



# **Economic and Social Council**

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## **Committee on Economic, Social and Cultural Rights**

### **Pre-sessional working group**

List of issues in relation to the sixth periodic report of Denmark

Addendum

Replies of Denmark to the list of issues

## **A. General information**

### **A. General information**

#### **Reply to the issues raised in paragraph 1**

1. In Denmark, the law is applied in accordance with the international conventions that Denmark has acceded to. In cases where there is doubt as to the proper interpretation of a national rule, the courts and other authorities interpret the national rules in such a way as to avoid conflict with Denmark's international obligations (the so-called "interpretation-rule"). Furthermore, the courts and other authorities presume as a general rule that the legislature did not intend to contravene Denmark's international obligations. Accordingly, the courts and the authorities must as far as possible apply the national rules in a way that avoids violating international obligations (the so-called "presumption-rule").

2. The absence of an explicit reference to the Covenant does not mean that the Courts have not considered it. Thus, it is not possible to provide a complete specification of cases in which domestic courts interpreted Danish legislation in conformity with the State party's obligations under the Covenant. Explicit reference to the Covenant has, *inter alia*, been made in the following judgments:

- Eastern High Court judgment of 30 August 2002, case no. B-177-02, regarding freedom of association and the right to social benefits in Greenland.
- Supreme Court judgment of 26 April 2006, case no. 17/2005, regarding an unemployment scheme containing a wage ceiling.
- Supreme Court judgment of 15 February 2012, case no. 159/2009, regarding refugees' right to state benefits.

3. These judgments have not been translated, but a copy in Danish can be submitted upon request.

#### **Reply to the issues raised in paragraph 2**

4. The Government is committed to providing the framework for a fully independent national human rights institution in accordance with the Paris Principles. This is reflected in the Act on the Danish Human Rights Institute (DIHR) which also contains the mandate of DIHR as well as a provision for the board of DIHR to prepare a regulation for the institution. Following recommendations from The Global Alliance of National Human Rights Institutions the regulation of the DIHR was amended in 2018 with regard to the processes for selection and dismissal of board members. It was not considered necessary to amend the Act with a view to further specify the mandate.

#### *Faroe Islands*

5. The task force appointed by the Minister of Foreign Affairs and Trade in May 2017 handed in its report and recommendations on models of National Human Rights Institutions (NHRI) that could fit the Faroese society. However, hitherto the Government has not taken a position vis-à-vis these recommendations.

## **B. Issues relating to general provisions of the Covenant (arts. 1-5)**

### **Maximum available resources (art. 2)**

#### **Reply to the issues raised in paragraph 3**

6. Denmark has one of the lowest degrees of income inequality among the countries of the Organisation for Economic Co-operation and Development (OECD), although income inequality in Denmark has increased since the mid-90s roughly along the same path as the OECD average. Table 1 (Annex) on the Gini coefficient (an inequality indicator) on equivalised disposable income shows an increase from 2011-16. Real disposable income increased among most income groups, although the increase was higher for high-income earners compared to low-income earners.

7. Denmark does not currently operate with an official national poverty line. However, the newly elected government has proposed to introduce a national poverty line. The share of the population with incomes below 50% of the median disposable income is one of the lowest among OECD countries. Over the period 2011-2016 the share has increased. A large part of the increase is due to a growing share of students and a substantial in-flow of immigrants combined with lower cash-benefits for unemployed immigrants. The proportion of the population with incomes below 50% of the median disposable income is shown in table 2 (Annex).

8. Denmark has a high level of government consumption, amounting to 25% of GDP. The government provides free access to health care and education and a high level of social security. In addition to expenditures on public consumption, income transfers account for a large share of GDP. Table 3 (Annex) shows the expenditure of general government (Government consumption, total in DKK billion).

#### *Greenland*

9. Greenland has persistently had an income inequality which averages the countries of the OECD, while income inequality of the OECD average has increased slightly since the mid-90s. Table 4 (Annex) on inequality indicators on equivalised disposable income shows that income inequality has been stable from 2013-17.

