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HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT

Fourth periodic reports of States parties due in 1998*

DENMARK**

* By decision of the Human Rights Committee the symbol of reports will henceforth be simplified to indicate the initials of the State party, the year of submission and the number of the report.

** The annexes to the present document are available for consultation in the files of the secretariat in English, as received from the Government of Denmark. For the third periodic report submitted by Denmark, see CCPR/C/64/Add.11; for its consideration by the Committee, see CCPR/C/SR.1533 and 1534, CCPR/C/79/Add.68 and Official Records of the General Assembly, Fifty-second Session, Supplement No. 40 (A/52/40), paras. 55-77.

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Annexes

I. GENERAL OBSERVATIONS

1. This is the fourth periodic report submitted by Denmark in pursuance of article 40 of the International Covenant on Civil and Political Rights. The report deals with the changes in legislation and legal practices etc. relating to the individual material provisions that have occurred since the Danish Government submitted its third report to the Human Rights Committee in 1995 (CCPR/C/64/Add.11).

2. The report also deals with plans for new legislation in certain fields. Reference has been made to relevant paragraphs of Denmark's third report and to the concluding observations of the Human Rights Committee on that report (CCPR/C/79/Add.68) as well as to questions raised during the examination of the third report on 22 October 1996 (CCPR/C/SR.1533 and 1534).

3. Where no changes have occurred in legislation and legal practice since Denmark submitted its third report, reference is made to Denmark's previous reports.

4. The two annexes concerning Greenland and the Faeroe Islands have been drafted in cooperation with the two Home Rule Governments.

5. Reference is also made to the general description in the core document concerning Denmark HRI/CORE/1/Add.58.

II. INFORMATION RELATING TO SPECIFIC PROVISIONS OF THE COVENANT

Re article 1

Home Rule in Greenland and the Faeroe Islands

6. An up-to-date description of the Home Rule arrangements in Greenland and the Faeroe Islands are enclosed as annexes A and B.

7. Since Denmark's third periodic report (see CCPR/C/79/Add.68, para. 8), the International Covenant on Civil and Political Rights and the Optional Protocol to the Covenant have been translated into Greenlandic. Two different translations exist in Greenlandic. An unofficial translation into Greenlandic of the Covenant was made in 1990 and published (Innuttaasut Pisinnaatitaaffii, Nuuk 1990, pp. 49-87). An official translation of the Covenant and the Optional Protocol into Greenlandic was published in 1996 in “The Greenland Code”: Nalunaarutit/Grønlandsk Lovsamling, Series A, 1996, pp. 1-40. The Greenland Code is published annually by the Danish Prime Minister's Office.

Re article 2

General observations on measures to comply with the Covenant

8. In its concluding observations concerning Denmark's third periodic report (CCPR/C/79/Add.68) the Human Rights Committee recommended that Denmark take appropriate measures to ensure the direct application of the provisions of the Covenant into domestic law.

9. Concerning the incorporation and application of international human rights instruments under national law, reference is made to the description in paragraphs 103 and 104 of the Danish core document (HRI/CORE/1/Add.58), and paragraph 16 of Denmark's third report.

10. As the Danish Government has previously stated, any incorporation of the Covenant into domestic law would not result in better legal protection of the individual. The provisions of the Covenant are already applicable before the Danish courts and administrative authorities, and the Danish authorities are under an obligation to apply the provisions of the Covenant in connection with the interpretation and application of Danish legislation. Obviously, the Government is aware that incorporation would be of informative value to the citizens.

11. The question of incorporation of the general human rights conventions, including the International Covenant on Civil and Political Rights, is therefore being considered. In this connection, it is being considered whether a committee should be set up to consider the issue in detail.

12. To ensure the dissemination of knowledge of the general human rights conventions, including the Covenant, and relevant legal practice on the part of the various human rights bodies, courses are held regularly within the sphere of the Ministry of Justice for persons who need to know the general human rights conventions in connection with their daily work. Thus, courses are held for judges and for prosecutors.

13. In addition, the Ministry of Justice responds to general and specific questions from other ministries and public authorities on the interpretation and application of international human rights conventions. This activity of responding is to be seen in conjunction with the very considerable effort that the Danish Centre for Human Rights (DCHR, Det Danske Center for Menneskerettigheder) makes in this respect. To a very considerable extent, the DCHR issues statements on, especially, the compatibility of bills with the international human rights conventions that Denmark has an obligation to observe. Concerning a description of the Danish Centre for Human Rights, reference is made to paragraphs 107 and 108 of the Danish core document and paragraphs 18 and 19 of Denmark's third periodic report.

14. When the Government prepares a bill for new legislation, the individual specialist ministry ensures that the proposed rules comply with the international human rights conventions, including the Covenant. Moreover, all bills introduced by the Government are subject to a legal technical review by the Ministry of Justice, assessing the relationship with the general international human rights conventions as well.

15. In its concluding observations concerning the third periodic report (para. 18), the Committee recommended that the Government review the continuing need for any reservations, with a view to withdrawing them. In this connection, the Government states that it has no current plans to withdraw its reservations to articles 10, 14 and 20. Reference is also made to the observations on the individual articles.

Cases of violation of section 266 b of the Danish Criminal Code (follow-up to paras. 9 and 10 of the third periodic report)

16. Section 266 b of the Criminal Code (straffeloven) was amended by Act No. 309 of 17 May 1995 with the addition of a new subsection (2), according to which it must be considered an aggravating circumstance when meting out punishment "that the count is in the nature of propaganda". The amendment entered into force on 1 June 1995.

17. The purpose of the amendment was to increase the punishment for violation of section 266 b of the Criminal Code, in particular to prevent Denmark from becoming a sanctuary for the dissemination of Nazi and racist propaganda. The purpose was, furthermore, a more efficient enforcement of section 266 b of the Criminal Code through a change in the prosecuting practice of the prosecutors.

18. During the readings of the bill in the Danish Parliament (Folketinget) it was declared that in these especially aggravated cases the prosecutors should not in the future exhibit the same restraint with regard to prosecuting as previously. The prosecutors should not least be aware of the possibility of instituting proceedings on their own initiative although no complaints had been filed. This could happen, for example, when a case has been referred to in public, but approaches from NGOs, etc. should also be included in the considerations of the prosecutors concerning the issue of prosecution. However, the changed prosecuting practice does not change the fact that due consideration should still be given to freedom of speech when applying section 266 b of the Criminal Code.

19. Whether "propaganda" is present in a specific case will depend on an overall assessment, stressing in particular whether there has been a systematic dissemination of discriminating statements, etc. including dissemination to foreign countries, with a view to influencing public opinion. It could be in favour of referring a count to section 266 b (2) if the violation was committed by several persons jointly, especially if the persons in question belong to the same party, association or other organization, and manifestations of the relevant nature form part of the activities of the organization in question. Also, a more extensive dissemination of statements may be in favour of applying section 266 b (2). In this respect, it is relevant whether the statements were put forward in a medium involving greater dissemination, for example a printed publication, radio, television or another electronic medium.

20. After the adoption of the bill the Director of Public Prosecutions (Rigsadvokaten) informed the prosecutors - including the chief constables - of these declarations on the future prosecuting practice. To ensure a uniform prosecuting practice, the Director of Public Prosecutions has laid down in a Notice of 6 September 1995 (RM 4/95) that in all cases of violation of section 266 b of the Criminal Code where a charge has been brought, the question of prosecution must be submitted to the Director of Public Prosecutions. The Director must also be notified of all complaints rejected without any charge having been brought.

21. Concerning the practical application of the provision, reference is made to Denmark's thirteenth periodic report on the Committee on the Elimination of Racial Discrimination (CERD/C/319/Add.1). In the part concerning article 4 - Judicial measures - the report gives an account of the practical application of section 266 b of the Criminal Code.

22. From publication of the Notice on 6 September 1995 until the end of August 1998, the office of the Director of Public Prosecutions has been presented with a total of 29 cases for decision on the question of prosecution. In 13 of the cases, charges were brought. In the remaining 16 cases, no charges were brought. In seven of those cases, which have been decided, five cases resulted in conviction and two in acquittal. In addition, during the same period the chief constables/the Commissioner of the Copenhagen Police have rejected a total of 28 alleged violations of the provision. Some of the cases necessitated a balancing of considerations of the groups protected under section 266 b against considerations of the freedom of speech.

Education and training of the police, etc. (follow-up to para. 5 of the concluding observations of the Committee)

23. In its concluding observations on Denmark's third periodic report (para. 5), the Committee noted as a positive aspect the development made in human rights in the education and training of employees with the police and the Public Prosecutor. The education and training of police personnel has a high priority, and the educational programme of the Danish Police Academy (Politiskolen) is continuously changed in the light of social developments. Thus, the basic training, further education, etc. of the police have seen a considerable strengthening of the subjects of human rights, ethics, morals and attitudes, as well as cultural sociology. The relationship with ethnic minorities, of which the police is very aware, is part of the tuition.

24. Basic police training includes tuition in sociology, including cultural sociology, ethics and morals, as well as international human rights. The tuition in human rights is given by the Rehabilitation Centre for Torture Victims (Rehabiliteringscentret for Torturofre) and the Danish Centre for Human Rights. Furthermore, the basic training includes 166 lessons of psychology. The tuition is given by psychologists and includes general psychology, socialization, subcultures and marginalization.

25. The compulsory further training programme for police personnel also comprises tuition in human rights. One of the themes of the programme is “police and society”, the goal being that participants gain more knowledge of the social changes of importance to police work and are supplied with more knowledge on the human rights conventions and the refugee convention and their influence on Danish legislation. The programme also includes special matters to be observed in connection with interviewing aliens as well as tuition in foreign cultures. The goal is to impart to the participants an understanding of the role of the police in a society of many ethnic minorities as well as knowledge of the influence of culturally conditioned conduct on the interaction between aliens and the police. Furthermore, tuition is provided in more general subjects, including communications, identification of police roles, ethics and morals and on the police as a service body.

26. At present, the Council of Europe is implementing a three-year programme: "Police and human rights - a matter of good practice". In this programme, the Police Academy will grant support for development of teaching materials, etc. in the human rights field, inter alia for use in the Central and East European countries. In this connection, the Police Academy will make police expertise available to the Danish Centre for Human Rights, which is planning to produce a video together with the Council of Europe introducing the human rights conventions from a police point of view.

27. Moreover, together with the Copenhagen Police and the Documentation and Advisory Centre on Racial Discrimination (Dokumentations- og Rådgivning-scentret om Racediskrimination), among others, the Police Academy is participating in an EU-subsidized project: "Police training for a multicultural society", the object of which is to develop training methods and networks for the promotion of understanding and cooperation between the police and ethnic minorities in Denmark.

28. In cooperation with the National Commissioner of Police and the Ministry of Justice, the Board for Ethnic Equality (Nævnet for Etnisk Ligestilling) in the autumn of 1996 prepared a leaflet on the police in Denmark, aimed at refugees, asylum seekers, etc. The leaflet, which has been published in a number of different languages, is attached as annex D. In addition, the Ministry of Justice, the Documentation and Advisory Centre on Racial Discrimination and the National Commissioner of Police have prepared a leaflet on ethnic minorities and the police, published in the autumn of 1997. The purpose of the leaflet is to give information on rights and duties in relation to the police and thus help improve the contact between the police and ethnic minorities. This leaflet has also been translated into a number of different languages. The leaflet is attached as annex E.

29. Furthermore, several major police districts have implemented a number of initiatives in relation to ethnic minorities, the continued dialogue with the ethnic minorities being a central element. One example is that the Copenhagen Police has prepared a special strategy on the relationship with ethnic minorities (see annex F). The object of the strategy is to enhance confidence and cooperation between the police and the ethnic minorities and to identify potential areas of conflict and prescribe possible solutions thereto. In this connection, decisive importance is attached to the ethnic groups perceiving the police as a helping and just authority. The management of the Copenhagen Police has meetings four to six times a year with representatives of the Council for Ethnic Minorities (Rådet for etniske minoriteter), SOS against racism (SOS mod racisme) and the Documentation and Advisory Centre on Racial Discrimination. The meetings are attended by one of the Assistant Police Commissioners and a representative from each police station in Copenhagen. The purpose of the meetings is to identify areas of conflict and to seek to solve them and to brief each other on problems in the interaction between police and ethnic minorities within the individual station territories. The task of the station representatives is to keep in contact with ethnic organizations and clubs within the station territory.

30. Another example is the Århus police, which has included subjects relating to prevention of discrimination in its cross-disciplinary local training of police personnel. An ethnographer from the University of Århus

has, for example, given a speech on foreign cultural backgrounds, focusing especially on an understanding of cultural backgrounds which improves the ability of the police to avoid performing acts that may be perceived as a nuisance and possibly discriminatory by ethnic minorities because of cultural differences. Furthermore, within its internal training of uniformed police in recent years, the Århus Police has taken up subjects that draw attention to the possibility of erroneous perceptions of police dispositions, presented by various external speakers within the subjects of ethics, human values and ethnic cultures, to enhance understanding of the importance of correct official conduct towards ethnic minorities as well as other members of the population.

