SUBMISSION TO CALL FOR INPUTS BY UN SPECIAL RAPPORTEURS ON COVID-19 AND HUMAN RIGHTS

The Danish Institute for Human Rights welcomes the call for submissions to COVID-19 and human rights communicated by e-mail on 27 May 2020 by the Office of the United Nations High Commissioner for Human Rights (OHCHR) on behalf of 12 Special Procedure mandate holders to inform their forthcoming reports to the General Assembly and the Human Rights Council.

IMPACT ON HUMAN RIGHTS

Measures introduced by the public authorities in relation to the COVID-19 outbreak in Denmark have had a potential impact on both constitutionally granted rights such as Section 71 (freedom from deprivation of liberty) and Section 79 (freedom of assembly) of the Danish Constitution (Grundloven) as well as rights granted by the European Convention on Human Rights such as article 5 (deprivation of liberty), article 8 (right to family and private life), article 11 (freedom of assembly), article 1 in additional protocol no. 1 (the right to property) and article 2 in additional protocol no. 4 (freedom of movement).¹

It should be noted that since the Danish Health Authorities gradually have gotten COVID-19 under control, many of the measures introduced have been removed or loosened.

Several emergency laws and executive orders (bekendtgørelser) entered into force which had a limiting effect on the enjoyment of human rights in Denmark, including:

• **A ban of assembly and gatherings in specific places**
  o On 18 March 2020, events, activities and gatherings of more than 10 people were banned. Persons violating the ban are subject to a fine of 2500 DKK for first time offenders. The ban does not prevent more than 10 people from being present and moving around, for example, in a shop, a supermarket, an airport or at a train station. Similarly, the general use of public transport (trains, buses, aircraft, ferries, etc.) and general presence at a workplace are excluded. The prohibition also does not apply if it is an assembly for a political or other purpose, including demonstrations or political meetings. The ban initially lasted until March 30. Subsequently, it has been extended several times, including to April 14, then to April 18, then to May 11 and then to June 8. On 8 June 2020 the ban was raised to 50 people and is expected to be raised further on 8 July 2020.

• **Compulsory isolation, compulsory hospitalisation and compulsory vaccination**
  o According to the Act on Measures against Infectious and Other Communicable Diseases (*epidemiloven*) the Health Minister can order compulsory hospitalisation for persons infected with COVID-19 or presumably infected with COVID-19. The Health Minister can also order compulsory vaccination to prevent the spread of illnesses e.g. COVID-19, and compulsory vaccination to reduce the number of other patients in the health care system. The law will be lifted on 1 March 2021.

• **Contact tracing and data collection**
  o On 4 April 2020, an executive order on disclosure obligations and processing of personal data to prevent dissemination and infection of the coronavirus entered

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3 Article from the Danish Broadcasting Corporation, ‘Officielt: Nu må 50 personer forsamles’ (8 June 2020)
4 Denmark, Act no. 208 of 17 March 2020 on amending the Danish Measures against Infectious and Other Communicable Diseases, available in Danish at: [https://www.retsinformation.dk/eli/lt/da/2020/208](https://www.retsinformation.dk/eli/lt/da/2020/208)
into force. The order obligates legal entities to disclose any information that is relevant to prevent the spread of the coronavirus; such information must be given when requested, either by the police or the Danish Patient Safety Authority (Styrelsen for Patientsikkerhed). The executive order will be lifted on 31 October 2020.

- **Closed borders**
  - On 13 March 2020 the Danish Minister of Justice informed EU Commissioner Johansson of the extension of the temporary border controls at all Danish internal borders effective as of 14 March 2020. As such, border controls are being carried out at all internal borders, including land-, sea-, and air borders, in order to prevent the spread of COVID-19 in Denmark. Travellers can enter Denmark if they are Danish citizens, have residence in Denmark, Greenland or Faroe Islands or have a worthy purpose for entry. From 15 June 2020 border restrictions are eased for persons travelling to and from UK, Germany, Norway and Iceland.

