



Joint NGO Submission

in connection with the 52nd session of the UN Human Rights Council

Universal Periodic Review of Denmark, April/May 2026



Table of Contents

A) Human Rights Obligations and National Framework.....	3
1. Incorporation into national legislation	3
B) Implementation of Human Rights in Practice.....	3
Cross-cutting Issues	3
2-4. Equality and Non-discrimination.....	3
Business and Human Rights.....	4
5. Rule of law issues when public officials move to the private sector	4
6. Complicity in war crimes and other human rights violations during armed conflicts	4
Civil and Political Rights	5
7. Solitary confinement as a disciplinary measure.....	5
8. Pre-trial detention.....	5
9. Overcrowding in Danish prisons.....	5
10. Extraterritorial incarceration	6
11. Freedom of expression vs. anti-terror legislation.....	6
12. Respect for private life vs. mass surveillance, data collection etc.	7
Economic, Social and Cultural Rights	7
13. Minimum social benefits.....	7
14. Coercive measures in psychiatric institutions	7
15. Intersex persons.....	8
16. Non-religious life stance organizations.....	8
Specific Groups.....	9
17-20. Children	9
21-24. Women.....	10
25-29. Refugees and Asylum seekers	13
Annexes:.....	18

A) Human Rights Obligations and National Framework

1. Incorporation into national legislation

We urge Denmark to continue to support the protection of human rights and ensure fulfilment and implementation of the international standards in practice. Until now Denmark's position has been to not incorporate core UN human rights conventions into Danish law.

Specifically, several European countries have incorporated the UN Convention on the Rights of the Child into their national legislation, incl. Germany, France, the Netherlands, Ireland, Spain, Finland, Iceland, Norway, and Sweden in 2020.

Recommendation: Incorporate the UN Convention on the Rights of the Child to give full effect to the rights, as enshrined in the Convention.

B) Implementation of Human Rights in Practice

Cross-cutting Issues

2-4. Equality and Non-discrimination

2. Action Plan against Racism

Ethnic and religious discrimination is unfortunately reported frequently in Denmark. This has been experienced by 84 % of ethnic minority individuals¹ living in Denmark, 50% of persons with Muslim background,² and 56% of school students with a non-Western background.³

It is positive that a new Action Plan against Racism was adopted in February 2025.⁴ However, the initiatives in the Plan are limited in scope and do not include discrimination in all forms. The definition of racism and the full scope of the Plan should combat the creation of discriminatory terms and laws, such as the "Ghetto Law," which is currently under scrutiny in the European Court of Justice.

The Action Plan does lack a clear definition of racism. We recommend that the Plan include the definition of racism as specified in the UN International Convention on the Elimination of All Forms of Racial Discrimination, Article 1, Section 1.

Recommendations: The initiatives to monitor racism, as set out in the Action Plan against Racism, should be made permanent and not limited to the time and resource period covered by the Plan. In addition, the Plan should be expanded to address discrimination and hatred against all religious and ethnic minorities, including Muslims, who represent a large minority group in the Danish society. A definition of racial discrimination must be included in the Plan

¹ Danish Institute for Human Rights. 2023. Report "Experienced ethnic discrimination in Denmark."

² The EU Agency for Fundamental Rights, "Being Muslim in the EU – Experiences of Muslims", 27 October 2024.

³ Danish Institute for Human Rights. 2024. Report "Ethnicity and bullying".

⁴ [handlingsplan-mod-racisme.pdf](#)

3. Non-discriminating educational environments

In May 2025, a majority of parties in the Danish Parliament agreed to amend the Educational Environment Act. Thus, it must explicitly state that schools and educational institutions have a duty to ensure a learning environment that is without harassment, abuse and discrimination.⁵

A survey from 2023 had shown that 35% of LGBT+ school students experience poor treatment in school⁶ and that 56% of students with non-Western background experience discrimination.⁷

Recommendation: Implement the intentions of the parliamentary agreement, so the Educational Environment Act both ensures a learning environment without discrimination and harassment and produces guidelines and practices that foster non-discriminating educational environments.

4. Digital discrimination

The increased digitization in Denmark presents ever greater challenges for many citizens who do not have access to a smartphone or who face difficulties when using digital solutions. Some 49% of persons with disabilities have problems with digitalization, compared to 15% of citizens without disabilities.⁸ Clearly, digitalization leads to discrimination.

