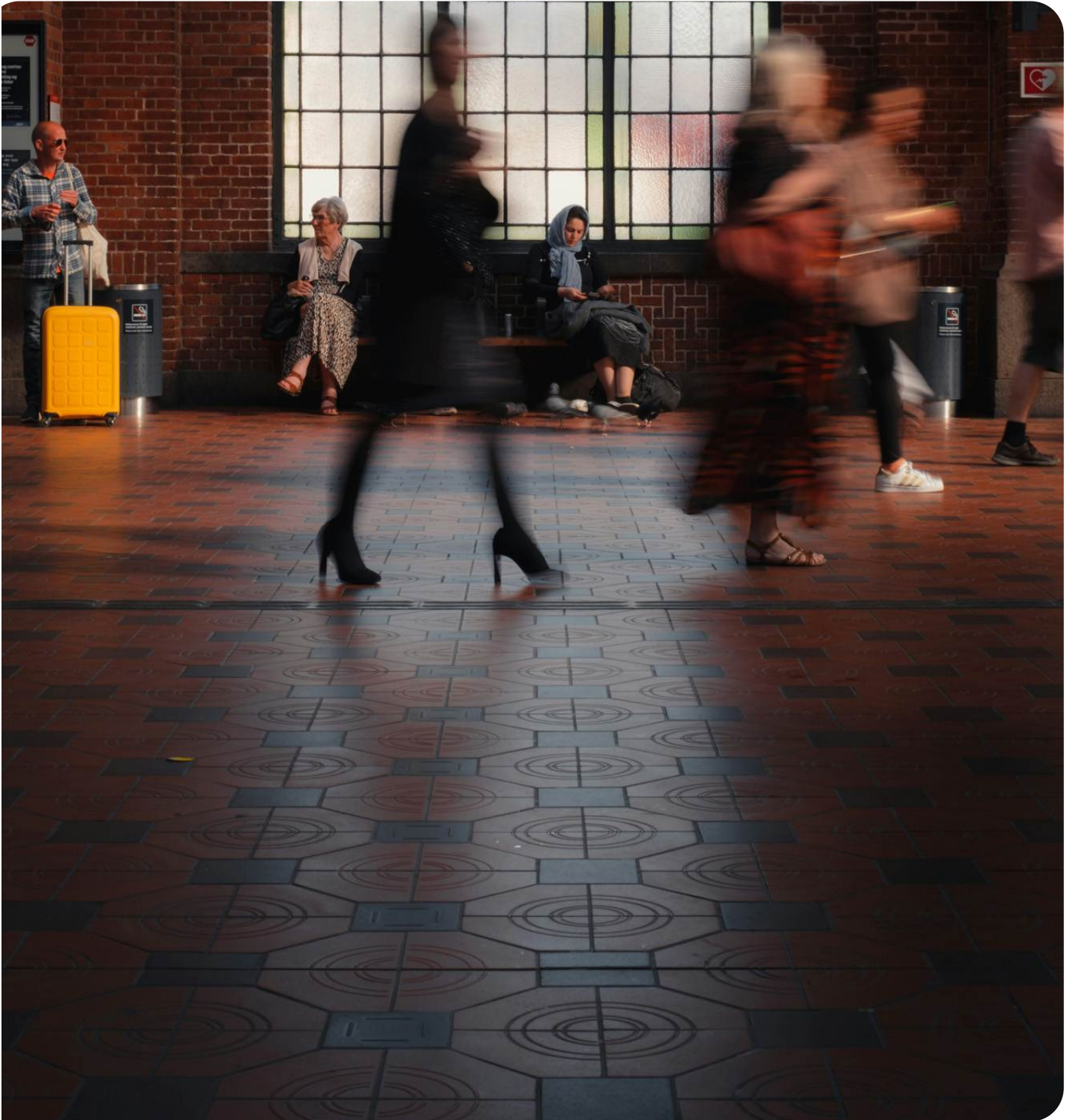


# Committee on Enforced Disappearances

NHRI input to CED list of issues (LOI) 2026 - Denmark



## **NHRI input to CED list of issues (LOI) 2026 - Denmark**

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## **Preface**

This report by the Danish Institute for Human Rights (the Institute) aims to assist the Committee on Enforced Disappearances (the Committee) in the context of the adoption of its list of issues (LOI) on Denmark during its 30th session taking place 9-27 March 2026.