- **Penalties for COVID-19 related crime**
  - On 2 April 2020, a law toughening penalties for COVID-19 related offenses entered into force. The law introduces a new section to the criminal code (section 81d) whereby

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5 Denmark, Executive order no. 347 of 30 March 2020 on disclosure obligations and processing of personal data to prevent dissemination and infection in conjunction with the coronavirus disease management 2019, (Bekendtgørelse om oplysningsforpligtelser samt behandling af personoplysninger med henblik på at hindre udbredelse og smitte i forbindelse med håndtering af Coronavirussygdom 2019 (COVID-19)), available in Danish at: https://www.retsinformation.dk/eli/lt/2020/347

6 Denmark, Executive order no. 746 of 30 May 2020 on disclosure obligations and processing of personal data to prevent dissemination and infection in conjunction with the coronavirus disease management 2019, (Bekendtgørelse om oplysningsforpligtelser samt behandling af personoplysninger med henblik på at hindre udbredelse og smitte i forbindelse med håndtering af Coronavirussygdom 2019 (COVID-19)), available in Danish at: https://www.retsinformation.dk/eli/lt/2020/746

7 Denmark, letter from the Minister of Justice to EU Commissioner Johansson of 13 March 2020, available in English at: https://www.ft.dk/samling/20191/almdel/REU/bilag/305/2163329/index.htm


several penalties may be increased up to double if the offense is based on or related to the COVID-19 epidemic in Denmark, including offenses such as document forgery, theft and embezzlement. The penalty level is further toughened, and hence can become four times as high as the current penalty level, if the offense occurred under circumstances that unjustly obtained or sought to obtain a loan, credit, support, subsidy or similar compensation from relief packages to counteract damages by the COVID-19 epidemic. For instance, if a thief steals 2000 DKK worth of hand sanitiser, the normal sanction would be imprisonment for around 30 days. Now it is a 60 days sentence. Offences that would normally be punished with a fine will now be punished by imprisonment if the offence is being repeated (gentagelsestilfælde) or the offence was committed under special circumstances, e.g. in the case of theft of protective equipment from hospitals (for a smaller sum). In addition, the law provides for the possibility of blocking websites from which certain criminal offenses are committed, which have a background in or is connected to the COVID-19 epidemic in Denmark. The law will be lifted on 1 March 2021.

STATISTICAL INFORMATION

The Danish Health Authorities publish day to day basis data on COVID-19.

- Infected by COVID-19: 739,575 tests for COVID-19 have been executed in Denmark and **12,016 tested positive**. (updated on 10 June 2020 at 2 p.m.).

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11 Denmark, Act no. 157 of 2 April 2020 on amending the Criminal Code, the Danish Administration of Justice Act and the Danish Aliens Act (Forslag til lov om ændring af straffeloven, retsplejeloven og udlændingeloven (Skærpet straf for lovovertrædelser med baggrund i eller sammenhæng med covid-19 og blokering af hjemmesider, hvorfra der begås visse lovovertrædelser, som har baggrund i eller sammenhæng med covid-19)), available in Danish at: [https://www.retsinformation.dk/eli/ft/201913L00157](https://www.retsinformation.dk/eli/ft/201913L00157)

12 The Danish Health Authority, ‘Numbers and Monitoring of COVID-19’, available in Danish here: [https://www.sst.dk/da/corona/tal-og-overvaagning](https://www.sst.dk/da/corona/tal-og-overvaagning) For better data visualizations see DR (Danish Broadcasting Corporation), available in Danish here: [https://www.dr.dk/nyheder/indland/status-paa-coronavirus-lige-nu](https://www.dr.dk/nyheder/indland/status-paa-coronavirus-lige-nu)
Age and gender distribution amongst the infected (updated on 10 June 2020 at 2 p.m.).\(^\text{13}\)

<table>
<thead>
<tr>
<th>Age:</th>
<th>0-9</th>
<th>10-19</th>
<th>20-29</th>
<th>30-39</th>
<th>40-49</th>
<th>50-59</th>
<th>60-69</th>
<th>70-79</th>
<th>80-89</th>
<th>90+</th>
</tr>
</thead>
<tbody>
<tr>
<td>men</td>
<td>14</td>
<td>8</td>
<td>25</td>
<td>9</td>
<td>642</td>
<td>679</td>
<td>833</td>
<td>874</td>
<td>74</td>
<td>1</td>
</tr>
<tr>
<td>women</td>
<td>15</td>
<td>9</td>
<td>31</td>
<td>5</td>
<td>104</td>
<td>105</td>
<td>125</td>
<td>130</td>
<td>8</td>
<td>4</td>
</tr>
</tbody>
</table>

- Recovered from COVID-19: 10,904 people have recovered from COVID-19 (age, sex, nationality, race, religion, sexual orientation etc. unknown) (updated on 10 June 2020 at 2 p.m.).\(^\text{14}\)