10. Greenland does not operate with an official national poverty line. The share of the population living below 50% of the median disposable income in Greenland is one of the lowest among OECD countries. Over the period 2013-2017 the share has increased slightly. Table 5 (Annex) shows the proportion of the population living below 50% of the median disposable income.

11. Greenland has a very high level of public expenditure, indeed probably the highest in the world (apart from the similar economy of Nunavut), amounting to just under 40% of GDP. As in Denmark, the Government provides free access to health care and education and a high level of social security. In addition to expenditures on public consumption, income transfers account for a large share of GDP. Table 6 (Annex) shows the expenditure of general government (Government consumption, total in DKK mio.).

#### *Faroe Islands*

12. The Faroe Islands have a very low degree of income inequality. Table 7 (Annex) shows inequality indicators on equivalised disposable income.

13. The Faroe Islands does not operate with an official national poverty line. Table 8 (Annex) shows the proportion of the population living below 50% of the median disposable income.

14. The Faroe Islands is a welfare society with a large amount of government expenditure being allocated to health, education and social security. Table 9 (Annex) shows the expenditure of general government, expenditure by function and sector (in DKK mio.).

**Reply to the issues raised in paragraph 3(a)**

15. Table 10 (annex) shows a measure for the income distribution (Gini-coefficient), persons in the so-called low income group (both the total numbers and as a share of the relevant population) and the median income in the population for the years 2006-2016.

**Reply to the issues raised in paragraph 3(b)**

16. The requested data on tax revenue is represented in the table 11 (Annex), which displays both total taxes and smaller components thereof as proportions of both GDP and public revenue.

**Reply to the issues raised in paragraph 3(c)**

17. Rates of taxes are presented in table 12 (Annex).

18. Percentage of the total revenue from personal income taxes collected from the richest decile of the population is presented in table 13 (Annex).

**Reply to the issues raised in paragraph 3(d)**

19. In 2009 public consumption as a percentage of GDP peaked at almost 28%. Since then public consumption as a percentage of GDP has been decreasing and has reached a level of approximately 24.5 % of GDP in 2017, which is around the same level as in the 1990's and early 2000's.

20. Public consumption on health as a percentage of GDP has been relatively stable since 2007 and accounts for approximately 7.75% of GDP in 2017, whereas public consumption on social protection has decreased by almost 1.5 percentage-points since 2009 and accounts for 6.25% of GDP in 2017. Public consumption on education has been fluctuating between approximately 4.5 and 5% of GDP since 2007, see table 14 (Annex).

**Reply to the issues raised in paragraph 3(e)**

21. Real public consumption has been gradually increasing since 2007 except for at relatively large decrease in 2011 and a smaller decrease in 2013. See table 15 (Annex).

## **Climate Change**

**Reply to the issues raised in paragraph 4**

22. Denmark has not yet decided its contribution to the Green Climate Fund which will be subject to parliamentary approval. Denmark's interpretation of new and additional financial resources pursuant to Article 4.3 can be found in the latest Biennial Report and National Communication submitted to UNFCCC. Newly committed (for reporting on commitments) or disbursed (for reporting of disbursements) finance for climate change adaptation or mitigation activities within the reporting period that was not reported to UNFCCC in the previous

report are therefore considered new and additional. This definition allows a transparent, comprehensive and comparable reporting of climate finance provided to developing countries.

23. Denmark sees the achievement of climate change and the broader Sustainable Development Goals as closely linked and strongly interdependent, and seeks to identify and support activities in developing countries that address multiple objectives as identified by these countries.

## **Business and human rights**

### **Reply to the issues raised in paragraph 5**

24. Denmark seeks to ensure that all Danish companies respect international guidelines such as the OECD Guidelines for Multinational Enterprises and the UN Guiding Principles on Business and Human Rights (UNGPs). The OECD National Contact Points (NCP) in Denmark is the Mediation and Complaints-Handling Institution for Responsible Business Conduct and deals with specific instances relating to the OECD Guidelines. The institution was established by Act no. 546 of 18 June 2012 and is a non-judicial body that enables companies, organisations and public authorities to resolve or mediate in disputes regarding infringements of, for example, human and labour rights, international environmental standards or corruption. The Act is not applicable to the Faroe Islands and Greenland.