Recommendation: Ensure that all persons who are digitally challenged have effective access to the same public services as the rest of the population, e.g. via non-digital alternatives, such as personal service and telephone contact.

Business and Human Rights

5. Rule of law issues when public officials move to the private sector

Many former ministers, members of Parliament and other officials in the public sector move directly to high-level jobs in the private sector, and do so with no restrictions or quarantine. By exploiting confidential, "inside" knowledge and political contacts, this "revolving door" practice could lead to disproportionate influencing and undemocratic decision-making. In a time of ever-greater lobbying, private-public cooperation, and outsourcing of public works, this is a rule of law problem.

Recommendation: Introduce rules to deal with the employment of persons in top executive functions following the termination of their service in the public sector. This must be in line with recommendations by the EU and the Council of Europe.

6. Complicity in war crimes and other human rights violations during armed conflicts

By way of export licenses, Denmark has an obligation to ensure that companies under its jurisdiction avoid complicity in war crimes and other human rights violations during armed conflict. Export

⁵ See point 7.9 in the political agreement.

⁶ [LGBT+-elevers trivsel og mental sundhed samt oplevelser af mobning, vold, chikane og diskrimination](#) page 70, fig. 2.21.

⁷ https://menneskeret.dk/files/media/document/2024_05_29_Etnicitet-og-mobbedynamikker_DK_04-1.pdf, page 72, fig 1.1.

⁸ [Denmark: Coded Injustice: Surveillance and Discrimination in Denmark's automated welfare state - Amnesty](#)

licenses must ensure that companies avoid such complicity, also in their value chains and business relationships. This includes, but is not limited to, export and transport licenses related to the production in Denmark of arms components.

Recommendations:

- Ensure compliance with the UN and EU regulations, in particular with the Arms Trade Treaty and the EU Council Common Position 2008/944/CFSP. Thus, a case-by-case assessment of export licenses must be adopted, and exports must be forbidden if there is an overriding risk that this will contribute to breach of international humanitarian law.
- Ensure that guidance and advice to business enterprises that operate in situations of armed conflict and occupation receive timely raising of their awareness about international humanitarian law.

Civil and Political Rights

7. Solitary confinement as a disciplinary measure

The maximum duration of solitary confinement as a disciplinary measure has been reduced from 28 to 14 days for adults. However, the law still allows up to 28 days in “exceptional circumstances”, cf. Law Enforcement Act section 70. Juveniles can still be placed in solitary confinement.

Recommendation: Prohibit solitary confinement as a disciplinary measure exceeding 14 consecutive days, and abolish the use of solitary confinement for juveniles.

8. Pre-trial detention

Pre-trial detention can have severe psychological consequences for the remand prisoners. Traditionally this has been used more extensively in Denmark than in neighboring countries. Remand prisoners often have only limited contact with the outside world due to the official restrictions on phone calls, correspondence, and family visits.

Many remand prisoners are even held in *de facto* isolation (23 hours a day in their cells) with limited access to education, work and leisure activities because of lack of staff and outdated remand prisons.

Recommendation: Enhance efforts to reduce the use of pre-trial detention and review the legal and practical framework governing remand prisoners’ contact with the outside world.

9. Overcrowding in Danish prisons

As highlighted by the Council of Europe's CPT in December 2024,⁹ overcrowding continues to be a major problem in Danish prisons. A prison cannot function effectively when operating at its full 100

⁹ Report of 12 December 2024, available at [1680b2bb49](#)

percent capacity. There must be a capacity margin e.g. for transferring incompatible prisoners between wings and for receiving additional prisoners.

It is positive that the newly adopted prison reform includes initiatives regarding pre-trial detention.¹⁰

Recommendation: Expand the use of non-custodial measures such as electronic monitoring, probation, and community sanctions.

10. Extraterritorial incarceration

The Danish government is establishing a prison in the Republic of Kosovo for foreigners convicted by Danish courts. However, Denmark cannot outsource its responsibility for the proper treatment of detainees, according to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) and other human rights conventions. In addition, Denmark's responsibility for official supervision (cf. OPCAT) must be maintained.

Recommendation: Change the decision to transfer prisoners to Kosovo due to risk of human rights violations.