- Deaths in relation to COVID-19: in total 593 people have died from COVID-19 in Denmark (updated on 10 June 2020 at 2 p.m.).\(^\text{15}\)

Age and gender distribution amongst the deceased (updated on 10 June 2020 at 2 p.m.).\(^\text{16}\)

<table>
<thead>
<tr>
<th>Age:</th>
<th>0-59</th>
<th>60-69</th>
<th>70-79</th>
<th>80-89</th>
<th>90+</th>
</tr>
</thead>
<tbody>
<tr>
<td>men</td>
<td>12</td>
<td>35</td>
<td>120</td>
<td>128</td>
<td>40</td>
</tr>
<tr>
<td>women</td>
<td>5</td>
<td>22</td>
<td>49</td>
<td>99</td>
<td>83</td>
</tr>
</tbody>
</table>

Regarding groups disproportionately affected by COVID-19, we unfortunately only have data on sex and age. According to this data, COVID-19 tends to hit people above 60 especially hard. According to the health authorities, this is because many older persons have pre-existing illnesses and generally a weaker immune system.

We do not know how many of the older persons infected by COVID-19 are/were living in nursing homes. However, on 24 April 2020 it was reported that almost every third COVID-19 death occurred in a nursing home.\(^\text{17}\) Unfortunately it has not been possible to find more recent statistics on COVID-19 in nursing homes.

\(^\text{13}\) Ibid.
\(^\text{14}\) Ibid.
\(^\text{15}\) Ibid.
\(^\text{16}\) Ibid.
\(^\text{17}\) Ministry of Health, ‘Almost every third COVID-19 death occurs in a nursing home’ available in Danish here:
Generally, there has not been supply issues, economic or social barriers limiting access to testing, personal protective equipment (except hand sanitizers have been hard to come by for civilians) and health care services.

Regarding health care services, the procedure for regular doctor’s appointments and consultations have been altered according to the following procedure:

1. Always call your doctor first – do not show up without an appointment.
2. The consultation may be by phone or video call.
3. If your doctor assesses the need for examination or control of your illness, you will still be offered a consultation time in the clinic or a house visit.
4. You may find yourself being asked to come at a different time than you may be used to. This is done to reduce the risk of infection among the patients who attend a consultation.  

This service is available to everyone in possession of a medical card (Sygesikringskort).

Non-urgent hospital appointments and operations were postponed for a period. As the COVID-19 situation has stabilised hospitals are almost running as normal.

As to data indicating the social-economic impact of the economic downturn triggered by COVID-19 gross unemployment has risen to the highest level in 7 years with 152.800 people available for full-time employment.

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a=da&hash=7A1B43ECED73365E45FEBF0EA6CB912DD4913C1
[20] Statistics Denmark, ‘Gross unemployment has risen to the highest level in 7 years’ available in Danish here: https://www.dst.dk/da/Statistik/nyt/NytHtml?cid=30102
PROTECTION OF VARIOUS GROUPS AT RISK AND INDIGENOUS PEOPLES

As to measures the authorities have taken to protect high-risk populations from COVID-19, the Danish Health Authority published guidelines on prevention of infection with COVID-19 for professionals in the health and care sector. The guidelines included amongst other things how to use protective gear.  

All citizens above the age of 65 have been offered vaccines against pneumococcus free of charge. Restrictions on visitation in nursing homes and care homes. The restrictions have now been partially lifted, so that it will be possible to receive visits following guidelines from the Danish Health Authorities. Visits shall primarily take place outside. Indoor visits will be allowed for 1-2 regular visitors or if the situation is critical. The parliament has decided to give economic support (165 million DKK) to improve solutions for retention of social contact, such as visits, for older persons living in nursing homes.

On 12 March 2020, the Danish Prison and Probation Service (Kriminalforsorgen) ceased to commit convicted offenders to serving their prison sentence. Commitment of convicted offenders to serve their sentence was resumed as part of Denmark’s gradual reopening from 17 April 2020. On 23 April 2020, The Danish Prison and Probation Service issued the first call for convicted offenders to be committed to serve their sentences, the convicted offenders will gradually be called to serve

their sentences to ensure that it happens safely. The Danish Prison and Probation Service have made a special receive capacity (modtagekapacitet) for new inmates. The special receive capacity will be made so new inmates can be isolated from other inmates 14 days from the arrival to the prison.27

On 15 May 2020, the Danish Prison and Probation Service announced that they will gradually reopen for inmates’ possibilities for occupation such as education, abuse treatment and work.28

