk/Emner/Patienter-og-sygehuse/Nedbringelse-af-tvang-i-psykiatrien#tabpanel82AA0AB7CB1241FD9FB5B3E6AA1ED357>.

<sup>32</sup> Committee against Torture, concluding observations on the eighth periodic report of Denmark, 8 December 2023, document no. CAT/C/DNK/CO/8, para. 16-17.

<sup>33</sup> Committee against Torture Information received from Denmark on follow-up to the concluding observations on its eighth periodic report, para. 35-40.

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- <sup>34</sup> Governmental platform, December 2022, page 40, available in Danish at: <https://www.stm.dk/statsministeriet/publikationer/regeringsgrundlag-2022/>
- <sup>35</sup> Legislative act no. 1191 of 8 June 2021 on amending the Aliens Act and the Repatriation Act (Introduction of the possibility for the transfer of asylum seekers to asylum processing and potential subsequent protection in third countries) (*Lov om ændring af udlændinge loven og hjemrejseloven (indførelse af mulighed for overførsel af asylansøgere til asylsagsbehandling og eventuel efterfølgende beskyttelse i tredjelande*), available in Danish at: <https://www.retsinformation.dk/eli/lta/2021/1191>
- <sup>36</sup> The EU Commission in the New York Times, available at: <https://www.nytimes.com/2021/06/03/world/europe/denmark-asylum-process.html>, the African Union, press release, august 2021, available at: <https://au.int/en/pressreleases/20210802/press-statement-denmarks-alien-act-provision-externalize-asylum-procedures> and the CoE Commissioner for Human Rights, country report on Denmark, available at: <https://rm.coe.int/report-on-denmark-following-the-commissioner-for-human-rights-visit-to/1680ad4d49>.
- <sup>37</sup> The Danish Institute for Human Rights, reply to public consultation, 3 March 2021, available in Danish at: [https://menneskeret.dk/files/media/document/H%C3%B8ringssvar%20vedr.%20udkast%20til%20lov%20om%20%C3%A6ndring%20af%20udl%C3%A6ndingeloven%20%28Indf%C3%B8relse%20af%20mulighed%20for%20overf%C3%B8rsel%20af%20asylans%C3%B8gere%20til%20asylsagsbehandling%20og..\\_0.pdf](https://menneskeret.dk/files/media/document/H%C3%B8ringssvar%20vedr.%20udkast%20til%20lov%20om%20%C3%A6ndring%20af%20udl%C3%A6ndingeloven%20%28Indf%C3%B8relse%20af%20mulighed%20for%20overf%C3%B8rsel%20af%20asylans%C3%B8gere%20til%20asylsagsbehandling%20og.._0.pdf).
- <sup>38</sup> Human Rights Committee, concluding observations on the sixth periodic report of Denmark, 15 August 2016, document no. CCPR/C/DNK/6, para. 29-30.
- <sup>39</sup> Legislative act no. 696 of 24 May 2022 on amending the Penal Code, the Administration of Justice Act and the Aliens Act (Strengthened efforts against human exploitation) (*Lov om ændring af straffeloven, retsplejeloven og udlændingeloven (styrket indsats mod menneskeudnyttelse*)), available in Danish at: <https://www.retsinformation.dk/eli/lta/2022/696>.

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- <sup>40</sup> The Danish Centre Against Trafficking (*Center mod Menneskehandel*), March 2025, p. 6, available in Danish at: <https://www.cmm.dk/Media/638769423755666405/Statistik%202024.%20Menneskehandel%20i%20Danmark.pdf>.
- <sup>41</sup> The Danish Centre Against Trafficking (*Center mod Menneskehandel*), available in Danish at: <https://www.cmm.dk/statistik/sigtelser-og-domme>.
- <sup>42</sup> GRETA (2021) Evaluation Report Denmark. Third evaluation round, p. 4, available at: <https://rm.coe.int/greta-evaluation-report-on-the-implementation-of-the-council-of-europe/1680a26052>.
- <sup>43</sup> GRETA (2021) Evaluation Report Denmark. Third evaluation round, section V.6, available at: <https://rm.coe.int/greta-evaluation-report-on-the-implementation-of-the-council-of-europe/1680a26052>.
- <sup>44</sup> Consolidated act no. 1014 of 27 August 2024, referred to as the act on return of foreigners without legal stay (*Hjemrejseloven*), section 16, available in Danish at: <https://www.retsinformation.dk/eli/lta/2024/1014>.
- <sup>45</sup> Consolidated act no. 1009 of 2 September 2024, referred to as the Danish Aliens Act (*Udlændingeloven*), section 37, available in Danish at: <https://www.retsinformation.dk/eli/lta/2024/1009>.
- <sup>46</sup> Committee against Torture, concluding observations on the eighth periodic report of Denmark, CAT/C/DNK/CO/8, para 24-25, available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FDNK%2FCO%2F8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FDNK%2FCO%2F8&Lang=en).
- <sup>47</sup> Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment 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, 12. December 2024, para. 30-31, available at: <https://rm.coe.int/1680b2bb49>.
- <sup>48</sup> Committee against Torture Information received from Denmark on follow-up to the concluding observations on its eighth periodic report, para. 23, available at:

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[tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FDNK%2FFCO%2F8&Lang=en](http://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FDNK%2FFCO%2F8&Lang=en)

<sup>49</sup> See legislative proposal no. 144 of 26 February 2025 on a legal Act on the freedom of speech for civil servants (*Forslag til Lov om offentligt ansattes ytringsfrihed*), available in Danish at:

[https://www.ft.dk/ripdf/samling/20241/lovforslag/l144/20241\\_l144\\_som\\_fremsat.pdf](https://www.ft.dk/ripdf/samling/20241/lovforslag/l144/20241_l144_som_fremsat.pdf)

<sup>50</sup> See for instance a study conducted by the trade union FOA, available in Danish at: <https://via.ritzau.dk/data/attachments/00924/2015f44f-6b79-4d7b-90e8-d6d3aa4c8687.pdf>, or a study conducted by the professional magazine Dansk Politi (Danish Police), available in Danish at: <https://dansk-politi.dk/nyheder/ytringsfrihed-politifolk-undlader-ytre-sig-frygt-konsekvenserne>.

<sup>51</sup> Legislative Act no. 1722 of 27. December 2018, available in Danish at:

<https://www.retsinformation.dk/eli/lta/2018/1722>.

<sup>52</sup> Wamsler, K. (2023): Barrierer for valgdeltagelse for personer med handicap. Copenhagen: The Danish Institute for Human Rights, available in Danish at: [Barrierer for valgdeltagelse for personer med handicap – Gør demokratiet tilgængeligt | Institut for Menneskerettigheder](#), p. 21.

<sup>53</sup> See for instance legislative act no. 753 of 19 June 2017 on amendment of the Danish Criminal Code (Increasing the penalty for unsafe begging) (*Lov om ændring af straffeloven (Skærpelse af straffen for utryghedsskabende tiggeri)*), available in Danish at: <https://www.retsinformation.dk/eli/lta/2017/753>.

<sup>54</sup> Executive order no. 305 of 31 March 2017 on amendment of executive order on the police's protection of public order and protection of private individuals and public safety etc., and the police's access to institute temporary precautionary measures (*Bekendtgørelse om ændring af bekendtgørelse om politiets sikring af den offentlige orden og beskyttelse af enkeltpersoners og den offentlige sikkerhed mv., samt politiets adgang til at iværksætte midlertidige foranstaltninger*), available in Danish at: <https://www.retsinformation.dk/eli/lta/2017/305>. The statutory instrument was later changed in 2020 so that only camps that are of 'permanent

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nature' can be subject to a ban. Executive order no. 1094 of 29 June 2020 is available in Danish at: <https://www.retsinformation.dk/eli/lta/2020/1094>.

<sup>55</sup> The Danish Institute for Human Rights, yearly status on unregistered migrants and human trafficking for 2024, available in Danish at: <https://menneskeret.dk/uregistrerede-migranter-menneskehandel>.

<sup>56</sup> The Danish Institute for Human Rights, You can never feel safe (*Man kan aldrig føle sig sikker*), 21. June 2022, page 30, available at: <https://menneskeret.dk/udgivelser/syriske-flygtninges-retssikkerhed>.

<sup>57</sup> Legislative Act no. 153 of 18 February 2015, available in Danish at: <https://www.retsinformation.dk/eli/lta/2015/153>, and legislative Act no. 174, 27 February 2019, available in Danish at: <https://www.retsinformation.dk/eli/lta/2019/174>.

<sup>58</sup> The Danish Institute for Human Rights, Report: You can never feel safe (*Man kan aldrig føle sig sikker*), 21. June 2022, available at: <https://menneskeret.dk/udgivelser/syriske-flygtninges-retssikkerhed>.

<sup>59</sup> Committee on the Rights of Persons with Disabilities, concluding observations, CRPD/C/DNK/CO/1, para. 15, available at: [tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FDNK%2FCO%2F1&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FDNK%2FCO%2F1&Lang=en).

<sup>60</sup> CRPD/C/DNK/CO/2-3, para. 18(c), available at: [tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FDNK%2FCO%2F2-3&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FDNK%2FCO%2F2-3&Lang=en).