11. Freedom of expression vs. anti-terror legislation

Based on anti-terror provisions in the Danish Criminal Code, individuals have been convicted for exercising their freedom of expression. We now see a troubling trend towards increasing ambiguity about where the limits of freedom of expression go. This could easily have a negative impact on public debate. In the context of Gaza and since 7 October 2023, prosecutors have investigated over 100 cases of expression and have raised charges in 23 cases. It is likewise troubling that newly enacted legislation imposes restrictions on the right to express criticism of religious scriptures. In addition, a forthcoming bill poses an additional risk of suppressing satire aimed at those in power. The extent of each of these measures is ambiguous and can easily result in suppressing expression, which would be detrimental to democracy.

Recommendation:

The government and the public prosecutor should respect the principle of objectivity and not take on cases against citizens for expressing their political views online or offline due to the risk of suppressing the right to protest. The restrictions mentioned above on freedom of expression are neither necessary nor proportionate and should therefore be abandoned or reversed.

¹⁰ [Bredt flertal indgår aftale om en ny straffereform - Regeringen.dk](#)

12. Respect for private life vs. mass surveillance, data collection etc.

The government is seeking expanded access for Danish Security and Intelligence (in Danish: PET) to collect more information about citizens without prior judicial authorization.¹¹ This will reduce citizens' right to privacy, e.g., through access to medical records, social media, and private messages. This and the increased use of artificial intelligence to profile citizens may lead to discrimination against various minority groups. Furthermore, in 2025 the Copenhagen police began using facial recognition technology, which may be misused, increase pressure on minority individuals and negatively impact the right to protest.

Recommendation: Access to citizens' data should not be granted without a court order, and facial recognition technology should be completely banned in public spaces.

Economic, Social and Cultural Rights

13. Minimum social benefits

In July 2025, a new system for social benefits entered into force. It introduces a new minimum rate of benefits,¹² that replaces the previous scheme of "self-support and return travel benefits" provided to refugees. The new system has strict employment and residency requirements: full-time employment for two-and-a-half years of the past 10, and residency in Denmark nine years of the last 10. People who will now receive only the minimum rate include foreigners who do not fulfil the residency and employment requirements. According to calculations by the Ministry of Employment, some 6,000 citizens are expected to have their benefits reduced as a result of the new system.¹³

Civil society organisations have warned that the reform will deepen poverty, harm children's wellbeing (see Recommendation no. 18), and exacerbate mental health issues among affected families.

Recommendation: Increase substantially the minimum rate for social benefits. This rate must be above the minimum subsistence level so as to avoid that thousands, especially refugees and their children, have their well-being, their integration, and their future prospects devastated. This could undermine the core values of the Danish welfare state.

14. Coercive measures in psychiatric institutions

In the psychiatric sector the excessive use of coercive measures continues. The various initiatives adopted over the last years have fallen far short of reducing the amount of coercion in the psychiatric sector. The new 10-year plan for the sector (adopted in 2025) aims at reducing coercive measures by 30% by 2030. However, we fear that it lacks a necessary preventive approach and that it will lead to some coercive measures only being replaced by others.

¹¹ [L 218 - 2024-25 \(oversigt\): Forslag til lov om ændring af lov om Politiets Efterretningstjeneste \(PET\). \(Understøttelse af Politiets Efterretningstjenestes mulighed for at udføre data- og analysebaseret efterretningsvirksomhed m.v.\). / Folketinget](#) See also [Rapport: Øget overvågning udfordrer retsstaten - Justitia - Danmarks første uafhængige juridiske tænketank](#)

¹² [Aftale om et nyt kontanthjælpsystem](#)

¹³ [Ib.](#)

Recommendation: Adopt a preventive approach in psychiatric care by ensuring that adequate support, care, and treatment are provided to reduce the need for coercive measures.

15. Intersex persons

The Danish state refuses to conduct an impartial investigation into the recurring allegations of unnecessary and irreversible treatment and surgery performed on intersex children. The EU categorized these practices¹⁴ as harmful practices, and the UN, as inhumane treatment and torture (see Annex 3).¹⁵

Intersex people are discriminated against, in their access to intersex qualified healthcare, based on their gender identity. The Danish State fails in, and actively neglects to, address the root causes of invisibilization, discrimination and human rights violations against intersex people.¹⁶ See Annex 3 for detailed description.

Recommendation: Ensure that Denmark lives up to the obligation to prohibit, prevent, investigate¹⁷ and provide access to adequate redress, for human rights violations against intersex people.¹⁸

16. Non-religious life stance organizations

Danish legislation recognizes religious organizations based on traditional belief systems.¹⁹ Non-religious life stance organizations are not included, and are therefore not granted the same rights, for example in relation to performing marriages.