31. Other police districts in Denmark with smaller concentrations of ethnic minorities have focused on the problem concerning police relationships with ethnic minorities by letting employees participate in seminars on ethnic issues and immigrant problems within the framework School - Social Services - Police Cooperation.

32. The compulsory basic training of the law professionals of the police and the Public Prosecutor includes the importance of human rights to criminal justice. Moreover, in the autumn of 1997, the course programme “Professional Further Training of the Law Professionals” (Juristernes Faglige Videreuddannelse) had a two-day course in human rights.

New Act on Integration of Aliens in Denmark

33. On 26 June 1998, the Danish Parliament (Folketinget) passed an Act on Integration of Aliens in Denmark (lov om integration af udlændinge i Danmark) (the Integration Act), which enters into force on 1 January 1999. The Act is the first actual integration act in Denmark, as there has not previously been a special comprehensive set of rules in this field.

34. The overall objective of the Act is that refugees and immigrants are to become contributing members of Danish society on an equal footing with Danish nationals. This is to be done by expanding the integration efforts considerably, both quantitatively and qualitatively. In addition, the Act implies that both refugees and immigrants are to receive integration offers. Under the rules applicable so far, the integration efforts only covered refugees.

35. The expected main effect of the Act is that newly-arrived aliens will become employed as soon as possible, and the Act contains a number of possibilities and incentives both for the individual alien and for the authorities to promote this effect.

36. It has, furthermore, been an object of the Integration Act to create a more even geographical distribution of aliens in Denmark.

37. The Integration Act shifts responsibility for the integration efforts from the State/Danish Refugee Council to the local authorities. Thus, the local authorities will have overall responsibility for handling the individual elements of the integration efforts, including housing, planning of introduction programmes and payment of benefits.

38. Housing is distributed on the basis of a scheme according to which, in principle, quotas must be agreed or fixed stating the number of refugees and refugee-like persons that are to be housed in the individual municipalities. The scheme implies that all local authorities of the country have to assist in procuring housing for refugees.

39. Refugees may choose to move to another municipality subsequently. In the cases where they participate in an introduction programme, however, in principle they must remain residents of the municipality in which they have been housed in consideration of the continuity of the programme. If a refugee wants to move during the period in which he or she is included in the introduction programme, the local authority of the municipality to which the refugee wants to move must agree to continue the introduction programme. If the receiving local authority does not agree to take over responsibility for the introduction programme, and if the refugee chooses to move nevertheless, the refugee's introduction allowance may be reduced or terminated. However, the Integration Act stipulates a number of criteria for the situations in which the receiving local authority must agree to continue the introduction programme. This subject will be reviewed in detail below under article 12.

40. Under Part 4 of the Integration Act, an introduction programme planned by the responsible local authority must be offered to newly-arrived aliens who are 18 years of age or more and are covered by the Integration Act. The length of the introduction programme is up to three years.

41. During the introduction period a special introduction allowance is offered to refugees and immigrants who are not self-supporting or maintained by others. To start off, the introduction allowance is lower than the usual cash assistance that is granted to aliens who are not able to support themselves after expiry of the introduction programme. On the other hand, the introduction allowance is organized so that it is not reduced as drastically as the usual cash assistance is once the recipient gets a foothold in the labour market. This means that the introduction allowance may be higher than the ordinary cash assistance in situations of part-time employment.

42. For a more detailed description of the Integration Act, reference is made to Denmark's fourteenth periodic report on the International Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/362/Add.1).

The Board for Ethnic Equality (follow-up to paras. 11-15 of Denmark's third periodic report)

43. The Board for Ethnic Equality (Nævnet for Etnisk Ligestilling) was set up in 1993 for the purpose of ensuring that the issue of ethnic equality is incorporated in the maximum number of aspects of community life and for the purpose of rendering visible and counteracting differential treatment of persons of Danish and other ethnic origins, respectively. In the summer of 1997, the Danish Parliament (Folketinget) passed a new Act on the Board for Ethnic Equality (lov om Nævnet for Etnisk Ligestilling) strengthening the position of the Board in several ways.

44. The effect of the amendment is that the Board now has a statutory right to make statements on ethnic differential treatment. The Board may thus, of

its own volition or upon request, issue opinions on general issues concerning ethnic differential treatment. Thus - as an entirely new possibility - it has been emphasized that the Board can discuss problems within the framework of the Act and issue opinions on the basis of requests from individuals or organizations. In this connection, the Board may recommend changes in practice or solutions to specific problems. The Board may issue opinions on differential treatment in both public and private contexts.

45. The composition of the Board has been altered. When the Act was prepared, it was emphasized that the Board was to be composed so that the ethnic minorities, apart from the Chairman, would constitute half the members of the Board. The Board now has its own secretariat. Employees of the secretariat are engaged and dismissed by the Minister of the Interior upon recommendation by the chairmanship of the Board. The Secretariat of the Board has its own premises. These changes were made to comply with a recommendation from a committee of experts set up by the Board in 1996 and to emphasize the independence of the Board.

Review of legislation for the purpose of considering provisions on Danish nationality

46. For the purpose of ensuring that ethnic minorities have equal access to the conduct of public affairs, including equal access to public service, the Ministry of the Interior wrote to all ministries at the end of 1997 and requested them to review their legislation for the purpose of providing information on provisions requiring Danish nationality. In the same connection, on 12 January 1998, the Minister of the Interior sent a letter to all his ministerial colleagues and requested them to review the legislation within their ministerial spheres to investigate whether their legislation had requirements of Danish nationality and, in the affirmative, to consider whether these requirements were still well founded so that aliens' access to the labour market is not obstructed to any unnecessary extent. These letters have given rise to a review of the legislation within the individual ministries and, subsequently, measures have been taken to amend several of the rules requiring Danish nationality.

Act concerning prohibition of discrimination in the labour market, etc.

47. The thirteenth report to the Committee on the Elimination of Racial Discrimination (CERD/C/319/Add.1) referred to the implementation of the legislation prohibiting discrimination on the labour market, etc., i.e. Act No. 459 of 12 June 1996 which prohibits direct and indirect discrimination due to race, colour of the skin, religion, political opinion, sexual orientation or national, social or ethnic origin. This Act covers prohibition against discrimination in connection with recruitment, dismissal, transfer, promotion, or with regard to pay and working conditions. Employers are also forbidden to discriminate among employees as regards access to vocational education/training, continued training and retraining. The same applies to persons who are engaged in guidance activities and training activities and any persons engaged in placement activities. The prohibition also applies to all persons who are involved in laying down rules and making decisions concerning the right to perform activities in professional trades.

Reference is made to the description of these matters in Denmark's thirteenth report concerning article 5 on prohibition of racial discrimination.

Promotion of human rights within the educational system

48. It is an overall aim for basic education in Denmark that the students are made familiar with Danish culture and acquire an understanding of other cultures. The school prepares students for participation in decision-making, co-responsibility, rights and duties in a society based on freedom and democracy. School education and basic daily life is thus built on intellectual freedom, equality and democracy.

49. This aim implies that education in the schools involves human rights on a general level. Apart from this, the Ministry of Education prescribes that education in human rights is more specifically included in a number of subjects, such as history and social studies. Consequently, in the latest Executive Order No. 382 of 19 June 1998 on Teacher Training, a provision has been added in the compulsory subject of educational theory and practice according to which human rights are part of the elementary knowledge and learning of the subject.

50. As part of the follow-up of the courses on teaching in human rights which the Ministry of Education has held in collaboration with the Danish Centre for Human Rights, it has been decided to hold an international conference in December 1998 primarily for teachers' trainers within the school system. The participants will be representatives of the educational centres and country centres, training colleges, the Teachers' Training College (Lærerhøjskolen), as well as the Danish Red Cross, the Danish Refugee Council, Amnesty International, and DanChurchaid (Folkekirkens Nødhjælp). The goal is for the individual participants, within their own educational fields, to initiate and develop courses and projects both locally and regionally so that the education in the specific schools and classes may benefit from the latest educational methods and materials which will be introduced at the conference and discussed among the participants and international lecturers.

51. The courses, as well as the conference, which are part of the United Nations Decade for Human Rights Education, form part of the effort of the Ministry of Education to disseminate knowledge of human rights including the International Covenant on Civil and Political Rights.

Review of cases investigated by the Parliamentary Ombudsman

52. Since 1995 the Ombudsman has received a total of 28 complaints in which there was a question of violation of the International Covenant on Civil and Political Rights and the European Convention on Human Rights. It should be underlined that the cases were classified according to whether the complainant had claimed violation of the Convention, or whether the Ombudsman found a provision of the Convention to be more relevant. In some additional cases the Ombudsman referred only to national provisions, even if a provision of the Convention might have been implicated. Such cases have not been included in the present survey.

53. In most of the cases presented, the human rights aspect has been taken into consideration with respect to the European Convention on Human Rights (26 of the 28 cases). In 1 case, the question was whether article 5 of the European Convention on Human Rights had been violated; 13 cases concerned possible violation of article 8; in 6 cases, the complainant considered his rights violated in pursuance of article 6; a single case concerned article 14; article 10 was relevant in 4 cases; 1 case concerned disregard of article 11. Article 9 of the Convention on the Rights of the Child was cited in one case and, in one case, a violation of "human rights" in general was claimed.

54. Fifteen cases were investigated by the Ombudsman. Three of these cases have so far not been concluded. In the remaining 12 cases, the Ombudsman found that no violation of human rights had taken place. Most of the cases investigated by the Ombudsman concerned article 8 (11 of the 15 cases), one of the cases investigated concerned article 11 and 3 cases concerned possible violation of article 10.

55. Article 8 was cited in cases concerning residence permit, visa, change of name in cases of sex change, application for access to old hospital files, family law, protest against an election, and construction of a noisy day care centre close to a housing area. In the cases concerning article 10, one was about pupils' rights to publish features in a school magazine and two cases dealt with the right to mount a parabolic reflector. The case concerning article 11 was about a closed shop provision in an agreement between a health insurance provider and the dentists' association.

Projects in connection with the celebration of the Universal Declaration of Human Rights

56. The Danish Government has earmarked DKr 6.4 million for the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights in respect of the following four projects:

(a) CD-ROM on the Universal Declaration of Human Rights with a total budget of DKr 2,573,150 to be implemented by the Danish Centre for Human Rights. The purpose is to develop and produce a CD-ROM on the Universal Declaration to be used in schools and as general information material in order to promote the commitment to human rights in Denmark and abroad;

(b) Exhibition at the National Museum with a total budget of DKr 2,544,100 to be organized by the Danish Centre for Human Rights. The purpose is to mount a separate exhibition at the National Museum consisting of a historical part, a special exhibition on three subjects, and parts integrated in the permanent exhibition of the museum;

(c) The conference "Music and Censorship" with a total budget of DKr 173,250 to be organized by the Danish Centre for Human Rights. The purpose is to arrange the world's first international conference on musicians whose freedom of speech is limited by censorship and who are exposed to persecution, imprisonment, torture and death. A report will be prepared for the conference;

(d) Coordination of NGO activities with a total budget of DKr 1,109,500 to be arranged by the Danish United Nations Association (FN-forbundet). The purpose is to coordinate and assist the Danish NGOs in initiating various activities relating to the fiftieth anniversary of the Universal Declaration of Human Rights in 1998.

Re article 3

Concerning equality between men and women

57. The work to promote equality between men and women continues to have a high priority in Denmark. Both at the national and the international level, Denmark puts strong emphasis on women's and men's balanced participation in the decision-making process and men's and women's labour market position to ensure financial independence. This is also why men's and women's opportunities for education/training have such a high priority. Efforts are made to use the mainstreaming principle to the widest possible extent. This means that efforts are made to take into account the gender perspective in all new initiatives.

58. The Danish Equal Status Council was set up in 1975 and continues to be the central organization in this field. A special committee has for the past two years been discussing what the future structure of the Danish equality process should be.

59. Reference is made to Denmark's four report to the Committee on the Elimination of Discrimination against Women (CEDAW) (CEDAW/C/Den/4) for a more detailed description of the Danish equality situation. There have been no major legislative amendments in the field of equality in Denmark since the last report. However, reference is made to a minor change of major importance for men in the Act on equal treatment of men and women with regard to employment and maternity leave. The amendment gives men a further period of 14 days' parental leave in continuation of the previous 24 weeks of maternity and parental leave. These 14 days may only be taken by the father. Reference is made to the Consolidation Act on equal treatment of men and women with regard to employment and maternity leave, etc. (No. 213 of 3 April 1998).