On 18 May 2020, the Danish Prison and Probation Service gradually started re-opening for visits for inmates with underage children and inmates in the age group 15-17 years.29

On 4 June 2020 the Danish Prison and Probation Service announced that country’s prisons and arrests have now commenced a gradual transition to normal operation until June 15. Normalization is done based on a health professional assessment and in line with the reopening of society in general.30

On 13 May 2020, the Ministry of Social Affairs and the Interior (Social- og Indenrigsministeriet) announced a new executive order that allows citizens in housing offers (botilbud), which include some persons with disabilities, to receive visits in outdoor areas under certain restrictions.31 This lifts the ban on visits that entered into force on 5 April 2020.32

27 Denmark, Danish Prison and Probation Service (Kriminalforsorgen), information on COVID-19, available in Danish at: https://www.kriminalforsorgen.dk/corona/
28 Denmark, Danish Prison and Probation Service (Kriminalforsorgen), Inmates are given the opportunity for more occupation, available in Danish at: https://www.kriminalforsorgen.dk/om-os/nyt-og-presse/nyheder/indsatte-faar-mulighed-for-mere-beskaeftigelse/
29 Denmark, Danish Prison and Probation Service (Kriminalforsorgen), the Danish Prison and Probation Service opens for the first visits, available in Danish at: https://www.kriminalforsorgen.dk/om-os/nyt-og-presse/nyheder/kriminalforsorgen-aabner-for-de-foerste-besoeg/
30 Denmark, Danish Prison and Probation Service (Kriminalforsorgen), Everyday life returns to the country's prisons and arrests, available in Danish at: https://www.kriminalforsorgen.dk/om-os/nyt-og-presse/nyheder/hverdagen-vender-tilbage-i-landets-faengsler-og-arrester/
31 Denmark, the Ministry of Social Affairs and the Interior (Social og Indenrigsministeriet), Citizens in social housing offers can now receive visits in outdoor areas, available in Danish at: https://sim.dk/nyheder/nyhedsarkiv/2020/maj/borgere-paa-sociale-botilbud-kan-nu-modtage-besoeg-paa-udearealer/
32 Denmark, Executive order no. 372 of 4 April 2020 on temporary ban on visits in housing offers in the social area in the management of coronavirus disease 2019 (Bekendtgørelse om midlertidigt forbud mod besøg på anbringelsessteder og botilbud)
In relation to homeless persons on 15 May 2020, the Ministry of Social Affairs and the Interior (Social- og Indenrigsministeriet) announced new guidelines for social offers and authorities to follow in the gradual reopening of activities in the area of social services. These guidelines include information on how to prevent the further spread of COVID-19 when social workers are in contact with homeless people. They also include information on what to do if a homeless person has symptoms of COVID-19. It is recommended that social workers pay special attention to whether a homeless person is experiencing symptoms of COVID-19 as a homeless person may have difficulties in sensing changes to his/her state of health. For persons living on the street it is important that social workers regularly proactively seek contact to ensure the necessary help in case of infection with COVID-19. It is recommended that social workers “translate” information regarding COVID-19 to fit the situation of the homeless person. Furthermore, as people living on the street often seek together in smaller or larger groups it is recommended to support the forming of smaller groups with distance between each person.

ACCOUNTABILITY AND JUSTICE

The courts closed on 13 March 2020 but reopened on 27 April 2020. The courts have resumed as many cases with physical appearance as possible following recommendations from the Danish Health Authorities on arrangement of the courtrooms, cleaning etc. During the time period where courts have been closed, critical cases such as preliminary statutory hearings in criminal cases (grundlovsforhør) and criminal cases with persons in custody were conducted through regular proceedings in court.34 35

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33 Denmark, the Ministry of Social Affairs and the Interior (Social og Indenrigsministeriet), New guidelines should help authorities and social services to resume social activities, available in Danish at: https://www.retsinformation.dk/eli/lta/2020/372

34 Denmark, Courts of Denmark (Domstolene), 17 April 2020, available in Danish at: http://www.domstol.dk/om/Nyheder/oevrigenyheder/Pages/Domstolenegenaabner27april.aspx

35 Denmark, Emergency preparedness at Danish courts (Nødbereedskab ved Danmarks Domstole), available in Danish at: https://www.domstol.dk/aktuelle/2020/3/noedberedskab-ved-danmarks-domstole-yderligere-information/
Numbers from the Danish Court Administration show that district courts have conducted approximately 85% of cases in the first weeks after the reopening compared with an average work week in 2019.36