The right to freedom of religion and belief is at stake, and discrimination increases against the rising number of citizens who identify as non-religious.²⁰

¹⁴ Union of Equality: LGBTIQ Equality Strategy 2020-2025, Page 13 at para 2.4
eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52020DC0698

¹⁵ CAT/C/57/4 The ninth annual report of the Subcommittee on Prevention of Torture and Other Cruel, inhuman or Degrading Treatment or Punishment, Para 68 & 70

Link: [Document Viewer](#)

Also: A/HRC/29/23 Human Rights Council Twenty-ninth session, Para 38

Link: [Document Viewer](#)

Document A/HRC/22/53, Page 4 Para 15; Page 5 Para 20

Link : [Document Viewer](#)

¹⁶ [Joint United Nations statement on ending Discrimination in health care settings](#), WHO.

Paras 2,4 & 9, Link: [Joint United Nations statement on ending discrimination in health care settings](#)

And Statement : End violence and harmful medical practices on intersex children and adults, UN and regional experts urge, OHCHR,CAT,CRC et al, Para 9

Link: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?LangID=E&NewsID=20739>

¹⁷ Document A/HRC/29/23 para 13, Link: <https://undocs.org/A/HRC/29/23>

¹⁸ Dokument A/HRC/60/50 under Recommendations to states Paras 49-59

Link: [A/HRC/60/50: Discriminatory laws and policies, acts of violence and harmful practices against intersex persons | OHCHR](#)

¹⁹ [Lov om trossamfund uden for folkekirken](#) §1.

²⁰ See the UN special rapporteur on Freedom of Religion or Belief in 2016 (https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/34/50/Add.1)

Recommendation: Amend legislation to grant non-religious life stance organizations the same rights to e.g. application for permission to perform legally binding marriages and access to the same tax regulation as religious organizations.

Specific Groups

17-20. Children

17. The Juvenile Delinquency Board (JDB)

In 2019, the JDB was established with the purpose of preventing and combating juvenile delinquency. The Board operates in a manner that closely resembles the formal criminal justice system, and deals with cases involving children as young as 10 -years-old. Children aged 10–14 may be referred to the JDB based solely on suspicion, without the procedural safeguards provided in criminal proceedings. The right of appeal is very limited.

Many children and their parents perceive the process in the JDB as having a one-sided focus on a child's mistakes. This goes against the intention of a child-centered and rehabilitative approach. Studies have shown that children and young people who are exposed to legal or court-like systems at an early age have an increased risk of recidivism and developing a negative self-image. In other words, children risk being stigmatised and pushed further away from positive communities.²¹

Recommendation: Remove the jurisdiction of the Juvenile Delinquency Board for children aged 10-14 and return it to the social authorities.

18. Child poverty and official poverty threshold

In Denmark, approximately 49,500 children live in poverty and lack access to the basic conditions necessary for a safe and decent childhood.²² This is contrary to the principles of Article 26 of the UN Convention on the Rights of the Child. In fact, no official poverty threshold exists to guide the approach to child poverty.

The new social benefit reform (See Recommendation 13) will reduce income for an estimated 11,000 children.²³ This is particularly problematic for refugees and other vulnerable groups, and discriminatory child poverty will increase. As well, refugee children only have gradual access to the child support given to all other children in Denmark during their first 6 years after arrival.

Recommendation: Initiate a national action plan to combat child poverty and introduce an official poverty threshold and secure equal support for all children.

²¹ Frederiksen, S. H., Juul, R. S., Krogh, S. C., & Jensen, M. V. (2024). Children in the youth crime system: Experiences and perspectives from children, parents and professionals (VIVE Report 2024:01). VIVE - The Danish Centre for Social Science Research and Analysis. <https://www.vive.dk/da/udgivelser/boern-i-ungdomskriminalitetssystemet-2024/>

²² <https://www.ae.dk/analyse/2024-11-flere-boem-vokser-op-i-fattigdom>

²³ Ib.

19. Violence against children

A significant number of children continue to be subjected to violence by their primary caregivers. A national survey in 2025 documented that in a period of 12 months, 16% of 1,410 children (8th grade public school) had been subjected to corporal violence and 17% to psychological violence by a parent, step-parent, or foster parent.²⁴

Physical and psychological violence against children is criminalised in the Criminal Code,²⁵ but very few cases of psychological violence are brought to the judicial system.