<sup>61</sup> Inatsisartut Act no. 36 of 4 June 2024 on equal treatment and anti-discrimination (*Inatsisartutlov om ligestilling og anti-diskrimination*), available in Danish and Greenlandic at: [https://nalunaarutit.gl/groenlandsk-lovgivning/2024/inatsisartutlov-nr-36-af-04-06-2024?sc\\_lang=da](https://nalunaarutit.gl/groenlandsk-lovgivning/2024/inatsisartutlov-nr-36-af-04-06-2024?sc_lang=da)

<sup>62</sup> Legislative act no. 1782 of 28 December 2023 on amendments to the Criminal Code for Greenland and the Administration of Justice Act for Greenland (*Lov om ændring af kriminallov for Grønland og retsplejelov for Grønland*), available in Danish

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at: <https://nalunaarutit.gl/-/media/lovfiler/2023/rigslovgivning/lov-nr-1782-af-28122023da.pdf>.

- <sup>63</sup> The Institutes consultation response to the act is available in Danish at: <https://menneskeret.dk/files/media/document/H%C3%B8ringssvar%20over%20ny%20psykisk%20vold%20bestemmelse%20i%20Gr%C3%B8nland.pdf>
- <sup>64</sup> Annual Statistics 2024, Greenland Police, available in Danish at: <https://politi.gl/-/media/mediefiler/gl/dokumenter/aarsstatistik-da/aarsstatistik-2024.pdf>.
- <sup>65</sup> Legislative act no. 414 of 25 April 2023 on amendments to the Criminal Code for Greenland, the Administration of Justice Act for Greenland and various other laws (*Lov om ændring af kriminallov for Grønland, retsplejelov for Grønland og forskellige andre love*), available in Danish at: <https://nalunaarutit.gl/-/media/lovfiler/2023/rigslovgivning/lov-nr-414-af-25042023da.pdf>
- <sup>66</sup> Ministry of Justice, press release of 7 December 2021, regarding the amendment to the Danish legislation on rape (consent provision), available in Danish at: <https://www.justitsministeriet.dk/pressemeddelelse/stigning-i-voldtaegtsanmeldelser-og-sigtelser-efter-ny-samtykkebestemmelse/>.
- <sup>67</sup> Annual statistics 2024 Greenland Police, available in Danish at: <https://politi.gl/-/media/mediefiler/gl/dokumenter/aarsstatistik-da/aarsstatistik-2024.pdf>
- <sup>68</sup> The Institutes consultation response of 7 June 2022, available in Danish at: <https://menneskeret.dk/files/media/document/H%C3%B8ringssvar%20vedr.%20udkast%20til%20lov%20om%20%C3%A6ndring%20af%20kriminallov%20for%20Gr%C3%B8nland%20%28Samtykkebaseret%20voldt%C3%A6gtsbestemmelse%29.pdf>.
- <sup>69</sup> Human Rights Committee, concluding observations on the sixth periodic report of Denmark, 15 August 2016, CCPR/C/DNK/6, para. 21-22.
- <sup>70</sup> Legislative act no. 1674 of 30 December 2024 on amending the Penal Code, military penal code, the Administration of Justice Act and on repealing the law on punishment for genocide and the law on the protection of cultural property in the event of armed conflict (Certain international crimes) (*Lov om ændring af straffeloven, militær straffelov og retsplejeloven og om ophævelse af lov om straf for folkedrab og lov om beskyttelse af kulturværdier i tilfælde af væbnet konflikt* (Visse

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*internationale forbrydelser*)), available in Danish at:  
<https://www.retsinformation.dk/eli/lta/2024/1674>.

<sup>71</sup> § 7, stk. 2

<sup>72</sup> Such as section 77 (rape), section 86 (murder), section 88 (violence/assault), section 91 (unlawful coercion) and section 112 (robbery).

<sup>73</sup> Policy Brief, The Danish Institute for Human Rights, January 2025, available in Danish at: <https://menneskeret.dk/viden/udgivelser/statens-ansvar-ufrivillige-spiraloplaegninger-andre-svangerskabsforebyggende#:~:text=If%C3%B8lge%20Institut%20for%20Menneskerettigheder%20b%C3%B8r%20den%20danske%20regering,indgreb.%20L%C3%A6s%20policy%20brief%20p%C3%A5%20dansk%20eller%20gr%C3%B8nlandsk>.

<sup>74</sup> Report to Inatsisartut 2023-24, The Danish Institute for Human Rights, available in Danish at:  
<https://menneskeret.dk/files/media/document/Beretning%20til%20Inatsisartut%202023-24.pdf>.

<sup>75</sup> Terms of reference for the study, available in Danish at:  
[https://www.ism.dk/Media/638001353192965804/DK\\_Kommissorium.pdf](https://www.ism.dk/Media/638001353192965804/DK_Kommissorium.pdf).

<sup>76</sup> Legislative act no. 306 of 30 April 2008, Criminal Code for Greenland (*Kriminallov for Grønland*), article 156, available in Danish at: <https://www.retsinformation.dk/eli/lta/2008/306>.