Danish Centre for Information on Women and Gender

60. The Foundation Danish Centre for Information on Women and Gender (KVINFO) is an independent institution with a governing body of nine members representing the Danish Women's Council, research institutions and major Danish libraries. KVINFO's main objective is to provide interdisciplinary information and documentation on women and gender research, and to pass the results of this research on to the public. The primary activity of KVINFO is its research library which specializes in literature on women and gender. The library contains more than 340 different titles of gender-relevant journals and magazines. Furthermore, KVINFO participates in Nordic and Danish research projects and networks. KVINFO also publishes the magazine FORUM which is available in a free on-line version.

61. The Danish Ministry of Culture supports the Centre with an annual contribution of about DKr 5.2 million. Due to a high level of activity, the financial support has increased in recent years.

Re article 4

62. No changes have occurred compared with prior reports.

Re article 5

63. No changes have occurred compared with prior reports.

Re article 6

Concerning legal abortions in Denmark

64. With reference to paragraph 34 of Denmark's third periodic report, it may be noted that the number of legal abortions amounted to 18,135 in 1996 (in 1975 the figure was 22,884 and in 1992 the figure was 18,833). The Danish Parliament wants to reduce the number of induced abortions and will discuss, at the end of 1998, an action programme with that purpose.

Re article 7

Visit by the Committee for the Prevention of Torture of the Council of Europe (follow-up to paras. 35-36 of Denmark's third periodic report)

65. During the autumn of 1996, the Committee for the Prevention of Torture (CPT) of the Council of Europe made its second periodic visit to Denmark. The Committee visited a number of the institutions of the Danish Prison and Probation Service (Kriminalforsorgen) and some police stations. The Committee also had discussions with a number of authorities, organizations and individuals. On the basis of the Committee's recommendations, Denmark submitted a preliminary report in October 1997. In April 1998, this report was followed up by a final report to the Committee. Concerning the specific content of the initiatives made in the light of the Committee's recommendations, reference is made to the final report of 28 April 1998 (CPT/Inf(98)6).

66. A few points are still under discussion in the continuing dialogue that is assumed to take place between the Committee and member States.

On the use of force by the police, etc.

67. Denmark's third periodic report (para. 37) mentions the judicial inquiry into a case concerning the treatment of a Gambian national by the authorities. In December 1997, an agreement was made for payment of damages to the individual in full and final settlement of the case.

68. In connection with a decision made in 1994 to stop the use of the fixed leg lock, a detailed study was initiated into the other self-defence holds and techniques of the police to clarify any risks in connection with their use. The results of this study appear in the “Report on a Medical Review and

Assessment of the Self-Defence Holds and Techniques of the Police" of March 1996. The study was mentioned in the oral review of Denmark's third periodic report (see CCPR/C/SR.1534, para. 9).

69. The National Board of Health (Sundhedsstyrelsen) has endorsed the medial assessment of the report. The report was also submitted to the Medico-Legal Council, which has pointed to the fact that no physical holds can be assumed to be completely without any risk. The Medico-Legal Council has emphasized that when very tight handcuffs are used, and especially at sudden and unexpected jerks of the handcuffs, the nerves to the hands may become injured. The Medico-Legal Council has acceded to the medical assessments of the report in general. The opinions of the Board of Health and the Medico-Legal Council are attached as annexes G and H.

70. In the rather few cases where holds and techniques gave rise to observations on circumstances that ought to be emphasized in the tuition/instruction, and holds in respect of which special care should be exercised, such circumstances have been incorporated and emphasized in tuition since the medical review. New teaching materials on self-defence holds and techniques are being prepared.

71. In association with the medical review and assessment of police self-defence holds and techniques, the National Commissioner of Police has submitted a statement on the use of handcuffs by the Danish police. The medical assessment of the use of handcuffs in the "Report on a Medical Review and Assessment of the Self-Defence Holds and Techniques of the Police" and the observations in this respect from the Board of Health and the Medico-Legal Council are reproduced in the statement. On the basis of the medical assessments, together with the experience of Danish police with the use of handcuffs and information on the use of handcuffs in a number of other countries, it has been concluded that the Danish police use appropriate and suitably designed handcuffs, that Danish police personnel are given appropriate training in the application of handcuffs, and that correct use of handcuffs, from a medical point of view, gives rise to no comments. The statement of the National Commissioner of Police is attached as annex I.

72. Concerning the recommendations of the Human Rights Committee on the methods of crowd control and of handling offenders (CCPR/C/79/Add.68, para. 21), it can be stated that police training, methods, etc., for performance of the tasks mentioned are considered continuously and are changed in the light of the experience gained. This has been the case, not least, in recent years in the light of both several major police events and of police handling of police business involving mentally ill persons.

73. Concerning the tuition in psychology in the training programme of the Police Academy, reference is made to the information under article 2 on the basic training of the police. In connection with the mentally ill, tuition includes the concept of normality, classification of mental illnesses - including neuroses, psychoses and character deviances - as well as forms of support, treatment and therapy and other possibilities of action that the policeman can make use of in his contact with mentally deviant citizens. Traumatic crises, social and educational support to people undergoing a crisis as well as knowledge of the collaborators of the police in the performance of

tasks relating to people undergoing a crisis are also themes of the subject of psychology. In addition, the compulsory further training programme of the police includes the special circumstances to be considered when interviewing persons undergoing a crisis, mentally ill people and people with learning disabilities, and special investigation courses are offered, including the treatment of mental deviants and people with learning disabilities.

74. The general principles of the lawful use of force by Danish police were mentioned at the oral review of Denmark's third periodic report (CCPR/C/SR.1533, para. 8). In accordance with the principle of self-defence and *jus necessitatis* in the Danish Criminal Code, the National Commissioner of Police has laid down detailed guidelines on police use of firearms, truncheons and dogs for the purpose of use of force.

75. The police are allowed to use firearms only when necessary - and only when other means and methods are deemed insufficient under the given circumstances - to withstand or avert a present or imminent unlawful attack, and the use of firearms does not obviously exceed what is justifiable in consideration of the degree of danger posed by the attack, the person of the attacker and the importance of the right attacked. Corresponding rules apply to acts that are necessary to procure observance of lawful orders in a lawful manner, to initiate a lawful apprehension or prevent a person's escape.

76. Any use of firearms - including threats of using a firearm - must be reported to the National Commissioner of Police. Over a number of years, the annual number of reports has been 200-300. In 1997, the National Commissioner of Police received 271 reports on the use of firearms, comprising the firing of a total of 55 shots, 22 shots of which were warning shots and 33 shots were at a person or a vehicle. In three cases, individuals were hit by shots. The shots were fired to avert personal injury, as the perpetrators were armed and refused to lay down their weapons despite shouts of warning and warning shots.

77. The reports on the use of firearms are submitted to the National Commissioner of Police together with the local chief constable's decision or recommended decision. During the periods 1994-1995 and 1996-1997, in a total of three cases the reports gave the National Commissioner of Police cause for impressing the provisions on the use of firearms on the policeman, but none of the reports gave rise to disciplinary actions or provisional charges. Under section 1020 a (2) of the Danish Administration of Justice Act (retsplejeloven), the District Public Prosecutor initiates an investigation when persons have died or are injured as a consequence of police action or while in police custody. Since 1996, when the provision became effective, the District Public Prosecutor has investigated all cases where the police have used firearms and persons have been hit by shots.

78. The provisions on the use of truncheons, also laid down on the basis of the general principles on the use of force by the police, contain detailed guidelines on how the truncheon may be used. Any use of the truncheon must be reported to the chief constable/Commissioner of the Copenhagen Police, who reports once a year to the National Commissioner of Police on the number of instances of use of the truncheon. During the past three years, the number

has been 200-300 a year, and during this period the use of truncheons has not given cause for impressing the provisions on the use of truncheons upon the police, disciplinary actions or provisional charges.

79. Until August 1997, the use of a police dog as a means of force was only governed by the general principles of the lawful use of force by the police. In August 1997, the National Commissioner of Police issued a circular to the police together with a new set of rules on the use of police dogs as a means of force (annex J). The rules include detailed provisions on the conditions for use of a dog, on the competence required to make a decision on the use of a dog, and on how the dog must be handled in specific situations.

80. Any use of police dogs for the use of force must be reported immediately to the chief constable/Commissioner of the Copenhagen Police, and the reports are forwarded to the National Commissioner of Police every quarter. In case of personal injury, the National Commissioner of Police must be informed immediately. In the first six months of 1998, a police dog was used in 4 cases to withstand/avert and unlawful attack, in 31 cases to enforce apprehension or arrest, in 1 case to avert prevention of arrest and in 4 cases to ensure enforcement of a lawful order. The reports have not given cause for impressing upon the police officer the provisions on the use of dogs, disciplinary actions or provisional charges.

81. In July 1998, the Ministry of Justice set up a commission on police matters. The Police Commissioner has a broad composition with representatives of the police, the Public Prosecutor, other public authorities and associations, lawyers, professors and judges. One main task of the Commission is to consider and submit proposals on the future organization of the police. As its other main task, the Commission is to consider the need for, and, if required, prepare a proposal for a new, overall legislative basis for the activities of the police, including police powers.

82. During the oral review of Denmark's third periodic report (CCPR/C/SR.1533, paras. 5 and 50 and CCPR/C/SR.1534, paras. 12 and 65) the new rules on treatment of complaints concerning the police, effective as from 1 January 1996, were mentioned. The new scheme (the Police Complaints Board scheme) is described in detail in the 1997 report of the Director of Public Prosecutions “Treatment of complaints of the police” (Behandlingen af klager over politiet) (annex K).

83. With reference to the comments of the Human Rights Committee on the new complaints system in its concluding observations (CCPR/C/79/Add.68, para. 7) the District Public Prosecutors received 1,013 and 645 cases in 1996 and 1997, respectively, falling within the Police Complaints Board scheme (the figures from 1996 are stated in parentheses in the following). In 1997, a decision was made by the District Public Prosecutors concerning 320 (260) complaints of police conduct during service and 289 (258) notifications made of offences committed by police personnel during service. Furthermore, in 1997, 6 (8) investigations were carried out under section 1020 a (2) of the Administration of Justice Act, where persons had died or had been seriously injured as a consequence of police action or while in police custody. In 6 (4) of the decided complaints of police conduct, a criticism was made of the police

personnel, and in 37 (36) cases, charges were preferred against police personnel, 28 (31) of which were violations of the Road Traffic Act.

84. The national chairman of the independent Police Complaints Boards has stated in a report for 1997 that the noticeable drop in the number of complaints as compared with 1996 is probably due to the fact that the new scheme is run differently so that the number of cases has probably settled at its natural level. The national chairman also stated in his report that it is the opinion of the Boards' chairmen that the Police Complaints Board scheme has met the requirements that the population should perceive the scheme as inspiring confidence and as secure for both the complainant and the police personnel complained of. At present the scheme is being evaluated.

Torture as a basis for refugee status

85. In cases where an asylum seeker does not satisfy the conditions of the Convention relating to the Status of Refugees, the Danish immigration authorities can grant refugee status with reference to other international conventions binding Denmark, including the International Covenant on Civil and Political Rights and article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In such situations, refugee status can be granted under section 7 (2) of the Danish Aliens Act on the ground that there are reasons similar to those listed in the Convention or other weighty reasons.

New Act on artificial insemination

86. With reference to the second sentence of article 7, it should first be mentioned that administration of the Act on a System of Ethical Committees (Act No. 221 of 4 March 1997) was transferred to the Ministry of Research in January 1998. The Ministry of Health takes part in follow-up work to report No. 1335 on information and consent in connection with trials submitted by a committee established by the Minister for Research and the Minister for Health in April 1997.

87. Act No. 460 of 10 June 1997 on artificial insemination in connection with medical treatment, diagnosis and research, etc., lays down rules for treatment. It is the objective of the act to lay down a legally binding framework for treatment involving artificial insemination which is carried out by a doctor or under a doctor's responsibility. Furthermore, rules are established for research and trials on fertilized human eggs, gametes and embryos. The Act makes no attempt at defining what treatment is to be offered by the public hospital services.

Re article 8

Community service (follow-up to paras. 47-50 of Denmark's third periodic report)

88. In its third periodic report, Denmark described the community service scheme. The rules of community service have since been amended by Act No. 274 of 15 April 1997 on amendment of the Criminal Code, the Administration of Justice Act and the Act on Delegation of the Care of the Mentally Deficient

and Other Special Care, etc. (Community Service and Enhanced Efforts against Sexual Offences, etc.). The Act became effective on 1 May 1997. The amendment involves an expansion of the possibilities of using combination sentences, i.e. a combination of a community service order and a short custodial sentence or a fine. This means that community service can be applied in case of violations, the type or gravity of which, under the previous rules, precluded application of community service because such sentence could not be considered sufficient sanction. The possibility of applying a combination sentence can only be used in cases where the choice of sanction would have been in favour of a custodial sentence under the previous rules. No combination sentence can be applied in respect of violations that, under previous practice, would entail an ordinary suspended sentence or probation order or a community service order.