No comprehensive national strategy exists for preventing and combating child abuse; no mandatory awareness-raising programmes for schools exist; and there are few awareness-raising and education programmes and campaigns. The general population and professional actors lack knowledge and tools to prevent and combat violence.

Recommendations:

- Develop and adopt a comprehensive national strategy for preventing and combating violence against children that ensures a coordinated and systematic approach across all relevant sectors.
- Strengthen awareness-raising and educational programs, including nationwide campaigns, to inform both the general public and professionals about the unlawful and harmful effects of violence against children.
- Increase the knowledge and sufficient application of the criminalization of psychological violence.

20. Legal gender reassignment for people under the age of 18

In 2023 Denmark introduced an administrative procedure for granting new official personal identification numbers (which are gender-specific) to anyone under the age of 18 who does not identify with the gender assigned to them at birth. This should pave the way for a legislative process to grant access to legal gender reassignment regardless of age. However, a proposal for a decision in the Parliament was rejected in January 2025, although the issue is part of the current action plan for LGBT+ people.²⁶

Recommendation: Allow legal gender recognition regardless of age, in accordance with recommendations by the WHO, the UN Committee on the Rights of the Child, and the Council of Europe.

21-24. Women

21. Gender-based violence in all forms, incl. rape, violence against women and femicide

A milestone occurred in 2021 when the Criminal Code criminalising rape was amended to be based on lack of consent. Unfortunately, rape continues to be widespread. The vast majority of cases are not reported to the police, and only a small proportion of these result in conviction. In 2023, Danish Police

²⁴ Børns Vilkår, Vold mod børn i Danmark 2025: Omfang af fysisk og psykisk vold mod børn i 8. klasse, 2025.

²⁵ Physical violence against children was prohibited in 1997 and psychological violence in 2019.

²⁶ [Handlingsplan for LGTB+-personer - Sundhedsstyrelsen](#)

received 1,840 reports of rapes, while on the average pr. year 15,000 rapes and attempted rape, in fact, take place.²⁷ This highlights an urgent need for action to ensure that perpetrators are tried in court.

Often between people that already know each other well, gender-based violence continues to represent one of the most persistent and dangerous threats against women. Denmark has succeeded neither in lowering the number of women and children exposed to violence, nor the number of femicides. Indeed, only in the first half of 2025 there already have been dramatically more suspected femicides than in earlier years, with 15 killings. Nine of these are suspected to be killing by a partner.²⁸ Denmark has not yet implemented the Istanbul Convention in full. Cross-regional data from the European Institute for Fundamental Rights (FRA) show that Denmark, indeed, is not a frontrunner compared to other European countries. Denmark is European third in the number of women who have experienced sexual violence. In the whole EU, about 33% of women have experienced physical or sexual violence (or threats of); in Denmark the number is 47.5 %. Also, the number of women who experience violence from a partner is high.²⁹

Recommendations:

- Adopt national guidelines and a common structural framework for the specialized teams in police districts in order to standardize and increase the quality of police handling of cases of rape.
- Ensure full implementation of the Istanbul Convention including a commission for the prevention of partner killing, specialized teams across authorities, and education in how to react when symptoms of violence are noticed.
- Give all victims of gender-based violence the possibility to break free of violence, such as protected interventions, shelters, judicial support, protection from the perpetrator and more.
- Ensure that all victims of rape are met by professionals with knowledge and tools to deal with the situation with respect for the victims, and offer all victims comprehensive, acute, and long-term support and relief and trauma-informed care.
- Invest in early prevention such as comprehensive education of children and youth in gender, sexuality, verbal rejection, and consent.
- Secure comprehensive intervention towards perpetrators in order to prevent further violence.

22. Women's rights and equality

Officially in Denmark, all citizens have personal rights and equal rights to power. However, in reality, barriers for women's rights and equality exist. For example, women are underrepresented in top executive positions, do not have full equal access in politics, earn 12.3 % less than men and have 24 % less in retirement pension than men. Neither do women have the same opportunities as men on the labor market. And still, in the family women take the largest responsibility for children and unpaid

²⁷ Statistics Denmark: <https://dkr.dk/vold-og-voldtaegt/fakta-om-voldtaegt>

²⁸ Previously on the average, there have been about 12 killings per year.

²⁹ According to research by FRA, every fourth women in Denmark has experienced physical or sexual violence by a partner, a relative or other members of the household.

work (see Recommendation no. 21). Also, an awareness about the need to prioritize women's health is likely to improve women's equal opportunities in labor.

