

Opening statement by the Minister for Foreign Affairs of Denmark

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Mr. President, distinguished delegates,

The Universal Periodic Review has proven instrumental in promoting and strengthening human rights universally through constructive and inclusive dialogue.

It is in this spirit that Denmark has actively contributed with recommendations in the review of our fellow member states. And it is in this spirit that I look forward to discussing your concerns and recommendations to us today and to translate these into tangible improvements of the protection of human rights in Denmark in the years to come. Human rights are not an easy topic for any country, but we must discuss and debate them to benefit our citizens and societies.

Denmark has a long track record for promoting human rights at home and abroad. This government is also a champion of human rights. I believe in the freedom of each individual to choose his or her future and to make a better life for him or herself. I believe that the universal freedoms - the personal and the economic - have enabled us to progress and make life better for our citizens.

Europe and Denmark is currently facing a critical situation with an unprecedented high number of refugees and immigrants seeking protection from prosecution and war or new economic opportunities. The number of asylum seekers to the European Union more than doubled between 2014 and 2015. And over the three year period from 2012 to 2015 the numbers almost quadrupled. In 2014, Denmark was the fifth largest recipient of asylum seekers in the EU per capita and second largest recipient of Syrian asylum seekers in the EU per capita. Denmark was the seventh largest recipient of UN quota refugees in the EU in absolute terms. In such a situation, effective integration becomes a challenge, just as societal cohesion comes under immense pressure.

Europe and each European state seek both jointly and individually to address this situation. It is a challenge for us – as it is for all countries where refugees transit or seek refuge. We have already received questions from Mexico, Spain and the United Kingdom, and I expect more questions today related to the Danish response to the high number of asylum seekers wishing to enter Denmark. So let me start with a few words on this.

The response to the refugee crises must first and foremost address the root causes. The international community need to address conflicts more effectively. And if at all possible it is better to help people close to their homes. In this context, Denmark is, relative to our size, one

of the countries in the world providing the most humanitarian assistance to Syrian refugees. And we are widely recognised as being among the most important humanitarian donors worldwide.

As mentioned, the influx to Europe and Denmark in 2015 has been unprecedented. To deal with this, to be able to provide decent conditions for the persons being granted asylum and at the same time protect the Danish welfare state model, we have introduced a number of new measures.

Let me stress, however, that refugees, who are granted a residence permit in Denmark, have the same access to schools, the same access to education and the same access to health care systems as everyone else in Denmark, free of charge. And they are provided with appropriate housing. Refugees take part in an integration programme including comprehensive free language- and job training. The objective is to enable the refugees to become active and financially independent citizens. Asylum seekers also receive the necessary support while their application is being considered. This includes basic maintenance, health care services and accommodation.

Denmark will in our endeavours to find the most balanced policies act in full accordance with our international obligations. Denmark is a society built on the rule of law, and we have a well-functioning system of checks and balances that is deeply-rooted in our democratic society – at the national, regional and international level.

Let me now turn to our national report with a few remarks regarding our national consultation procedure. From the earliest stages of preparation we have co-operated closely with our National Human Rights Institution – the Danish Institute for Human Rights – with whom we have organized country-wide hearings about the human rights situation in Denmark. We also encouraged the general public to send their opinions and contributions to a dedicated e-mail address. And in the end, Danish NGO's and civil society in general were encouraged to comment on a draft version of our report. Several NGOs chose to do so - leading to amendments of our report. Overall, I believe that the national consultation process helped engage civil society, gave us an insight into elements, we had not previously focused on and all-in-all resulted in a better report. I wish to express my sincere thanks to all who contributed to this process.

Denmark received 133 recommendations during our first UPR review. We accepted 82 immediately and another 20 as a result of our voluntary mid-term review, while 5 recommendations were partially accepted.

I would like to highlight some of the actions that the recommendations have generated.

In response to concerns raised by *Belgium, Norway and Switzerland* in relation to **violence in intimate relations**, we have decided to remove all references to marital relations between the victim and the perpetrator in connection to rape and sexual abuse in the Danish Penal Code.

A number of recommendations – from *Austria, Poland, Korea and Indonesia* – were related to the need to increase prevention of - and protection of victims of - domestic violence. Our full agreement with these recommendations has been translated into a number of new initiatives in the area. One of the initiatives will ensure that all women taking residence in a women's shelter are offered coordinated counselling and not as previously only those with children. These initiatives of course also apply to migrant women, to respond to a question from Mexico.