25. Due diligence is a key concept in the OECD Guidelines and entails the identification and prevention of potential adverse impact. It is a process that requires companies to identify risks of adverse impacts on society on issues covered by the Guidelines and on that basis take steps to address such risks. The NCP undertakes promotional activities, including i.a. development of Danish sector specific guidance, to raise awareness of what due diligence and responsible business conduct entails.

26. Since 2009 and pursuant to the Financial Statements Act Section 99 a, large Danish companies have had an obligation to report on corporate social responsibility (CSR). The regulation was revised in 2015 due to the new EU directive on non-financial reporting from 2014. Companies that are covered by the statutory requirement must publish a brief description of their business model, CSR policies on human and social rights, environmental and climate impact, and corruption. Moreover, the companies must account and report on i.a. how CSR-policies are implemented, applied due diligence processes, the company's management of risks, non-financial key performance indicators and assessment of achievement of results.

27. In October 2018, the Government launched a Council for Corporate Responsibility and SDGs. The Council is the official multi-stakeholder platform for discussions and actions in support of business-driven corporate social responsibility and achieving the SDG's by 2030. The Council's work is based on two tracks of objectives:

- Promoting social responsibility in Danish companies.
- Promoting new sustainable business models and corporate social responsibility in global production.

## **Non-discrimination (art. 2(2))**

### **Reply to the issues raised in paragraph 6**

28. Denmark finds it most appropriate to rely on specific acts for the protection against discrimination in different areas. For a full overview of the anti-discrimination legislation, reference is made to the Core Document. Most recently, in May 2018, the Parliament adopted

a bill on cross-sectoral prohibition of discrimination of all persons with disabilities. The law makes it illegal for both public and private service providers to discriminate on the basis of disability outside the labour market. The bill supplements the anti-discrimination bill that already exists in the labour market. Denmark holds the view that enacting general, open-ended anti-discrimination legislation would risk moving the authority to determine which criteria justify objectively grounded differential treatment from the legislature to the judiciary.

#### **Reply to the issues raised in paragraph 7**

29. Discrimination on the basis of race, colour, national or social origin, religion or sexual orientation is punishable according to Section 100 of the Greenland Criminal Code (Act no. 306 of 30 April 2008) which entered into force on 1 January 2010. The principles in the guidelines, issued by the Director of Public Prosecution in Instruction no. 2/2011, are followed by the Chief Constable of Greenland. During the period 2013-2017, one case concerning violation of Section 100 of the Greenland Criminal Code has been recorded. The case resulted in dismissal of charge. Furthermore, the Danish Act no. 289 of 9 June 1971 on Prohibition against Discrimination on the Basis of Race applies to Greenland according to Royal Order no. 27 of 4 February 1972.

#### **Reply to the issues raised in paragraph 8**

30. A proposal for a Faroese constitution was introduced in the 2017/18 assembly of the Faroese Parliament. However, in accordance with Section 15(3) in Act no. 103 of 26 July 1994 the proposal lapsed, since the proposal was not finalized by the end of the assembly. The proposal has not been re-introduced in the current assembly of the Faroese Parliament. Elections to the Faroese Parliament will be called at the end of August 2019. Currently it is not certain whether a proposal for a Faroese constitution, including provisions on non-discrimination, will be introduced after the election.

#### **Reply to the issues raised in paragraph 9**

31. To measure the development in equal treatment the Ministry of Immigration and Integration conducts an annual nationwide survey (the National Integration Barometer) since 2012. According to the National Barometer the percentage of immigrants and descendants of non-Western origin that have experienced discrimination due to their ethnicity have increased from 45% in 2012 to 48% in 2018.