Daycare institutions currently score low on well-being and development, and improvement is crucial for women's opportunities on the labor market. Gender equality should be part of the objectives in daycare, so that equality and mutual respect are stated as objectives of early childhood education.

Recommendations:

- Assess gender equality of all political proposals.
- Expand the right to paid parental leave for both parents and the right to care days for their sick children, thus ensuring that all parents have equal opportunities to care for their sick child.
- Amend the rules on division of assets in case of divorce so that pensions are on equal terms with other assets.
- Improve daycare institutions rather than promoting homecare options, which could exacerbate gender and socioeconomic inequality.
- Establish an expert group with gender expertise to examine how to put a value on unpaid care work in the family and propose measures that can reduce a gender-specific distribution of this work.

23. Sexual and gender education

While sex education is mandatory in lower schools in Denmark and in some secondary education (gymnasium and FGU, since 2023), in our view sexual education is not given sufficient priority. For instance, how many lessons students should receive is not specified, and most teachers of the subject are not qualified. Moreover, it is not mandatory in the other secondary education institutions and not made available for the about 60,000 young people outside of the education system.

The need for sexual and gender education is certainly not dependent on the level of education, and therefore, access should be ensured for all young people. In addition, Denmark should require courses on gender, sexuality, and diversity at all levels of education of school teachers in order to provide them with appropriate tools to address e.g. gender stereotypes and gender-based violence.

Recommendations:

- Gender equality should be written into the objectives of the public school system.
- Make sexual and gender education mandatory in all secondary education and in other relevant parts of the educational system, including post-secondary education, such as vocational and other technical schools.

24. Hate speech and sexual and gender-based harassment towards women

Women experience hate speech and gender-based harassment more often than men. This is not only the case in formal and informal spaces in society but also in public debate. Often the attacks are

directly related to gender, which certainly inhibits democratic participation.³⁰ Section 266b of the Danish Criminal Code protects minorities against hate speech, but gender is not included as a specific and protected category. The European Commission against Racism and Intolerance has a broader definition of hate speech that includes gender.

Recommendations:

- Amend Section 266b of the Criminal Law to include gender as a protected category that encompasses gender, identity, gender expression, and sex characteristics.
- Secure the protection of women from sexual harassment in both formal and informal contexts as well as in digital spaces.
- Ensure accountability for online attacks and digital violence such as in material that is manipulated to be sexually explicit.

25-29. Refugees and Asylum seekers

25. Administrative detention

Both rejected asylum seekers who await deportation and newly arrived asylum seekers can be administratively detained at the Ellebæk return center (see Recommendation no. 28). The UN Committee against Torture has raised concerns about lengthy administrative detention that lacks basic safeguards; this could represent a severe risk of arbitrary confinement. Foreigners at Ellebæk are often unaware of their right to legal counselling. There is a lack of information for them, a lack of access to telephones and limited access to visits.

With the aim of establishing a common EU return system, in March 2025 the European Commission proposed a new Return Regulation³¹ in which the grounds for detaining rejected asylum seekers have been expanded, especially due to the “risk of absconding” (i.e., of escape).³² The maximum length of detention has been extended from 18 months to 24 months, and children and families may be detained; this is troubling because detention will never be in the best interests of a child.

Recommendation: Implement the recommendations of the UN Committee against Torture and ensure that administrative detention only be used as a measure of last resort.

26. Family reunification

Children 15-18 years

The Danish Alien Act differentiates between children above and below the age of 15. By Danish law, anyone below 18 is a child. However, children above 15 do not have the right to be reunited with their parents, unless there are special circumstances. Denying family reunification to children between the age of 15 and 18 is in violation of the Convention on the Rights of the Child Article 1. All persons below the age of 18 should have access to family reunification.

³⁰ <https://www.ogtal.dk/cases/angreb-i-den-offentlige-debat>

³¹ Proposal for a new EU return regulation, March 2025, [EUR-Lex - 52025PC0101 - EN - EUR-Lex](#)

³² Ibid. Art. 29-35

Recommendation: Amend the Aliens Act, section 9 (2), to raise the age limit for family reunification for children to 18 years.

Family reunification for LGBT + refugees

Unmarried couples, including same-sex couples, can apply for family reunification when they have lived together for at least 18 months. However, several applications for family reunification for LGBT+ refugees have been rejected due to lack of documented cohabitation in their home country. But, for LGBT+ refugees it is often not possible and not legal for same-sex couples to live together in their home countries. Therefore, the cohabitation requirement leads to indirect discrimination of LGBT+ refugees on the basis of sexual orientation or gender identity.