89. The amendment also means that the supervisory authority can administratively prolong the period during which the community service must be discharged. The period can be extended if special reasons so indicate, for example, if, due to illness or for other excusable reasons, the sentenced person does not have sufficient time to fulfil the duty within the period fixed in the sentence. However, the period can never be extended beyond the probation period. The sentenced person can request the extension to be brought before the courts for decision.

90. Finally, the amendment allows special conditions to be attached to a community service order to a greater extent than previously. It is now possible to pass a sentence laying down the same special conditions that can be used in connection with an ordinary suspended sentence or a probation order, such as a stay in an institution.

91. The object of these amendments to the Criminal Code is to widen the group of offenders who can be sentenced to community service. This means that persons who have heretofore received prison sentences can now, to a greater extent, be given community service orders or combination sentences. It can be stated in general that the period from 1994 to 1997 saw a rise in the number of community service orders. The total number of community service orders during these years was 479, 516, 606 and 679 respectively.

92. Denmark is still considering the future framework for the application of community service.

Pilot scheme of youth contracts (follow-up to paras. 45 and 46 of Denmark's third periodic report)

93. Denmark's third periodic report (paras. 45 and 46) gave an account of a pilot scheme of youth contracts through which offenders aged 15-17 years undertook, with their parents' consent, to participate in certain specified activities in exchange for the Public Prosecutor refraining from further prosecution. In an adjusted form the pilot scheme has been made permanent and nationwide with effect from 1 July 1998. Under the new permanent scheme of youth contracts, a juvenile delinquent agrees to undertake, with the consent of the person having custody, to lead a law-abiding life for a specified period and to participate in certain specified activities such as employment or training and education.

94. The scheme is for young people aged 15-17 years who have not yet established a fixed pattern of crime, but who are otherwise facing a conditional discharge or possibly a first probation order or suspended sentence. Typically, they are first-, second- or third-time offenders who have committed burglary or other theft, certain types of malicious damage or taking bicycles or cars without the owner's consent without at the same time causing concrete danger of injury to persons or damage to objects.

95. A youth contract is concluded with the police and the social authorities, and the youth contract scheme ensures coordination of the police and municipal responses to the juvenile delinquents in question. The police have been ordered to implement a number of initiatives to speed up these responses.

96. The United Nations Committee on the Rights of the Child was informed of the scheme of youth contracts in Denmark's second report to the Committee on the Rights of the Child in the summer of 1998.

Re article 9

Custody on remand in solitary confinement (follow-up to paras. 51-52 of Denmark's third periodic report and para. 13 of the concluding observations)

97. In 1998, the Standing Committee on Administration of Criminal Justice (Strafferetsplejeudvalget) submitted a report (report No. 1358/1998) proposing an amendment to the present rules of the Administration of Justice Act on custody on remand in solitary confinement. The Standing Committee does not agree on all points, but it does agree that the main aim of proposing amended rules is to obtain substantial restrictions in the use of solitary confinement.

98. Among the proposals of the Committee are shorter time limits for solitary confinement. In respect of offences that carry a punishment of less than four years' imprisonment, the Committee proposes a reduction of the present time limit from eight weeks to four weeks. In respect of offences carrying a punishment of imprisonment for four or five years, the Committee proposes to maintain the present time limit of eight weeks. In respect of offences that carry a punishment of imprisonment for six years or more - where no time limit applies today - the majority of the Committee proposes a general limit of four months. This limit may only be exceeded if decisive considerations affecting the resolution of the case necessitate continued solitary confinement regardless of the period for which the remand prisoner has already been in solitary confinement. The minority of the Committee proposes a non-exceedable time limit of four months.

99. The Committee further proposes amendment of the administrative rules for treatment of remand prisoners held in solitary confinement in an attempt to counteract the negative effects connected with solitary confinement.

100. Finally, a majority of the Committee proposes special compensation for remand prisoners if the custody on remand was in solitary confinement. A

person who has been remanded in custody in solitary confinement receives a deduction in his or her final punishment of one day for every three days of solitary confinement.

101. The report of the Standing Committee on Administration of Criminal Justice has been sent to the authorities and organizations, etc. involved for comments. A bill is expected to be introduced in the Danish Parliament in January 1999.

Control of the duration of custody on remand (follow-up to para. 13 of the concluding observations)

102. To ensure that custody on remand is of the shortest possible duration, the Director of Public Prosecutions in March 1997 (notice No. 3/1997, attached as *annex L*) has decided that the police must notify the District Public Prosecutor of all cases in which a remand prisoner has been held in custody for more than three months. The notification to the District Public Prosecutor will form the basis of the Prosecutor's possible discussions with the police on the conduct of the case for the purpose of ensuring that the period in custody on remand is as short as possible. At the end of the year, the District Public Prosecutors notify the Director of Public Prosecutions of the number of notifications. At the same time the District Public Prosecutors must notify the Director of Public Prosecutions of any problems of a more general nature in connection with the processing of the cases.

Act on Deprivation of Liberty and Other Restraints in Psychiatry (follow-up to paras. 55-65 of Denmark's third periodic report)

103. Denmark's third periodic report gave an account of Act No. 331 of 24 May 1989 on Deprivation of Liberty and Other Restraints in Psychiatry (the Psychiatry Act). A scientific study has been made to illustrate how the Psychiatry Act had worked in practice at a national level during the period 1991-1993. Based on this study, inter alia, a number of amendments to the Psychiatry Act were enacted by Act No. 403 of 26 June 1998 on Revision of the Psychiatry Act, effective 1 January 1999.

104. A main point of the amendments is that, with a view to preventing the use of restraints to the greatest extent possible, the hospital authority must offer hospitalization, treatment and care corresponding to good psychiatric hospital standards, including building conditions, number of beds and staff, possibility of outdoor activities, as well as offers of occupation, education and training and other activities. This is achieved through a rewording of section 2 of the Psychiatry Act.

105. Another main point is to simplify the complaints scheme. The amendment provides that all complaints of use of force, compulsory admission to the mental hospital and forcible detention, must be dealt with by the local Patient Boards of Complaints in the first instance. Appeals against decisions of the Patient Board of Complaints concerning deprivation of liberty can be brought before the courts under Part 43 a of the Administration of Justice Act at the request of the patient or his or her patient counsellor, while the

other decisions of the Patient Board of Complaints, such as decisions on forcible treatment, can be appealed, as previously, to the Patient Board of Complaints of the Health Sector.

106. Act No. 403 also implied an amendment of the rule applicable theretofore to the effect that a complaint of forcible treatment as a main rule has a suspensive effect, unless immediate implementation of the treatment is required to avoid exposing the patient's life or health to substantial danger or to prevent the patient from exposing others to obvious danger of injury to body or health.

107. The issue of the forcible return of patients who have left or failed to return to a mental hospital was not expressly governed in the Psychiatry Act. Therefore, the amendment includes a provision according to which patients deprived of their liberty who leave or fail to return after leave can informally be forcibly returned to the ward with the assistance of the police under certain conditions. Informal forcible return presupposes that the forcible return is carried out within a week from ascertaining the failure to return. In case of failure to return after leave, it is a further condition for informal forcible return that the duration of the leave was no more than three nights. The amendment substantially corresponds to the present state of law as presumed on the basis of the legislative material of the Act in force.

108. It is still not possible to return a patient informally by force if, at the time of leaving or failure to return, the patient did not have the status of being deprived of his/her liberty (compulsorily admitted or forcibly detained). In such cases, forcible return must be effected according to the rules on compulsory admission. Nor is it possible informally to readmit discharged patients if they oppose admission. This applies irrespective of whether they were deprived of their liberty during the previous period of admission.

109. In respect of the group of mentally disordered persons who need special therapeutic follow-up after discharge, following the amendment, the consultant of the psychiatric ward must ensure, in connection with the discharge, that a discharge agreement or coordination plan has been established allocating responsibility for the offers of treatment to and social activities for the discharged person. At the same time, a provision has been introduced ensuring that the necessary information on the patient in question can be exchanged between the authorities and others that are involved in the follow-up efforts.

110. In addition, a number of changes and clarifications have been implemented, aiming, inter alia, to strengthen and advance case-processing in the local Patient Boards of Complaints. Furthermore, the right to forcibly treat bodily disorders of mental patients has been specified. Finally, the present duty to set up patients' councils or to hold patients' meetings has been replaced by an empowering provision, according to which the Minister of Health may lay down rules on patient influence on psychiatric wards. The purpose of this amendment is to make it possible to introduce individual schemes concerning patient influence in the individual psychiatric wards.

111. Another provision has been inserted in the Act so that a bill revising the Act must be introduced to the Danish Parliament during the parliamentary

year 2005-2006. In this connection, a study of the effects of the Psychiatry Act will be launched by an independent research institution involving experiences from users and relatives. The study will be commenced and implemented in such good time that the results of the study can be incorporated in the basis of the new bill revising the Psychiatry Act.

On the rights of detainees (follow-up to paras. 13 and 37 of CCPR/C/SR.1533 and para. 11 of CCPR/C/SR.1534)

112. As stated during the oral review of Denmark's third periodic report, the Ministry of Justice has prepared a circular of instructive guidelines on the rights of detainees. The circular, attached as *annex M*, was issued on 20 January 1997.

113. The circular contains detailed rules on the right of detainees to notify relatives and others about their arrest themselves and to contact a lawyer, and about the detainees' right to be attended by a doctor. The circular lays down, inter alia, that the police must normally, without undue delay, give the detainee an opportunity to notify his or her closest relatives or other relevant persons, such as the employer, about the arrest. The police must also, without undue delay, give the detainee an opportunity to contact a lawyer and, if the detainee wants a doctor called, to contact a doctor. The police must record in a daily report, report of arrest, or the like, that the rules have been observed. The Ministry of Justice has issued guidelines on the rules to be handed out to detainees.

114. To ensure uniform practice in all the police districts concerning observance of the rights stated in the circular, an evaluation of the instructive guidelines on the rights of detainees has been initiated on the basis of a statement from the Director of Public Prosecutions on the practice of the police up till now and at the recommendation of the European Committee for the Prevention of Torture.

Deprivation of liberty of asylum seekers

115. Act No. 382 of 14 June 1995 on amendment of the Aliens Act introduced a provision in section 36 (1), third sentence (Consolidation Act No. 557 of 30 July 1998), according to which an alien whose application for asylum is expected to be or is being examined according to the so-called manifestly unfounded procedure may be deprived or liberty after a specific, individual assessment, provided it is required for ensuring the alien's presence during the examination of the asylum application, unless the less intrusive measures mentioned in section 34 of the Aliens Act are sufficient (deposit of the alien's passport, requirement of bail, requirement that the alien stays at an address determined by the police, or an order that the alien in question reports to the police at specified times). At the same time, a provision was inserted in section 37 (3) of the Aliens Act which, apart from stipulating, in parallel with the rules of the Administration of Justice Act (retsplejeloven) on remand in custody, that deprivation of liberty cannot be extended by the court by more than four weeks at a time, provides that deprivation of liberty as described can be maintained on that basis for not more than seven days after the enforcement of the deprivation of liberty by the police.

116. It appears from the memorandum to the bill that the purpose of the scheme is, inter alia, to ensure the asylum seekers' presence during examination of the case and thus maintain short examination periods, to prevent crime and unrest at the accommodation centres, and to create an effect such that fewer asylum seekers with completely futile applications for asylum will try to obtain residence in Denmark.

117. Since the amendment in 1995, this special provision for deprivation of liberty after a specific and individual assessment has been applied to asylum seekers in respect of whom there is a strong advance assumption that they do not satisfy the conditions for obtaining asylum, and whose asylum applications have been examined in an especially rapid manifestly unfounded procedure.

Re article 10

Concerning an act on enforcement

118. In March 1998, the Standing Committee on the Criminal Code (Straffelovrådet) submitted a report on an act on enforcement of punishments, etc. (report No. 1355/1998). The present provisions on enforcement of punishments are laid down, partly in a few provisions in the Criminal Code, partly in two orders and in a considerable number of circulars. The report proposes an overall legislative regulation of enforcement of punishments, etc.