India, Poland, Norway and Kyrgyzstan recommended the **establishment of a Children's Ombudsman**. In 2012 the Danish Government responded with the establishment of a special Office for Children as part of the Danish Parliamentary Ombudsman institution in order to protect and enhance children's rights pursuant to the UN Convention on the Rights of the Child.

Many recommendations were related to the **accession to the few international instruments, to which Denmark is not yet party**. I am pleased to announce that over the last two years Denmark has acceded to another two optional protocols on communications procedures to UN conventions – in relation to children and in relation to persons with disabilities.

Canada, Kyrgyzstan, the Netherlands and South Africa recommended that Denmark **incorporated UN human rights conventions into Danish law**. This is a question that Danish governments have taken very seriously. Twice since the turn of the century, expert committees - comprising all relevant stakeholders in Danish society - have considered the matter in volumes counting several hundred pages. And in both cases, the government in office – coming from different sides of the political spectrum – reached the same conclusion: That incorporation of the UN conventions in question was not the right means of implementation for Denmark.

Regardless of incorporation, international conventions are a source of law in Danish courts. They can be, and are indeed, invoked before and applied by the courts and other law-applying authorities.

We are dedicated to implementing our international human rights obligations and are under extensive scrutiny. Domestically by our National Human Rights Institution, our National Preventive Mechanism, our parliamentary ombudsman and our courts. Regionally by mechanisms within the Council of Europe - including the European Court of Human Rights. And internationally by the UN Treaty Body system, including six individual complaints mechanisms and a standing invitation to all UN Special Procedures.

Turning to a recommendation by *the United Kingdom*, efforts to **decrease the number of pre-trial detentions** and the use of **solitary confinement established by court order** have shown good results. From 2013 to 2014 the number of pre-trial detentions fell with more than 10 percent and the number of solitary confinements fell with 36 percent.

The state of human rights is good in Denmark. But we can do better and we will always seek to do better. I will now address specific questions that you have been so kind as to direct to Denmark prior to this examination and which I have not already touched upon. Allow me first to thank the delegations of *Mexico, the Netherlands, Norway, Slovenia, Spain, Sweden and the United Kingdom* for their contributions, which I will address in thematic clusters now and otherwise seek to address in the interactive dialogue.

Norway and Slovenia asked about placement of **unaccompanied asylum seeking minors**. Denmark regards unaccompanied minors as vulnerable, and the Danish Aliens Act therefore includes special rules in this regard. A personal representative is appointed for all unaccompanied children, who seek asylum or stay in Denmark without permission. The personal representative supports and cares for the minor as regards personal issues and attends the asylum interview and other meetings with the authorities. Accommodation is provided for all unaccompanied minors at a special children's centre run by the Danish Red Cross. The centre is staffed 24 hours a day by professional personnel. The centre is responsible for the whereabouts of the children. If an unaccompanied minor is discovered to be missing, the police issue a nationwide warrant and the local authority and the child's personal representative is informed.

Regarding **minors being incarcerated with adults and the time minors spend in solitary confinement**. Denmark has established juvenile departments at three Danish prisons. In 2015 the average number of inmates under 18 placed in a prison with adults was only 1.3 individuals. The institution will assess on an individual basis whether it would be for the benefit of the person under 18 to be transferred to an institution with a juvenile department. However, if all

inmates under 18 should be placed apart from adult inmates, this would in some cases result in a placement in either solitary confinement or far from their home.

On the question from the United Kingdom of **court-ordered solitary confinement of persons under 18**, let me stress that the possibility of such solitary confinement is only used in very exceptional cases. The conditions for court-ordered solitary confinement of minors are very strict, and since 2011 only one person under 18 has been placed in court-ordered solitary confinement.

As regards **solitary confinement based on administrative decisions**, the institutions will pay great attention to the person's age and will only use the measure if it is deemed absolutely necessary.

If a person under 18 is placed in solitary confinement – whether by court-order or administrative decision – the prison staff must always pay special attention to the needs of the person in order to reduce the particular strain and risk of disruption of the psychological health associated with solitary confinement.

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Allow me now to give the floor to my distinguished colleague Minister Poul Michelsen of the Faroe Islands, followed by the representative of the Government of Greenland, Special Advisor Pernille Bengtsen.

Thank you.

Without further ado, I look forward to the questions and recommendations and to a good discussion with you today.

Thank you Mr. President.