Recommendation: Ensure equal treatment of LGBT+ refugees in relation to family reunification and disregard the cohabitation requirement if cohabitation has been impossible in the home country.

27. LGBT+ asylum seekers

Many LGBT+ asylum seekers originally come from countries that criminalize homosexuality and are therefore unable to get protection from persecution by non-state actors. On top of this, the Danish authorities often do not recognize persecution by non-state actors as grounds for international protection of LGBT+ asylum seekers. In addition, the authorities often expect the asylum seeker to be able to express their sexual orientation and gender identity as a Northern European would in order to verify their sexuality.

Therefore, the authorities' response is inadequate and does not fully recognize the UNHCR's 2012 guidelines on SOGI-related (sexual orientation and gender identity) asylum cases.

Recommendation: Implement asylum procedures with adequate guidelines and training of asylum interviewers. This should include topics such as sensitivity to the difficulties faced by LGBT asylum seekers in disclosing and discussing issues that for them are taboo and subject to strong cultural and religious norms.

28. Return centres

Asylum seekers who have been rejected and therefore must leave Denmark are required to stay at one of three return centers (Kærshovedgaard, Sjølsmark or Avnstrup). They all have access control and rules for mandatory stay. Furthermore, asylum-seekers and rejected asylum-seekers can be detained in return centre Ellebæk which operates as a prison.

Residents live under three different obligations concerning their mandatory presence in the return centres (except for Ellebæk, where they are detained): obligations to stay, to report and to notify. The application of these and punishment for breaking them varies for rejected asylum seekers and foreigners to be expelled. The punishment can range from a warning to 7 days in prison for 1-2 failed obligation to report, or 60 days to 3 months in prison for multiple failing. The penalty for long absences is up to 4 years in prison.

The residence and reporting obligations are intrusive at the return centres and thus negatively affect the individual. For instance, if a resident wants to visit a family member who lives on the other side of Denmark, this is very difficult. Return centres are not prisons, nor should they function as places to isolate residents. There is thus a need for the residence and reporting obligations to be handled more flexibly, smoothly and with scope for individual considerations.

Kærshovedgaard

Kærshovedgaard retains rejected asylum seekers, foreigners who have been expelled by a court order, and persons on so-called tolerated stay whom are recognized to be at risk in their home country. The political vision for Danish lawmakers has been to create an environment as “intolerable” as possible.

Many residents find everyday life at Kærshovedgaard unsafe. Special consideration should be given to vulnerable asylum seekers in the Danish asylum system, including at return centres. For this reason, individual consideration should be taken to ensure that vulnerable people are not placed at centres where they do not feel safe. For instance, they could be placed at another centre.

Recommendations: Ensure that conditions at return centres are in compliance with the obligation to prevent inhuman and degrading treatment and ensure the right to family life.

Children in return centres

Children are only placed in the Avnstrup centre, where physical conditions are better than at Kærshovedgaard and Sjølsmark. However, the constant stress and limited living conditions lead to severe health issues for most children, as described in several reports.³³ In addition, an indefinite stay at a return centre can have serious negative consequences for mental health and well-being, and especially for children. The authorities should allow rejected asylum seekers to remain within the fixed settings of a single centre until the return is planned and imminent.

Recommendations: Children should not live in return centres.

Ellebæk

Ellebæk return centre is run by the prison administration. Its environment is overly punitive and very prison-like, with barred windows, gated partitions, and enforcement by staff equipped with handcuffs and pepper spray. CPT has expressed strong criticism, most recently in December 2024, concluding that the conditions at Ellebæk were “unacceptable”³⁴. Prison rules are applied by analogy. Victims of torture continue to be detained at Ellebæk despite strong international and national criticism.³⁵ Some

³³ Report on Denmark following the Commissioner for Human Rights’ visit in Denmark: Report on Denmark following the Commissioner for Human Rights’ visit from 30 May to 2 June 2023 (coe.int) , Rapport om børnenes trivsel på udrejsecenter Avnstrup [Report on the well-being of children at Avnstrup return centre], Red Cross, 2023.

Link: 2023_Avnstrup rapport.pdf (rodekors.dk)

³⁴ CPT report 2024 Council of Europe anti-torture Committee (CPT) publishes report on its 2024 periodic visit to Denmark - CPT See also UN Committee against Torture, Concluding Observations of 8 December 2023.