119. The proposal includes a legislative regulation of inmates' rights and duties during their term in prison. This applies, for example, in respect of the right of association with other inmates, work, education and training, leisure-time activities, as well as welfare and health assistance. The proposal also regulates issues of importance to the inmates' possibilities of contact with society outside the prison, such as right of leave, visits, exchange of correspondence, telephone conversations, newspapers and books, etc. and the right to give statements to the media while in prison. The proposal furthermore includes detailed regulation of the conditions for and the method of measures taken against inmates, i.e. the right to examine the inmate's body and room(s) where he spends his time (search), taking photographs and fingerprints, use of force, exclusion from association, disciplinary sanctions, etc. In this connection, the report also proposes rules that strengthen the inmates' possibilities of obtaining damages for undeserved measures during the enforcement of their punishment. In addition, the report includes various proposals extending the inmates' possibilities of going to court to have certain intrusive decisions tried, made as part of the enforcement of the punishment. The report also includes a number of proposals relating to other aspects of enforcement of punishment. One proposal made is a scheme of release on parole for persons serving a life sentence.

120. The report has been sent to the authorities and organizations, etc. involved for comments. A bill is expected to be introduced to the Danish Parliament in January 1999.

Concerning Greenlanders in Herstedvester Institution

121. In Greenland, sentences of committal to a prison are normally enforced in three open institutions in Greenland. Furthermore, to a limited extent prisoners may be detained in police detention centres for example for short sentences, and prisoners may also be placed in the hostels of the Prison and Probation Service.

122. Prisoners serve sentences of committal to a psychiatric institution under the Danish Prison and Probation Service in Herstedvester Institution, which has had a special unit for Greenlandic inmates since 1986; it is also capable of accommodating Danish inmates since August 1998. The unit has 13 places and is partially staffed with Greenlandic-speaking staff, including two Greenlandic officers on secondment, a Greenlandic social worker and an interpreter.

123. In recent years, the courts of Greenland have been reluctant to pass sentences of committal in Denmark, and since 1995 the unit has had six inmates.

Concerning the Commission on Greenland's Judicial System

124. In April 1994, following negotiations with the Home Rule Administration in Greenland, the Ministry of Justice set up the Commission on Greenland's Judicial System. The tasks of the Commission are to carry out a thorough revision of Greenland's judicial system (police, courts and the Prison and Probation Service) and prepare a draft revision of the special Criminal Code and the special Administration of Justice Act for Greenland.

125. The members of the Commission represent both the Greenland authorities and the central authorities of Denmark, and the Chairman is a Supreme Court judge. The Commission expects to conclude its work in the first half of the year 2000.

126. According to its terms of reference, the Commission is to consider, inter alia, how special prison institutions can be established in Greenland so that the scheme applying at present, according to which Greenlanders sentenced to preventive detention are placed in Herstedvester Institution in Denmark, can be brought to an end. The plan is that Greenlandic inmates who are serving their sentences in Herstedvester Institution will serve them in Greenland in future.

127. A number of improvements have been carried out at Herstedvester Institution on the basis of a recommendation by the Commission on Greenland's Judicial System in September 1995. It appears from this recommendation that the Commission had considered whether it could be possible before the Commission issues its final report to propose the establishment of a closed prison in Greenland to house the prisoners who are currently serving their sentences in Herstedvester Institution. However, the Commission decided not to make such a proposal beforehand, the main reason being that they wish to assess the placing of the current Herstedvester inmates in connection with the establishment of the entire prison system in Greenland and in connection with the development of the psychiatric system in Greenland. Instead, the

Commission has recommended to the Ministry of Justice that it improve conditions for the Greenlandic inmates in a way that has since been implemented, until Greenlanders need no longer serve their sentences in Denmark. The improvements are aimed partly at the daily life at Herstedvester and the contact with family and country of origin, and partly at a rapid and flexible processing of cases with a view to alternative placement in Greenland.

128. In this connection - as provided in Act No. 476 of 12 June 1996 - the Ministry of Justice has also introduced access to administrative stationing in Greenland of inmates at the Herstedvester Institution. In this way, it has been made possible, slightly before the scheduled time, to transfer inmates to a prison in Greenland.

Concerning children and young people (follow-up to para. 18 of the concluding observations)

129. In its concluding observations on Denmark's third periodic report, the Human Rights Committee invited the Government to review the continuing need for any reservation, with a view to withdrawing them.

130. As in the third periodic report, the Danish Government must maintain that it has no plans to alter its reservation to article 10 (3) of the Covenant. The reason why Denmark has not made a similar reservation to the provision in article 37 (c) of the Convention on the Rights of the Child is that the latter article is worded differently, having in itself a reservation to the effect that separation from older co-inmates must be in accordance with the best interest of the child.

131. In the third periodic report Denmark described the special rules applying to placement of 15 to 17-year-old inmates (para. 68). These rules are at present being revised, partly to strengthen the individual response to the needs and situation of each incarcerated young person, partly to counter the unintended effect produced by the present rules in that the relatively few young inmates in Denmark can only to a very limited extent receive an offer of association with other inmates.

132. To the extent possible, Denmark endeavours to avoid using measures of detention against young offenders. To illustrate this, it can be stated that in 1996, 8,811 cases involving 15 to 17-year-olds were decided; 6,168 cases resulted in a fine. In 686 cases, the Public Prosecutor accepted a conditional or absolute discharge, and 566 cases resulted in a probation order or a suspended sentence. In 204 cases, the young offender was sentenced to a custodial punishment - 85 of which were partially suspended sentences. In respect of 71 out of the 139 young offenders who commenced serving a custodial sentence in 1996, a decision was made concerning serving of the sentences in a treatment institution or the like instead of a prison (see sect. 49 (2) of the Criminal Code).

133. Together with the revision of the present rules and guidelines for the treatment of young inmates, a number of special initiatives are being implemented for the purpose of strengthening efforts on behalf of young offenders.

134. In relation to a small group of highly criminalized young offenders, who today normally commence service of their sentence in the closed prison at Ringe but who often have to be transferred to another closed prison due to aggressive conduct, funds have been appropriated in the 1998 Finance Act for implementing a special educational and attitude-influencing effort. A special unit for these young people is at present being established in Ringe State Prison.

135. In addition, a working group set up by the Ministry of Social Affairs has proposed, inter alia, that a new institution be established on the island of Funen, where Ringe State Prison is located. Close cooperation between the new institution and the local municipal and county authorities, the local office of the Probation Service and a new unit of Ringe State Prison is to be established so that, based on the individual young person, the overall effort is certain to be unambiguous, efficient and consistent. It is presupposed that in addition to the new unit in Ringe State Prison and the social institution, there is to be an “emergency corps” capable of assisting in acute situations. All units are to have the relevant educational/psychological staff, which will work together.

136. The report of the Standing Committee also contains proposals aimed especially at young people. The Committee proposes codification of a special rule to the effect that placement in a treatment institution or the like (cf. the present section 49 (2) of the Criminal Code) is to be the main rule in relation to young offenders sentenced to a custodial punishment. Only where there are decisive considerations against placement in a treatment institution will the young offenders have to serve their sentences in a prison. As stated under article 10, a bill on enforcement of punishment is expected to be introduced in the Danish Parliament in January 1999.

Concerning placement of young persons

137. The number of and possibilities for placement in secured wards of young persons between 15 and 17 years of age with long criminal records, as mentioned in paragraph 68 of Denmark's third report, have increased as it has been decided to establish 11 new places in secured wards.

Concerning placement of asylum seekers deprived of their liberty (follow-up to para. 59 of CCPR/C/SR.1533)

138. To meet the international requirements of placement of asylum seekers, including the requirement of keeping them separated from criminals, asylum seekers deprived of their liberty are placed in a special institution - the Sandholm Camp - in units that do not house criminals. In addition, placement in a special asylum unit in Åbenrå may be possible. Prior to placement in the Sandholm Camp there may be a brief stay in a local prison if, for example, the asylum seeker is apprehended in the provinces.

Concerning the use of physical means of restraint against inmates (follow-up to CCPR/C/SR.1533, para. 78)

139. The State and local prisons of the Danish Prison and Probation Service can use handcuffs as well as other means of restraint including, depending on the situation, manual force, truncheons, tear gas and shields.

140. Out of a total number of 469 instances of use of handcuffs in 1997, 398 occurred in connection with the transportation of inmates. Handcuffs can also be used if an inmate refuses to let himself be searched and the search cannot be performed otherwise. In 1997, there were 39 instances of such use of handcuffs. Finally, handcuffs can be used if the conditions for placement in a protective cell are satisfied, but it is not possible to do so. This was the case in 32 instances of handcuff use in 1997. The measure must be necessary to avert threats of violence, to overcome violent resistance or to prevent suicide or other self-mutilation. The number of instances of handcuff use in 1997 was approximately the same as in 1996 (489).

141. In special situations the personnel may have to use other means of restraint against inmates, for example, to prevent escape, prevent suicide/self-mutilation or to avert personal injury. Furthermore, restraints may be used to implement staff directives on the places where an inmate may spend his time. In about 99 per cent of cases, the restraint applied is manual restraint in the form of various approved holds. In 1997, restraints were thus used in 192 cases, one case of which was use of a truncheon and one case of which was use of tear gas. Out of 187 instances of use of restraints in 1996, a truncheon was used in two cases; tear gas was not used. Restraints are used most frequently in connection with moving inmates.

142. The possibility of using shields was introduced by a separate circular on 1 March 1996. Shields can be used for pacification of inmates, if necessary, to avert threats of violence, overcome violent resistance or to prevent suicide or other self-mutilation. Statistics on the use of shields have only been introduced on a continuous basis since the second quarter of 1998. In that quarter, two instances of use of shields were reported.

Re article 11

143. No changes have occurred compared with prior reports.

Re article 12

Provisions of the Integration Act

144. As mentioned above under article 2, the new Integration Act contains provisions on the housing of refugees, etc. However, the Act contains no prohibition of an alien's free choice of residence. With the limitations applicable to all citizens, aliens falling within the Act can thus freely choose their place of residence. On the contrary, the Act offers refugees the possibility of participating in an introduction programme and receiving an associated introduction allowance (see paras. 33-42 above for details).

Re article 13

Rules concerning expulsion of aliens

145. Act No. 1052 of 11 December 1996 on amendment of the Aliens Act inserted a provision in section 22 (iv) of the Aliens Act allowing the courts to expel an alien who is sentenced to a custodial penalty because of a drug offence. The same Act inserted a provision in section 26 (2) of the Aliens Act, according to which expulsion can be enforced in such cases unless the humanitarian considerations mentioned in section 26 (1) of the Aliens Act, in particular the alien's personal circumstances and ties with Denmark, make expulsion decisively inappropriate. The provision means that said considerations can only exceptionally prevent expulsion. A person will not be expelled if expulsion results in a violation of obligations under international human rights law. This can be illustrated by two Supreme Court decisions of 24 November 1998 concerning the provision in section 22 (iv) of the Aliens Act. It was stated that the persons in question could not be expelled because expulsion would be inconsistent with, respectively, article 8 and article 3 of the European Convention on Human Rights.

146. Thus, the provision means that in future special rules for expulsion apply in case of drug offences. Previously, expulsion because of drug offences - as for other crimes - depended on the length and the nature of the alien's stay in Denmark. Formerly, for example, an alien who had been lawfully staying in Denmark with a view to permanent residence for seven years or more could only be expelled if the person in question were sentenced to a minimum of six years' imprisonment and the alien ought not to remain in Denmark in consideration of the sentence and the nature and seriousness of the crime.

147. Act No. 473 of 1 July 1998 amended the rules on expulsion by judgement because of crime in sections 22 to 24 of the Aliens Act, partly concerning the general conditions of expulsion, partly concerning the types of crime which - like the provision mentioned concerning drug offences - generally lead to expulsion regardless of the length of the stay. It is thus still the courts that decide on expulsion because of crime pursuant to sections 22 to 24 of the Aliens Act.

148. The principle applicable until then, that expulsion was dependent upon the length and nature of the alien's stay in Denmark, still basically applies. However, the five categories applicable formerly have been reduced to three:

(a) An alien who has been lawfully staying in Denmark for seven years or more can be expelled if he or she is sentenced to a minimum of four years' imprisonment. If the alien has been sentenced in respect of several counts, or if the alien has previously been sentenced to imprisonment in Denmark, the alien can be expelled if he or she is sentenced to imprisonment for at least two years;

(b) An alien who has been lawfully staying in Denmark for three years or more, but less than seven years, can be expelled if he or she is sentenced to a minimum of two years' imprisonment. If the alien has been sentenced in

respect of several counts, or if the alien has previously been sentenced to imprisonment in Denmark, the alien can be expelled if he or she is sentenced to a minimum of one year's imprisonment;

(c) An alien with less than three years' lawful residence can be expelled if he or she is sentenced to a suspended or non-suspended custodial penalty.

149. The conditions mentioned concerning the length of the term of imprisonment are still minimum conditions in the sense that in all cases the courts must weigh, pursuant to section 26 of the Aliens Act, the alien's personal circumstances and ties with Denmark against the seriousness of the crime.