The report covers selected issues regarding the implementation of the Convention on the on Enforced Disappearances (the Convention) in Denmark. Each selected issue is supplemented with a suggested inquiry.

The selection of issues is based on the first report submitted by Denmark to the Committee.<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 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>

## **Preparation of the report, including consultations with national human right institutions**

The Institute appreciates the information by the Ministry of Justice on the development of a report to the Committee following the entry into force of the Convention in 2022.

Indeed, the Institute comments were of a general nature given the absence of a draft report during the consultation process. Thus, comments suggested by the Institute included the involvement of civil society in the process and a focus in the report by the State party on the actual implementation of the Convention, including challenges in this regard.

## Article 16 Persons on Tolerated Stay

Article 16 of the Convention prohibits the expulsion, return (refoulement), surrender or extradition of a person to a State where there are substantial grounds for believing that he/she might be subject to enforced disappearance.

In this regard, the Committee has called upon State parties to avoid indirect refoulement resulting from the creation of conditions that leave migrants no option but to return to a country where there are substantial grounds to believe that they would be in danger of being subjected to enforced disappearance or transferred to another country where they would face such a risk.<sup>5</sup>

Persons on tolerated stay (*tålt ophold*) are foreign nationals who, due to committed crimes, etc., are excluded from asylum, but whom the immigration authorities assess to be at risk of persecution or torture if returned to their home country. Therefore, Denmark cannot forcibly deport the individuals in question to their home countries.

The Return Agency (*Hjemrejsestyrelsen*) conduct conversations with these persons with a view to motivate them to voluntarily leave Denmark while public statements include, *'it should be as annoying as possible to be on tolerated stay in Denmark, so that their life in the country is not worth holding on to'*.<sup>6</sup>

The majority of persons on tolerated stay are accommodated at the return centre 'Kærshovedgaard', a facility run by the Prison and Probation Service (*Danske Fængsler*) in conditions that has been viewed as 'very burdensome and limiting for basic conduct of life' by the Parliamentary Ombudsman, the National Preventive Mechanism (NPM) in Denmark.<sup>7</sup> While the facility is open, residents are subject to a number of restrictions, including a duty to reside and daily reporting at the facility. As of 30 June 2025, 53 persons on tolerated stay were notified as missing by the authorities.<sup>8</sup>

### **Suggested inquiry:**

- Please provide information on what measures are being taken by the authorities vis-à-vis the living conditions for persons on tolerated stay at Kærshovedgaard to ensure compliance with article 16 of the Convention.

## **Article 17 Act on Defence Cooperation between Denmark and the United States**

Article 17 of the Convention provides protection against secret detention. In this regard States should provide information, including on guarantees for any independent bodies or mechanisms established to inspect prisons and other places of detention.<sup>9</sup>

On 11 June 2025, the Parliament adopted the act on Defence Cooperation between Denmark and the United States of America, etc.<sup>10</sup> The purpose of the act, includes giving American forces direct access to use selected military facilities and areas in Denmark to carry out a number of specific activities as part of the military cooperation. Activities include, the stationing of personnel, storage of military equipment and gear, maintenance, training, etc.

It follows from article 13 of the Defence corporation agreement that American forces can detain American soldiers, etc., in the American-controlled areas in Denmark, i.e., at three air bases. In relation to the envisioned treatment of persons deprived of their liberty in areas controlled by Americans, the Institute has recommended that the Ministry of Defence provides an account of how Denmark will monitor and ensure that human rights violations will not take place on the American controlled areas on Danish territory.<sup>11</sup>

Moreover, as a State party to the Optional Protocol to the Convention against Torture (OPCAT) and with an established NPM, Denmark shall ensure that the NPM has access to visit persons deprived of their liberty on the American controlled areas on the Danish military bases.<sup>12</sup>

### **Suggested inquiry:**

- Please provide information on how Denmark's international obligations, including those arising from the Convention and OPCAT, has been taken into consideration in the act on Defence Cooperation between Denmark and the United States of America, as well as the possibility for International monitoring bodies and the NPM could exercise their supervisory mandates in the same way as in Denmark on the American controlled areas.

## **Article 25 illegal international adoptions**

Article 25 of the Convention requires State parties to prevent and lawfully punish the wrongful removal of children submitted to enforced disappearance, as well as to have in place procedures to guarantee the right of disappeared children to have their true identity re-established.