³⁵ Amnesty International Report, June 2024, Udrejsecentret Ellebæk.

rejected asylum seekers may be administratively detained up to 18 months at Ellebæk with a view to forcefully deporting them from Denmark.

Recommendation: Improve the conditions at Ellebæk, remove the prison-like regime, and ensure compliance with the obligation to prevent inhuman and degrading treatment.

29. Citizenship

For stateless persons and refugees

Before applying for Danish citizenship, stateless persons and others who are not born in Denmark must first obtain a permanent residence permit. The criteria for the permit for both groups are very strict: holding a full-time job for years passing a high-level Danish language test, and passing a test about Danish society, culture and history. These criteria are impossible for some to meet, no matter how hard they try, especially for traumatized, elderly and illiterate refugees. Options for exemption for refugees are very limited in practice.³⁶ E.g., we refer to a group of stateless Bhutanese refugees, resettled in Denmark through UNHCR since 2008. Their association “ABC Denmark” prepared a report that documents the obstacles for this group to obtain permanent residency and Danish citizenship:³⁷ After more than a decade, only 17 of 845 (2 %) have been granted Danish citizenship, and only 45 of 845 (5 %) have obtained permanent residence. Many of those over 40 when they arrived were illiterate. Needless to say, it is impossible for them to pass the Danish language requirements. Stateless children are only granted citizenship if born in Denmark. Children who immigrate to Denmark even at a young age cannot even apply for permanent residence until they turn 18, and after that comes the long process towards citizenship. As a result, even stateless refugees who grew up in Denmark often reach their late twenties before achieving citizenship.

The Danish Parliament's Naturalization Committee can waive one or more of the criteria due to serious illness or other long-term disability. However, statistics show that this is not a real option for most applicants. The Committee granted exemptions in 16 of 350 cases of illness in 2019 and in 4 of 39 cases in 2022.³⁸

Recommendation: Facilitate access to Danish citizenship for stateless persons in accordance with Denmark's commitments to end statelessness. Refugees who are not formally stateless should also have easier access, as secured in the 1951 Refugee Convention. We recommend that language requirement, work and knowledge of society be relaxed for these groups. Access to permanent residence permits must also be relaxed for stateless persons and refugees accordingly, as this is a prerequisite for citizenship.

Revocation of citizenship

The rule of law is undermined when a Danish citizenship that was granted by mistake many years ago is revoked. Recently, there have been a number of cases where young people have received a

³⁶ UNHCR, 2019, Mapping Statelessness in Denmark, p. 73. UNHCR states in the report, that er tvivlsomt, om denne lempelse er tilstrækkelig til at Danmarks forpligtelser efter artikel 32 i 1954-konventionen kan siges at blive efterlevet.

³⁷ <https://abcdanmark.dk/wp-content/uploads/2023/06/Statistical-data-report-on-permanently-resettled-Bhutanese-refugees-in-Denmark.pdf>

³⁸ <https://www.ft.dk/samling/2022/alm.del/ifu/spm/7/svar/1930573/2661650.pdf>

letter informing them that their Danish citizenship they had from birth or a young age was issued by mistake. Even if the mistake was clearly made by the authorities alone, the person suffers the full consequences and have in some cases even ended up without legal stay. Some were born and raised in Denmark, holding a Danish passport for more than 20 years. This retroactive effect is unbearable, as these people could have exploited other options earlier in life if they had known they were not Danish citizens. In some cases, it even gives their children problems, having been granted citizenship based on their parents'.

Recently, as part of the process to obtain Danish citizenship, personal interviews about an applicant's views and attitudes have been introduced. A hindrance to citizenship can be expressing attitudes in public which are fully legal according to Danish law but by the Naturalization Committee are viewed as "not in line with Danish values". Ultimately, this can lead to self-censorship and lack of freedom of speech for refugees and immigrants.

Recommendations: A Danish citizenship granted by a mistake by the authorities should not be revoked. Ensure that such a fundamental right as citizenship cannot be revoked years after it has been granted.

Freedom of speech should be governed by the same legislation for anyone in Denmark and not limited specifically to those applying for citizenship.

Annexes:

1. Short description of the organisations in the UPR Coalition.
2. Information about Intersex persons.
3. Information about Pre-trial Detention.
4. Information about Kærshovedgaard.