150. The provision on expulsion because of drug offences has been maintained. The amendment in July 1998 placed a number of other serious types of crime in the same extended provision for expulsion according to which, basically, expulsion may be enforced where the alien is sentenced to a custodial penalty regardless of the length of the alien's stay in Denmark. The crimes concerned include murder, rape, aggravated assault and battery, robbery, offences against property of a particularly aggravated nature, people-smuggling, violence against persons in public service, arson and hijacking of planes and ships.

151. At the same time, the special rule concerning the courts' weighing of the question whether expulsion should be enforced where an alien has been sentenced to a custodial penalty in respect of a drug offence (section 26 (2) of the Aliens Act), was also extended to include the serious types of crime mentioned. Under this provision, the considerations mentioned in section 26 (1) of the Aliens Act can only exceptionally lead to prevention of expulsion, as mentioned.

152. Concerning recognized refugees, a decision on expulsion can only be enforced in accordance with the conditions applying to aliens with a lawful residence of seven years or more, or if the recognized refugee is sentenced in respect of a form of crime falling within the extended provision for expulsion. Enforcement of the decision of expulsion in the form of return cannot be carried out if the alien is thereby returned to a country where the alien risks persecution as described in the Convention relating to the Status of Refugees (see in this respect section 31 of the Aliens Act). If a recognized refugee has been expelled by judgement, the Danish Immigration Service and the Refugee Board make a separate decision thereon (section 49 a of the Aliens Act).

153. Moreover, the rules on administrative expulsion have been changed. However, the change is mainly a specification of the application so far of the provisions of the Aliens Act that allowed administrative expulsion.

154. An alien may be expelled administratively when this is found to be necessary for considerations of national security (section 25 of the Aliens Act).

155. Under section 25 a (1)(i) of the Aliens Act, administrative expulsion may be enforced in respect of an alien who has not had lawful residence in the country for more than six months if the person in question is convicted of offences against property or of smuggling in contravention of the Customs Act (toldloven). In such cases, administrative expulsion can be enforced when the person has confessed to or has been arrested for such an offence.

156. Pursuant to section 25 a (1) (ii) of the Aliens Act, administrative expulsion may be enforced where the alien is convicted of illegal possession of euphoriants, or where the alien has admitted unlawful possession or use of euphoriants to the police, or there are strong reasons for suspicion in general.

157. Furthermore, pursuant to section 25 a (2) of the Aliens Act, administrative expulsion may be enforced if there are reasons to assume that the alien will take up residence or work in Denmark without the requisite permit, if the alien's means are insufficient to support him or her in Denmark and to pay for the return journey, or if other considerations of public order, security or health indicate that the alien should not be allowed to stay in Denmark.

158. Finally, under section 25 b of the Aliens Act, administrative expulsion may be enforced where the alien resides in Denmark without the requisite permission.

159. Where the conditions for expulsion by judgement or administrative expulsion are satisfied, an entry prohibition is fixed - this means that the alien cannot re-enter and stay in Denmark without permission (section 32 of the Aliens Act). Act No. 473 of 1 July 1998 laid down specific rules in section 32 of the Aliens Act on the duration of the entry prohibition. The duration of an entry prohibition varies, according to these detailed rules, from “one year” to “forever”.

160. Act No. 473 of 1 July 1998 furthermore inserted provisions in the Aliens Act concerning the procedure for determining expulsion. Section 50 of the Aliens Act was amended so that the right to review of a decision on expulsion by judgement is limited to one review. Furthermore, a provision was inserted in section 50 a of the Aliens Act according to which the question whether an alien who was insane when the crime was committed and has been sentenced to committal and an alien who poses immediate danger to the lives, persons or liberty of others and has been sentenced to preventive detention (see in detail sections 68-70 of the Criminal Code (straffeloven)), may be expelled must be decided by a court.

161. A decision on administrative expulsion can be appealed to the Ministry of the Interior, and the alien can bring it before the court in the cases mentioned in section 52 (1) (iii) and (iv) of the Aliens Act. In addition, a decision on administrative expulsion can be brought before the courts pursuant to the rules in section 63 of the Danish Constitution.

Re article 14

Concerning the processing times of national courts

162. To an ever-increasing extent, Danish courts are aware of the requirement of a hearing within a reasonable time. On several occasions Danish courts have found that the duration of a criminal case has constituted an infringement of the defendant's human rights, and the sentence was either shortened or consequently suspended. Furthermore, in cooperation with the courts, the Ministry of Justice in March 1998 fixed objectives for acceptable case processing times for different types of criminal cases. Fulfilment of the objectives will be monitored through the collection of statistics.

163. In addition, the Director of Public Prosecutions has issued a notice requiring the Public Prosecutor to report criminal cases where a question of protracted case processing times has been examined by the court. This will enable the Director of Public Prosecutions to get an overview of the nature and scope of such cases and to advise the Public Prosecutor on processing them.

Concerning Denmark's reservation to article 14

164. Upon ratification of the International Covenant on Civil and Political Rights, Denmark made a reservation in respect of article 14 (5) concerning review of conviction and sentence in criminal cases. Denmark has also made a reservation in respect of article 2 of the Protocol No. 7 to the European Convention on Human Rights. The background to Denmark's reservation is, inter alia, that under the present jury system the adjudication of the defendant's guilt in the High Court as the first instance cannot be reviewed by the Supreme Court. In criminal proceedings, the Supreme Court can only decide on the sentence and any procedural errors during the High Court trial.

165. In March 1998, the Standing Committee on Procedural Law (Retsplejerådet) submitted a report on the treatment of jury cases (report No. 1352/1998). A majority of the members of the Committee proposed that jury cases be heard by the district courts in the first instance. The cases are to be heard by two judges and six jurors, and both the issue of guilt and the sentence are to be decided upon jointly by the jurors and the judges. At least four votes would be required from the jurors to find the defendant guilty. This means that the decisive influence of the jurors is retained in the assessment of the issue of guilt. In addition, at least one judge must vote for conviction. This retains the so-called double guarantee. As a further innovation it is proposed that the issue of guilt be decided by a written order containing information on the votes and detailed grounds for the result, including any dissenting votes. This would replace the present system whereby the jurors merely reply “yes” or “no” to the question “Is the defendant guilty?”. The sentence would still be decided jointly by jurors and judges.

166. According to the proposal, appeal of the district court judgement would lie with the High Court, which is to be able to adjudicate on both the verdict and the sentence. This would also mean genuine two-instance procedure in respect of the most serious criminal cases, which would mean that Denmark would satisfy the requirement in article 14 (5) of the Covenant.

167. It is proposed that in appeal cases which have been heard at first instance by jurors and where the appeal concerns adjudication of the verdict, the High Court would have three judges and nine jurors, who would decide the case jointly: a conviction would require at least six juror votes and two judge votes. According to the proposal, the sentence can be appealed to the Supreme Court if the Board of Appeal (Procesbevillingsnævnet) grants such leave (third-instance leave).

168. The report of the Standing Committee on Procedural Law has been forwarded to the relevant authorities and organizations, etc., for comments.

Concerning public administration of justice

169. In March 1997, a report was submitted on cooperation between the courts and the press (report No. 1330/1997). Concerning media access to court files, it is proposed that in criminal cases, journalists can peruse the indictment and request for hearing and have a copy thereof, and it is also proposed that during the hearings in the case, journalists are to be allowed to borrow any exhibits. Furthermore, access to records of judgements and court records is proposed, unless the hearing was held in camera. In civil cases, it would be possible to borrow the documents if the parties give their consent. Finally, it is proposed to give access to records of judgements and court records as well as the statement prepared by the judge if a short-form judgement is appealed.

170. Concerning hearings in camera and the prohibition against reporting on a case and mentioning names, it is proposed that journalists who are present at court hearings where these matters are decided should be entitled to make a statement before a decision is made on whether to try the case in camera or to prohibit reporting on the case or mentioning names. It is also proposed that the media should have the right to appeal court decisions on these issues but, for decisions on in camera proceedings, only if they were present at the hearing at which the court decided that issue. Concerning the prohibition against mentioning names, it is proposed that a prohibition may be issued only if public exposure would constitute undue infringement of the person's rights.

171. The report also proposes that it should be permitted to make drawings during hearings.

172. Concerning protection of sources, it is proposed that the source be protected from the moment the journalist receives information, pictures, etc. from the source. Correspondingly, it is proposed that persons who are depicted or mentioned in a printed medium and participate in an electronic medium should be protected by the rules applying to editors and editorial employees on exemption from the duty to give evidence, only if such persons receive a guarantee of anonymity.

173. The report has been sent to the authorities and organizations involved, etc., for comments. A bill based upon the report has recently been introduced in the Danish Parliament. According to the bill, access to court files will only be allowed after the case has been decided.

Re article 15

Concerning adjudication of war crimes (follow-up to para. 97 of Denmark's third periodic report)

174. Pursuant to section 5 of Act No. 1099 of 21 December 1994 on prosecution before the International Criminal Tribunal for the former Yugoslavia, the Ministry of Justice has issued Order No. 832 of 30 October 1995 on prosecution before the International Tribunal for Rwanda making it possible to prosecute violations falling within the Statute and the Rules of Procedure and Evidence of the International Tribunal for Rwanda. The Order came into effect on 1 December 1995.

Re article 16

175. No changes have occurred compared with prior reports.

Re article 17

Concerning means of police investigation (follow-up to paras. 100-105 of Denmark's third periodic report)

176. In August 1995 the Standing Committee on Administration of Criminal Justice submitted a report on the showing of photographs, confrontation, reporting a person wanted for inquiries, and observation (report No. 1298/1995). The report contains proposals for a legislative regulation of the right of the police to use these means of investigation for clearing up crimes. Common to the four fields is that they are not regulated by the Administration of Justice Act, but are of great practical importance to the work of the police. Today, the right of the police to use these measures is mainly determined by police practice and internal guidelines. The Committee proposed insertion into the Administration of Justice Act of rules determining exactly the conditions to be satisfied before the police can use these methods as part of an investigation. Furthermore, the report proposes rules on court competence in these fields.

177. The report has been forwarded to the authorities and organizations, etc., involved for comments. A bill previously introduced and prepared, inter alia, on the basis of this report, has recently been reintroduced in the Danish Parliament.

Act on treatment of personal data (follow-up to paras. 108-109 of Denmark's third periodic report)

178. In 1998, the Government introduced a bill on treatment of personal data. The object of the bill is to replace the present Danish data register legislation with more up-to-date provisions. It is furthermore an essential object of the bill to implement an EC Directive from 1995 on treatment of personal data. The bill includes rules on the cases in which personal data may be collected, stored, registered, used and passed on.

Rules on the taking of fingerprints, etc.

179. Act No. 382 of 14 June 1995 inserted a number of provisions in the Aliens Act (Consolidation Act No. 557 of 30 July 1998) concerning the taking, registration and forwarding of fingerprints of asylum seekers.

180. It was thus allowed to take fingerprints of all spontaneous asylum seekers applying for asylum in Denmark (for details see section 40 a (1) (i) and (ii) of the Aliens Act). It was also allowed to register the fingerprints taken in a special data register for which the Minister of the Interior has laid down regulations (sect. 40 a (3)). Furthermore, the amendment contained a number of provisions allowing a search in the register under certain specified conditions, subject to a court order, for the purpose of a criminal investigation (sect. 40 a (7) and (9)). The amendment also included a decision to the effect that the fingerprints taken can be passed on manually or electronically to immigration authorities in other countries without the alien's consent. According to the memorandum to the bill, this information can only be passed on if it is used for the sole purpose of examination of immigration cases, and electronic transmission can only be to the Nordic countries, EU member States and countries which can be expected to accede to the Dublin Convention by means of a parallel convention (sect. 40 a (10)).

181. The amendment was based on a report issued by a committee of experts (report No. 1288/1995), stating that, in the opinion of the committee, the restrictions in the rules then applicable to the taking of fingerprints of asylum seekers:

(a) Reduced considerably the possibilities for efficient and rapid examination of asylum applications, resulting in longer case examination periods;

(b) Reduced the possibilities of exposing “double applications” with the consequent, unnecessary stress on the asylum application examination systems both in Denmark and in other countries; and

(c) Increased the risk of incorrect decisions (permits) in asylum cases, particularly in cases with “unidentified” asylum seekers whose travel routes had not been determined.

182. Act No. 407 of 10 June 1997 on amendment of the Aliens Act introduced provisions extending the right to take, register and exchange fingerprints for the purpose of a more rapid and certain identification of aliens who apply for or, in specific cases, are presumed to be going to apply for asylum in Denmark or another European country. Thus, fingerprints may be taken of an alien who is not applying for asylum and who is to be refused entry or expelled if, on the basis of the alien's personal circumstances, there are definite reasons to assume that the alien will re-enter and apply for asylum (section 40 a (1) (iii) of the Aliens Act).