In recent years, Danish media has reported on a wide range of cases involving illegal international adoptions.<sup>13</sup> Reports have been made of children from India, South Korea, and several other countries who were, for many years, allegedly stolen or deceived from their biological parents and subsequently adopted to Denmark. Several adoptees in Denmark have come forward to share their stories, describing how they have spent years searching for the truth about their origins and their adoption process.

Illegal adoptions may breach several human rights, including the right to family life under Article 8 of the European Convention on Human Rights, which obliges the state to protect family bonds—even against interference by private actors, if the state knew or should have known something was wrong. Under the Convention on the Rights of the Child, Denmark must also prevent children from being separated from their parents against their will and safeguard their identity.

Because the above-mentioned cases concern possible grave violations of the human rights of children—a particularly vulnerable group—the Institute recommends that Denmark should investigate whether the human rights of adoptees have been violated by the state, and that the investigation should also aim to determine any potential responsibility. If so, the state should provide compensation where required under human rights law. The limitation rules should be adjusted to ensure that victims can receive compensation, and a new independent body should be established to initiate future investigations into potential state violations.

### **Suggested inquiry:**

- Please provide information on how Denmark will ensure that instances of unlawful international adoptions, as well as any human rights violations in this regard, are identified, and how Denmark assists these adoptees in identifying their families of origin.



## End notes

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- <sup>1</sup> Denmark, The Ministry of Justice (*Justitsministeriet*), CED/C/DNK/1, available in at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2FC%2FDNK%2F1&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2FC%2FDNK%2F1&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/lta/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/wpcontent/uploads/2025/01/SCA-Report-2nd-Session-2024-dec\\_EN.pdf](https://ganhri.org/wpcontent/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> The Committee, General Comment no. 1, para. 34, CED/C/GC/1, available at: <https://www.ohchr.org/en/documents/general-comments-and-recommendations/cedcgc1-general-comment-no-1-2023-enforced>.
- <sup>6</sup> The Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*), reply to question 13, 13 November 2025, available in Danish at: <https://www.ft.dk/samling/20251/almDEL/uuI/spm/13/svar/2177253/3092546.pdf>.
- <sup>7</sup> The Danish Parliamentary Ombudsman (*Folketingets Ombudsmand*), FOB 2024-14, Visit report from (*Tilsynsbesøg på Udrejsecenter Kærshovedgård, personer på tålt ophold*), 25. april 2024, page 2, available in Danish at: <https://www.ombudsmanden.dk/Media/638615499044405314/2024-14%20Tilsynsbes%C3%B8g%20p%C2%B0%20Udrejsecenter%20K%C3%A6rshovedg%C3%A6rd,%20personer%20p%C2%B0%20t%C3%B0lt%20ophold.pdf>.



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- <sup>8</sup> The Ministry of Immigration and Integration (*Udlændinge- og Integrationsministeriet*), reply to question no. 13, 13 November 2025, available in Danish at:  
<https://www.ft.dk/samling/20251/almindeligt/uu/svar/2177253/3092546.pdf>.
- <sup>9</sup> Committee on Enforced Disappearances, Guidelines on the form and content of reports under article 29 to be submitted by States parties to the Convention, adopted by the Committee at its second session (26–30 March 2012), CED/C/2, para. 28, available at: <https://docs.un.org/en/CED/C/2>.
- <sup>10</sup> Act on Defence Corporation between Denmark and the United States etc (*Lov om forsvarssamarbejde mellem Danmark og Amerikas Forenede Stater m.v.*), Act no. 698 of 20. June 2025, available in Danish at:  
<https://www.retsinformation.dk/eli/lta/2025/698>.
- <sup>11</sup> The Danish Institute for Human Rights, Public consultation response to the draft Act on Defence Corporation between Denmark and the United States etc (*Lov om forsvarssamarbejde mellem Danmark og Amerikas Forenede Stater m.v.*), available in Danish at:  
<https://menneskeret.dk/files/media/document/H%C3%B8ringssvar%20over%20udkast%20til%20forslag%20til%20lov%20om%20forsvarssamarbejdsaftale%20mellem%20Danmark%20og%20USA%20mv.pdf>.
- <sup>12</sup> The Optional Protocol to the Convention against Torture (OPCAT) article 19, cf. article 4.
- <sup>13</sup> See articles on the website of Danish Broadcasting Corporation: [Adoption til Danmark stoppes | DR](#)