Courts have an increased case processing time which has become a bigger challenge during COVID-19. However, the increased case processing time is not only caused by COVID-19. Courts already had an increasing case processing time before COVID-19 due to an increasing amount of cases during the last 5 years. Moreover, as cases have become more complex.37

**QUESTIONS BY THE SPECIAL RAPPORTEUR ON THE RIGHT TO ADEQUATE HOUSING**

Each municipality is in charge of ensuring access to safe accommodation for homeless persons. The municipalities can set up emergency night accommodation.38

The Ministry of Social Affairs and the Interior (Social og Indenrigsministeriet) has provided additional funding (1 million DKK) to prolong the emergency accommodation scheme, which normally ensures accommodation for the homeless during the winter and extended it until the end of April 2020. 39

The parliament has agreed on giving economic support (5,5 million DKK) to organisations that provide shelter and food for homeless persons.40

It has not been possible to find relevant statistics on the use of accommodation for homeless persons during COVID-19.

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37 Denmark, Increased waiting time in spite of increased productivity *(Stigende ventetid trods øget produktivitet)*, 27 May 2020, available in Danish at: [https://www.domstol.dk/aktuelt/2020/5/stigende-ventetid-trods-oeget-produktivitet/](https://www.domstol.dk/aktuelt/2020/5/stigende-ventetid-trods-oeget-produktivitet/)


QUESTIONS BY THE INDEPENDENT EXPERT ON THE HUMAN RIGHTS OF OLDER PERSONS

During the lockdown, nursing homes have not allowed or highly restricted unnecessary visitation.  

The Danish Health Authority has published a guide for nursing homes and other institutions on how to prevent COVID-19 infection in connection with the reopening of society. It covers general infection prevention, the procedure for when an inhabitant is suspected of being infected, the procedure for when COVID-19 has been detected etc.

The Ministry of Health and the Elderly have also published a guideline on visitation of nursing homes and hospitals (as it is from April it might be outdated). The Alzheimer’s Association and The Dane Age Association have criticized the major local differences, and the fact that some nursing home inhabitants are being denied going for a walk with their relatives.

We have not been able to find any official numbers on how many older persons have asked for assistance, help or made official complaints during the pandemic.

In general, older persons can always contact their municipality if they need help with grocery shopping, getting to the doctor, technology etc.

Several nongovernmental initiatives to help the elderly have also emerged during COVID-19. The Red Cross has opened a Corona Support Network to support those who are sick, in quarantine, or are:

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41 Katrine Gregersen, ‘Some Nursing Homes are Gradually Opening Up for Visitors’ TV2Syd, available in Danish here: https://www.tvsyd.dk/covid-19/se-kortet-nu-begynder-nogle-kommuner-aabne-besoeg-paa-plejehjem
44 Kirsten Nilsson ’Nursing Home Residents deprived of their Liberty’ Politiken, available in Danish here: https://politiken.dk/indland/art7796174/Plejehjemsbeboere-bliver-reelt-frihedsberøvet
particularly vulnerable to COVID-19. Together with Boblberg, the Red Cross is also offering digital ‘visits’ for people who report being lonely. The DaneAge Association offers a similar phone service (Telefonvenner) just for older persons.

QUESTIONS BY THE SPECIAL RAPPORTEUR ON THE SALE AND SEXUAL EXPLOITATION OF CHILDREN

According to the National Police, there has been 60 percent fewer reports of sexual exploitation of children in March and April 2020 compared with March and April 2019.

As most police notifications on sexual exploitation of children are done by child care professionals this decrease is most likely due to an underreporting during the COVID-19 lockdown, rather than an actual decrease in the sexual exploitation of children.

The National Police is expecting more reports of sexual exploitations of children once society has opened again.

Med venlig hilsen

Christoffer Badse
DEPARTMENT DIRECTOR - MONITORRING

45 The Red Cross, Corona Support Network: https://en.rodekors.dk/corona/hjælp
46 Boblberg and the Red Cross, information on digital visits (‘SnakSammen’), available in Danish here: https://boblberg.dk/SnakSammen
47 The DaneAge Association, information on how to get or become a ‘phone friend’, available in Danish here: https://www.aeldresagen.dk/om-aeldresagen/lige-nu/aeldretelefonen
49 Ibid.
50 Ibid.