183. At the same time it became possible to store fingerprints received from foreign authorities in connection with the examination of immigration

cases in the Central Fingerprint Register of Asylum-seekers and Unidentified Aliens, etc. (the B file) (sect. 40 a (4)). The time-limit for the deletion of information in the B file was extended from 5 years to 10 (sect. 40 a (5)).

184. Moreover, authority was given for the routine manual or electronic comparison of information in the B file with the Central Fingerprint Register of finger-prints taken pursuant to the Administration of Justice Act (the A file) for the purpose of identification of the alien in question (sect. 40 a (6)). In addition, it became possible to search in the B file for persons wanted in connection with an international inquiry under certain conditions, subject to a court order (sect. 40 a (8) and (9)).

185. In situations where the police are making arrangements for an alien's departure, the court, if deemed necessary, has also been allowed to decide, at the request of the police, that the alien's fingerprints taken pursuant to section 40 a (1) and (2) of the Aliens Act can be passed on to the representation of the country of origin or of another country (sect. 40 (3)). This provision must be seen against the background of the desire to ensure that an alien whose application for asylum has been refused, and who therefore has a duty to leave the country, does so.

186. The amendment inserted a provision to the effect that a photograph can be taken of a spontaneous asylum seeker applying for asylum in Denmark (sect. 40 b (1)). The photograph can be passed on to domestic and foreign immigration authorities without the alien's consent in connection with the examination of immigration cases (sect. 40 b (3)).

187. Under the above rules, photographs and fingerprints will not be passed on to the authorities of the country of origin until the application for asylum has been finally refused; nor will information on the application for or the refusal of asylum be passed on to the authorities of the country of origin. Photographs and fingerprints will not be passed on to the authorities of the country of origin if the asylum case has been resumed.

188. Finally, the amendment inserted a provision to the effect that, in connection with the examination of an application for family reunification under section 9 of the Aliens Act, the immigration authorities may require the applicant and the person with whom the applicant states that he or she has the family tie that will form the basis of the residence permit (the reference) to assist in a DNA examination to establish the family tie (sect. 40 c). It is a condition of this provision that the family tie cannot be established in any other way. The measure is not compulsory. Thus, a DNA examination will only be performed if the applicant and the reference in respect of whom the examination is desired give their consent thereto. Both the applicant's and the reference's refusal to assist in a DNA examination may, following a specific assessment of the information available in the case, be detrimental to the applicant and thus lead to refusal of the application.

Concerning the treatment of criminal cases with regard to taxes and duties

189. In 1990 the Ministry of Taxation set up its Committee on Court Proceedings to advise the Minister for Taxation on questions concerning court

proceedings in the field of taxation. In 1997 the Committee was united with the Council on Tax Legislation, thereby forming a new permanent advising organ, the Council of Fiscal Law.

190. In its report of June 1997 the Committee on Court Proceedings made some recommendations concerning the treatment of criminal cases as regards taxes and duties. One of the questions treated by the Committee was when the rules of criminal procedure should be observed by the authorities.

191. Firstly, Danish Penal Law contains a number of procedural rules in order to ensure the legal rights of the individual in his/her relations with the State, for example, a suspect in a criminal case does not have to contribute to the clarification of the case; rules also cover conditions of police intervention such as search and confiscation, etc. On the other hand, the tax authorities have powers of control and means of information which enable them to take certain actions where the taxpayer does not have the same legal rights. The Committee concluded that basically, the rules of criminal procedure should be observed from the time when the tax authorities recognize that there is basis for a criminal charge.

192. Secondly, the Committee dealt with some questions relating to the system of rate penalties in the criminal tax law which stipulate standardized rates for offences against the tax legislation. The Committee's main conclusion was that the administrative instructions underlying the fixing of the fines should be published.

193. The Committee's recommendations have been implemented, by and large, by an internal letter of 5 March 1998 to the regional authorities. The recommendations are as follows:

(a) The circular letter concerning the system of rate penalties used in the fixing of fines will be published in future. This means that any citizen can make himself familiar with the instructions;

(b) Further instructions have been issued concerning the tax authorities' obligation to inform the taxpayer and third parties of the charge and their right to refuse to give evidence. This means that the taxpayer, at the beginning of the discussions on whether or not a criminal offence has been committed, shall be informed of the charge and that he is not under obligation to give evidence. It also means that if an adviser (an accountant, a lawyer, etc.) is charged with a criminal offence concerning a client, the offence shall in principle be discussed without the attendance of the taxpayer. It means finally that if, during discussions with a taxpayer, who is charged, and his accountant, who is not charged, the suspicion arises that the accountant has committed a criminal offence, the discussions shall be adjourned and the accountant charged. The discussions shall be carried on with the taxpayer and the accountant separately;

(c) Further guidelines have been stipulated for the tax authorities' use of the powers of control and means of information available to them when they recognize that there are grounds for a criminal charge. Danish Law does not contain explicit rules as to when a person shall be considered as charged. This shall be determined on the basis of the evidence of the case. However, the powers of control shall not be used in respect of the taxpayer, they shall

not be used from the time when it is recognized that there is a basis for a criminal charge against the taxpayer. Investigation of a charged person must be made on a basis other than the powers of control and means of information. If necessary, the police may be involved in the preparation of the implementation of enforcement measures, e.g. search in accordance with the Administration of Justice Act;

(d) It is stipulated that the taxpayer, in the notification that discussions are taking place to determine whether a criminal offence has been committed, shall be informed of the charge and his right to refuse to give evidence;

(e) It is established that the local authorities in charge of the assessment, but which do not have the competence as regards the criminal cases, are not under obligation to inform the taxpayer that the case has been forwarded to the competent authorities, i.e. the regional authority, with a view to an evaluation of whether a criminal offence has been committed. This is based on whether a specific case involves criminal liability and often depends on a number of circumstances; notifying the taxpayer that the case has been forwarded may cause unnecessary anxiety for the taxpayer as the higher authority may decide not to pursue the case;

(f) Out of regard for the strain caused by a criminal case against the taxpayer, it has been impressed upon the regional authorities that a criminal case shall be settled as soon as possible.

Legal status of young persons (follow-up to para. 106 of Denmark's third periodic report)

194. The legal status of young persons above the age of 15 has improved. They now have a right to free counselling in all cases of coercive placement outside the home.

New Act on patients' rights

195. The objective of Act No. 482 of 1 July 1998 on patients' rights is to help ensure that patients' dignity, integrity and right of autonomy are respected. Furthermore, the Act aims to strengthen patients' legal status and legal rights vis-à-vis the health-care service and to foster trust and confidence between patients and staff of the health-care services.

196. The Act establishes an overall legislation which regulates basic and general principles for the individual patients' right of self-determination and his legal rights in connection with examination, treatment and care. Compared to former legislation and approved practice the Act contains the following new provisions:

(a) Patients' right to informed consent is made statutory;

(b) Patients from the age of 15 shall give informed consent to examination, treatment, etc., in consultation with the holder of custody;

(c) For patients with permanent inability to give informed consent, the consent of nearest relations must be obtained. Patients with no near

relations are represented by an impartial health-care professional. Moreover, patients who are unable to give informed consent are ensured influence in decisions to the extent that they understand the treatment situation;

(d) Patients are secured more explicit rights as to the wishes that may be included in a living will, and the duty of health-care practitioners to contact the living wills register is made clear;

(e) Within the health-care services data may be communicated when oral consent has been given or, in the case of an ongoing course of treatment, without particular consent;

(f) For the communication of health data to authorities outside the health-care services, written consent is required except in the exceptional cases defined by the legislation;

(g) Patients are ensured a more comprehensive overview of the provisions which give access to the use of health data for research, statistics and planning.

Re article 18

Freedom of religion (paras. 21-22 of CCPR/C/SR.1533)

197. As mentioned at the above meeting, Denmark has enjoyed freedom of religion since 1849. In consequence of this freedom, embodied in the present Constitution of 1953 (art. 67), the Danish State does not exercise any control over the organization or the religious practices of congregations, with the exception of the National Church of Denmark - provided that Danish law is respected. The various congregations are entitled - without the permission of the State - to build churches, temples or mosques for the worship of God. According to the legislation, everybody has a right to be buried in the official cemeteries, but congregations dissenting from the National Church may establish their own cemeteries.

198. Another consequence of the freedom of religion consists in the possibility for ministers of religious communities - Christian or non-Christian - to be authorized by the State to perform marriages of civil validity.

Re article 19

Concerning racial discrimination (follow-up to para. 114 of Denmark's third periodic report)

199. Since Denmark's third periodic report, the provision in section 266 b of the Criminal Code has been amended by Act No. 309 of 17 May 1995 on amendment of the Criminal Code (Racial Discrimination, etc.). The amendment has been discussed above under article 2.

Concerning freedom of expression and privacy (follow-up to para. 119 of Denmark's third periodic report)

200. Denmark's third periodic report mentioned a Supreme Court judgement on the balance between considerations of privacy and the need of the public to know. In connection with this judgement another case, also concerning a charge against three journalists pursuant to section 264 (1) (1) of the Criminal Code on any person who procures unauthorized access to a place not freely accessible, has been scheduled for trial in the Supreme Court on 26 November 1998. The case concerns a demonstration on an artificial island, not open to the public, in connection with the construction of the Øresund link. The defendants were acquitted by the High Court - whose verdict is now being appealed - which found that such were the circumstances surrounding the Øresund link that, as against the consideration of privacy, the journalists' presence on the island could not be considered unjustified.

201. Furthermore, in 1996, the Supreme Court acquitted a journalist and an editor of a newspaper that had referred a citizen's statements in a complaint to the so-called Disciplinary Board of the Danish Bar and Law Society (Advokatnævnet) of libel. The Supreme Court referred to the fact that the provisions on libel in sections 267-269 of the Criminal Code must be construed in the light of article 10 of the European Convention on Human Rights. Balancing the consideration of freedom of speech against the consideration of protection against defamation of character, therefore, must not lead to the media being prevented from performing their role of informing the public in a reasonable way.

Re article 20

202. In paragraph 18 of the concluding observations, the Human Rights Committee recommended that the Government should review the continuing need for any reservations, with a view to withdrawing them. However, there are no current deliberations of withdrawal of the Danish reservation to article 20, and the Government refers to paragraph 125 of Denmark's third periodic report.

Re article 21

Act on bans from certain premises

203. At the oral review of Denmark's third periodic report, an Act on Bans from certain Premises (lov om forbud mod ophold i bestemte ejendomme) was mentioned, adopted by the Danish Parliament in October 1996 against the background of the violent confrontations between rival outlaw motorcycle gangs in Denmark (see CCPR/C/SR.1533, para. 7; CCPR/C/SR.1534, paras. 14 and 65).

204. During the year in question a gang war had taken place between two rival outlaw motorcycle gangs (Hells Angels and Bandidos). This gang war had resulted in a number of killings and attempted killings of members or persons affiliated with these groups. In addition, attacks with rockets had occurred against the strongholds of the gangs. A large number of these strongholds were located in densely populated residential areas.

205. The existing legislation could not intervene more efficiently against the gang war. The Danish Parliament therefore decided to pass an act,

according to which the police can ban a specific person from certain premises if the premises serve as a stronghold for a group which the person in question belongs to or is affiliated with, and the presence of the person on the premises is deemed to involve a risk of attack that would endanger persons who live or are present near the premises. The Act also allows the police to prohibit any person from access to certain premises if there is a considerable risk of an attack. It finally appears from the Act that the police must lift any bans when the risk of attack is no longer present.

206. It can be stated that on 11 May 1998, the Eastern High Court passed judgement in an action instituted against the Ministry of Justice by a person who was subject to a ban under the Act, claiming that the ban was invalid because it infringed the rights and freedom in the Danish Constitution. The High Court judgement acquitted the Ministry of Justice. The High Court noted that the ban was properly authorized by the Act from October 1996, and that neither the provision in section 72 of the Danish Constitution on inviolability of the dwelling, section 74 on free and equal access to trade or section 78 on the right to form associations concerns the fact that a person is banned from a certain place. The High Court further noted that section 79 of the Constitution on freedom of assembly does not preclude restrictions of a nature pertaining to public law implemented by the legislative power, resulting in restrictions in the places where assembly may take place when this is objectively motivated by the safeguarding of considerations worthy of protection, such as - in the present case - the consideration of other citizens' safety. The fact that gang members were not able to assemble at the two sets of premises covered by the ban did not, in the opinion of the High Court, involve any infringement of their right of assembly, since the prohibition did not otherwise restrict the right to assemble elsewhere. The judgement has been appealed to the Supreme Court.