<sup>77</sup> Legislative act no. 306 of 30 April 2008, Criminal Code for Greenland (Lov nr. 206 af 30. april 2008, *Kriminallov for Grønland*), article 161, available in Danish at:  
<https://www.retsinformation.dk/eli/lta/2008/306>.

<sup>78</sup> Ministry of the Interior and Health: Parliamentary question no. 71 from the Greenland Committee 2022-23, p. 2, available in Danish at:  
<https://www.ft.dk/samling/20222/almDEL/gru/spm/71/svar/1981140/2755221/index.htm>.

<sup>79</sup> Lauritsen A. N. and Rømer, M. (2023): Fra nedsendt til bortdømt: Om Grønlands særlige foranstaltningssdomme i Danmark. *Social Kritik* (Only available in Danish), April 2023, 168: 29-38, p. 31.

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- <sup>80</sup> Taxhjelm, F. R. & Hjaltason, P. (2023) Beskyttelse mod seksuelle overgreb på bo- og døgntilbud i Grønland. Copenhagen: The Danish Institute for Human Rights. available in Danish at: <https://menneskeret.dk/udgivelser/beskyttelse-seksuelle-overgreb-paa-bo-doeogntilbud-groenland#:~:text=I%20ny%20analyse%20anbefaler%20Gr%C3%B8nlands%20R%C3%A5d%20for%20Menneskerettigheder%2C,beskyttelse%20styrkes%20for%20bo-%20og%20d%C3%B8gntilbudsbeboere%20i%20Gr%C3%B8nland.>
- <sup>81</sup> Killiliisa Strategy 2018-2022, available in Danish at: [https://paarisa.gl/emner/det-gode-liv/killiliisa\\_oversigtsside/om\\_killiliisa?sc\\_lang=da.](https://paarisa.gl/emner/det-gode-liv/killiliisa_oversigtsside/om_killiliisa?sc_lang=da.)
- <sup>82</sup> Committee on the Rights of Persons with Disabilities (2014): Concluding observations on the initial report of Denmark. CRPD/C/DNK/CO/1 and UN Special Rapporteur on the Rights of Indigenous Peoples, José Francisco Calí Tzay, Visit to Denmark and Greenland, A/HRC/54/31/Add.1, 3 August 2023, p. 15 and p. 20.
- <sup>83</sup> IWGIA, The Indigenous World (2024), p. 455, available at: <https://iwgia.org/en/resources/publications/5508-the-indigenous-world-2024.html.>
- <sup>84</sup> The Danish Institute for Human Rights and the Human Rights Council of Greenland, January 2025, input to EMRIP call regarding study on Indigenous Peoples right to data, including data collection and disaggregation, available at: <https://menneskeret.dk/files/media/document/Submission%20for%20EMRIP%20study%20on%20Indigenous%20Peoples%20right%20to%20data%20%28002%29.pdf.>
- <sup>85</sup> Naalakkersuisut, 2023, Report on conditions regarding sexuality and sexual abuse at residential care facilities for persons with disabilities, p. 23, available in Danish at: [https://naalakkersuisut.gl/Nyheder/2023/12/1412\\_undersoegelse\\_af\\_doeogntilbudsom\\_raadet?sc\\_lang=da.](https://naalakkersuisut.gl/Nyheder/2023/12/1412_undersoegelse_af_doeogntilbudsom_raadet?sc_lang=da.)
- <sup>86</sup> Greenland's Spokesperson for Persons with Disabilities, Tilioq, Sexual abuse of children with disabilities in Greenland, 2024, p. 9, available in Danish at: <https://www.tilioq.gl/media/nmqhpm2b/tilioq-faelles-mod-misbrug-da-web.pdf.>
- <sup>87</sup> See: [https://naalakkersuisut.gl/Nyheder/2024/06/2706\\_ligebehandlingsnaevnet?sc\\_lang=da](https://naalakkersuisut.gl/Nyheder/2024/06/2706_ligebehandlingsnaevnet?sc_lang=da)



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<sup>88</sup> The Danish Institute for Human Rights and the Human Rights Council of Greenland, 2023, Submission to the UN Committee Against Torture, p. 24, available at:  
[tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FCSS%2FDNK%2F56429&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCAT%2FCSS%2FDNK%2F56429&Lang=en).

<sup>89</sup> See for example: Special Rapporteur on the rights of Indigenous Peoples, 2023, Country report on Greenland and Denmark, available at:  
<https://www.ohchr.org/en/documents/country-reports/ahrc5431add1-visit-denmark-and-greenland-report-special-rapporteur-rights>.

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<https://menneskeret.dk/udgivelser/beretning-inatsisartut-groenlands-parlament-2023-24>.