207. The Act on Bans from certain Premises was reviewed by the Danish Parliament in 1998, and the Parliament decided to maintain the present power of the police to issue bans. At that time, the Ministry of Justice had lifted a number of the bans previously issued with respect to the rival motorcycle gangs because for a long period there had been no mutual attacks by the gangs. In that connection, the Ministry of Justice issued a circular to the police and the Public Prosecutor, drawing their attention to the fact that the police must assess continuously whether there is basis for maintaining bans already issued. All the bans previously issued have now been lifted.

Re article 22

208. Reference is made to previous reports, as there have been no changes in the Danish legislation since then.

Re article 23

Concerning parental custody

209. On 1 January 1996 a new Act on Custody and Access (lov om forældremyndighed og samvær) entered into force. The Act involved a revision and modernization of the rules applicable thitherto under the Act on Capacity concerning custody, right of access and advice from a children's expert. Under the new Act, as before, joint custody for unmarried cohabitants

presupposes an agreement between the parents. However, the Act involved a strengthening of the legal position of the unmarried father who has no part in custody. Access to transfer of custody to the father on termination of long-term cohabitation with the mother has now been relaxed so that in such cases the court now has to decide, giving special consideration to the best interest of the child, which of the parents is to have custody alone.

210. In cases where the parents have not cohabited, or where the cohabitation is not of long duration, custody can be transferred from the mother to the father if the change is in the best interest of the child. In this connection weight should be attached to the question whether the holder of custody has prevented implementation of access to the child without reasonable cause.

211. In a report from 1997 on the legal position of children (report No. 1350/1997), the Committee on Child Legislation (Børnelovsudvalget) of the Ministry of Justice proposed rules on automatic joint custody for unmarried cohabitants. According to the proposal, unmarried cohabitants automatically obtain joint custody of a newborn child in connection with registration of paternity, if the parties declare that they cohabit, that the child is their joint child, and that they will jointly care for and take responsibility for the child. If one of the parents chooses to have paternity determined through affiliation proceedings with the Prefect's Office, joint custody will not be obtained unless the parents so agree. Thus, the proposal does not impose compulsory joint custody.

212. The Ministry of Justice expects to introduce a bill building upon the report of the Committee on Child Legislation. In that connection, the Ministry of Justice will decide on the Committee's proposal on automatic joint custody for unmarried cohabitants.

Concerning illicit transfer and non-return of children abroad

213. In 1991, Denmark ratified the Hague Convention of 1980 on the Civil Aspects of International Child Abductions and the Council of Europe Convention of 1980 on Recognition and Enforcement of Decisions on Custody of Children and on Restoration of Custody of Children. Denmark's accession to these conventions has considerably improved the possibilities of avoiding abduction of children residing in Denmark to another country and the possibilities of having children who are abducted out of Denmark contrary to the rules returned to Denmark again.

214. In return for the protection afforded by said conventions to children residing in Denmark, Denmark has to honour the rules on custody applying to children residing in other contracting States and, if the occasion arises, be prepared to return children transferred to Denmark contrary to these rules to the country in question.

215. Against that background, the Ministry of Justice is very aware of the importance of private individuals having the possibility of receiving guidance on said conventions. This applies, not least, to persons who are residing in a country that has acceded to the conventions, and who are considering bringing their child with them back to Denmark contrary to the rules in the country in question. In these cases it is crucial, if those persons apply to the Danish authorities for advice, that they be notified of the fact that,

under the rules of said conventions, Denmark may be under an obligation to return the child. To ensure that the persons involved receive the requisite guidance, the Directorate of Private Law (under the Ministry of Justice), which is the central authority in Denmark under the conventions, places the experience and knowledge on the conventions which the Directorate has acquired in this capacity at the disposal of persons who approach the Directorate.

216. The Ministry of Foreign Affairs has also instructed Danish embassies and consular representations abroad to advise persons seeking advice and guidance on these questions in countries covered by the conventions to contact the Directorate of Private Law - if necessary through the Foreign Service. The Danish representations abroad have also been instructed, in a given case, to advise the persons in question to seek legal advice in the country of residence as well.

Concerning family reunification

217. The Aliens Act (Consolidation Act No. 557 of 30 July 1998) has no rules governing the right to marriage and to choice of spouse.

218. In relation to cases of family reunification, the following amendments can be mentioned.

219. Act No. 380 of 22 May 1996 on amendment of the Aliens Act amended section 26 of the Aliens Act so that in connection with revocation (or refusal of extension) of an alien's residence permit, regard must be had to the question whether the alien whose residence permit is to be revoked has been exposed to outrages, abuse or other ill-treatment, etc. in Denmark leading to the alien no longer cohabiting in a shared residence with his or her spouse or permanent cohabitant in Denmark.

220. Act No. 473 of 1 July 1998 on amendment of the Aliens Act and the Criminal Code amended the rules on family reunification of the Aliens Act (Consolidation Act No. 557 of 30 July 1998). It appears expressly from the memorandum to the amending bill that the amendments to the rules on family reunification are to be administered in a manner so that a residence permit is granted in situations in which refusal of a residence permit would be contrary to Denmark's international obligations, including under the International Covenant on Civil and Political Rights.

221. Act No. 473 of 1 July 1998 amended the residence requirement in cases concerning family reunification with a spouse in cases where the alien is not a Danish national, a Nordic national or a refugee (section 9 (1) (ii) (d) of the Aliens Act).

222. Generally, a permanent residence permit in connection with asylum or family reunification can only be issued after three years of lawful residence in Denmark. Furthermore, it is generally a condition for obtaining a permanent residence permit that the alien has completed an introduction programme, that during his or her stay in Denmark the alien has not, within a

period fixed by the Minister of the Interior, been sentenced to a suspended or non-suspended custodial penalty, and that the alien has no debt due to the Treasury exceeding DKr 50,000 (section 11 of the Aliens Act).

223. The amendment means that, in future, the alien must have had lawful residence in Denmark for at least six years, where, formerly, five years of lawful residence was sufficient. It is thus ensured that an alien residing in Denmark who is entitled to family reunification with his or her spouse or cohabitant has such ties with Danish society that the alien can contribute to the spouse's or cohabitant's integration.

224. The amendment introduced the rule that the statutory right to family reunification with spouses only exists if, at the time of filing the application, the applicant has lawful residence in Denmark in the form of a residence permit, a visa or a visa-exempt stay, or if very particular reasons make it appropriate (section 9 (8) of the Aliens Act). An applicant whose only basis for lawful residence in Denmark is that his or her application for a residence permit is being examined, for example an asylum seeker, will thus not be able to obtain family reunification with a spouse unless very particular reasons make it appropriate. Such very particular reasons would include, for example, Denmark's international obligation.

225. A further new rule stipulates that the statutory right to family reunification with spouses does not exist if there are particular reasons to assume that the decisive purpose of contracting the marriage is to obtain a residence permit (section 9 (9) of the Aliens Act).

226. Another new rule stipulates that the statutory right to family reunification with spouses does not exist if contracting of the marriage is based on an agreement made by others than the parties themselves and where one of the spouses or both spouses are under 25 years of age (section 9 (10) of the Aliens Act). The purpose of the rule is to protect young people against undue pressure in connection with contracting of an arranged marriage.

227. At the same time, the maintenance requirement in case of family reunification with spouses or minor children was abolished in the cases where the person concerned is a Danish national, a Nordic national or a refugee. The new rule stipulates that - unless particular reasons make it inappropriate - the person concerned who is not a Danish national, a Nordic national or a refugee must prove his or her ability to maintain the spouse. Concerning family reunification with minor children, a residence permit may - if particular reasons make it appropriate - be made conditional upon the person living in Denmark who is not a Danish or Nordic national or a refugee proving to be able to maintain the child (section 9 (4) of the Aliens Act).

228. To establish a possibility of ensuring that the maintenance requirement is and continues to be observed, a rule was introduced to the effect that the maintenance requirement in family reunification cases is assessed not only in connection with examination of an application for a residence permit, but that it can also be assessed subsequently (see in detail section 19 (1) (iv) of the Aliens Act). At the same time, it was specified that non-compliance with the

maintenance requirement might result in revocation or refusal of extension of the residence permit. This can only occur as long as the residence permit is time-limited, that is, generally within the first three years.

229. The amendment abolished the statutory right in section 9 (1) (v) of the Aliens Act to family reunification with parents over 60 years of age of a person who is not a Danish or a Nordic national or a refugee. It appears from the memorandum to the bill that in such cases the person generally does not have such ties with Danish society that family reunification should be granted to family members outside the core family.

Re article 24

Concerning legislation on names

230. Under the Danish Act on Names (navneloven), a child receives the parents' surname at birth, if the parents have the same surname, and otherwise one of the parent's surnames. In addition, according to the Act on Names, a child must have one or more first names. The first name must not be a name which is not a first name proper or which may become a nuisance to the child. According to practice, it is considered a nuisance to a child if a girl is given a boy's name and vice versa.

231. Certain countries follow the naming custom that, at the naming, girls receive a girl's name followed by the father's, the paternal grandfather's and, possibly, the paternal great-grandfather's first names. Because of the above practice concerning the choice of first name it was not previously possible in Denmark to name a child in accordance with this custom. However, in the summer of 1998 this practice was altered so that it is now possible for girls whose parents have ties with said naming custom, for example because the parents are or have been nationals of a country where said naming custom is followed, to be named in Denmark with the father's, the paternal grandfather's and possibly the paternal great-grandfather's first names as the second, third and fourth first names, respectively. Such girls will have to have a girl's name proper as their first first name.

Concerning work performed by children and young persons (follow-up to para. 135 of Denmark's third periodic report)

232. The Danish regulation of work performed by children and young persons is based upon a Directive from the European Union from 1994 on protection of young persons at the workplace. This Directive has been incorporated into Danish law by an amendment to the Working Environment Act in 1996. Furthermore, Denmark has (with reservations for Greenland and the Faeroe Islands) ratified ILO Convention No. 138 on the minimum age for access to employment. Right now work is going on to amend the Working Environment Act for Greenland so that the reservation for Greenland can be lifted.

233. This means that young persons under the age of 13 years may no longer lawfully perform work except in artistic contexts, i.e. theatre performances or commercials. The performance of such work requires permission from the local police.

234. The starting point for employment is that young persons must be 15 years old and have completed their compulsory schooling. In Denmark compulsory schooling lasts nine years. There are restrictions on the kinds of work that may be performed by young persons. Young persons are not allowed to work with dangerous machinery, hazardous substances and materials, or in any other ways be exposed to major strains, until they reach the age of 18 years. As an exception to this rule, young persons who have attained the age of 13 years may take up a certain number of specified jobs which do not involve any strain. But they are not allowed to work with machinery. In respect of young persons in the age group 13-15 years who are covered by the duty to undergo compulsory schooling, the working time must not exceed two hours on school days and seven hours on other days. The total weekly working time must not exceed 12 hours per week in weeks with school days.

235. It is thus a policy objective of the Danish Government to try to ensure that children and young persons, as a rule, do not take on paid work until they have completed their compulsory school education.

Establishment of a Children's Council

236. In the spring of 1994 the Danish Parliament (Folketinget) decided to establish a Children's Council. For the first four years the Children's Council was on an experimental basis but it became permanent in 1998. The Children's Council is an independent body which is meant to be a children's “watchdog” in order to remind politicians and decision makers to include children's interest in their work. The Children's Council will take up general questions, promote the influence of children, as well as initiate new acts and rules relating to children.

Re article 25

Concerning the right to vote in local elections (follow-up to paras. 136-137 in Denmark's third periodic report)

237. Pursuant to Act No. 140 of 8 March 1989, implementing EU Directive No. 94/80/EC in Danish law, EU nationals and nationals from the other Nordic countries have the franchise and the right to stand for local elections without any requirement of three years' residence in Denmark, beginning with the local elections in November 1997. Nationals of other countries are still subject to a requirement of three years' residence in Denmark.

238. Act No. 472 of 12 June 1996 secures unmarried cohabitants the same right as spouses to vote in connection with temporary stays abroad.

239. For informative purposes it may be mentioned that there were 138,958 foreign voters at the local elections on 18 November 1997, which corresponds to an increase of 46,446 compared with 1993.

Re article 26

240. No changes have occurred compared with prior reports.

Re article 27

241. In 1997, Denmark ratified the Council of Europe's Framework Convention for the Protection of National Minorities, which was signed in Strasbourg on 1 February 1995. The Framework Convention entered into force on 1 February 1998. When ratifying the Framework Convention Denmark made a declaration according to which the Framework Convention shall apply to the German Minority in Southern Jutland of Denmark.

242. The initial report of Denmark to be submitted to the Council of Europe pursuant to article 25, paragraph 1, of the Framework Convention is now under preparation and will be transmitted to the Council of Europe by 1 February 1999.