32. As mentioned in the sixth periodic report a number of initiatives aimed at prevention of discrimination, tolerance and ethnic equal treatment have been supported by the Government. This includes 10 projects financed by funds from the public fund promoting "citizenship and ethnic equal treatment" in 2015. These projects have focused on the fight against ethnic discrimination and the promotion of active citizenship among refugees and immigrants in Denmark. Furthermore, civil society organizations have been supported in their efforts to reach out to more members from the target group.

### **Equality between men and women (art. 3)**

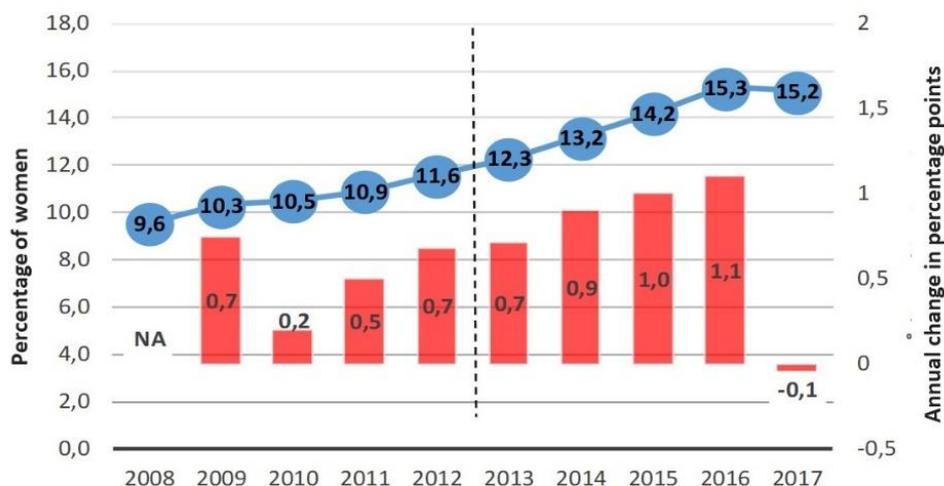
#### **Reply to the issues raised in paragraph 10**

33. For all publicly listed companies, the proportion of women on boards has increased from 9.6% in 2012 to 15.9% in 2017. These figures do not include board members elected as employee representatives. Including employee representatives, the proportion of women on the boards has increased from 16.3% in 2012 to 19.8% in 2017.

34. The proportion of female board members incl. foreigners in listed companies. incl. and excl. employee-elected is shown in table 16 (Annex).

35. For companies covered by the legislation from 2013, which was around 1.600 companies in 2017, the proportion of women elected into company boards increased from 9.6% in 2008 to 15.2% in 2017.

36. Proportion of women elected by the general meeting in the board of directors during the period 2008-2017 for companies covered by the statutory requirement in 2016:



37. As seen in the figure above, there has been a positive development in the proportion of women board members elected at the general meeting since 2008. There has been a slightly higher annual growth after the statutory requirement came into force. The annual growth was on average 0.5% between 2008 and 2012, while it was 0.7% from 2012 to 2017. On the other hand, 43% of the companies covered by the statutory requirement still did not have any women on their board in 2017 and only around 8% of chairpersons were women, while 108 of the companies covered by the statutory requirement have not stated who the chairperson is.

38. The Government has taken several initiatives in the recent years to reduce the vertical and horizontal gender segregation in the labour market – in addition to what has already been mentioned in the sixth periodic report – including:

- Development of inspirational material sharing good practices on promoting balanced participation of women and men in management, developed in corporation with companies and relevant organizations.
- The Government is working with the recruitment industry on new guidelines on promoting balanced participation of women and men in management and boards.
- Research into possibilities of benchmarking or ranking private companies in promoting balanced participation of women and men in management and boards.
- Several initiatives to further encourage and facilitate academic careers by women.
- A campaign to attract and retain more male pedagogues in day care institutions for children aged 0-6 years.
- A role model campaign called Lead the Future, where 32 female leaders from leading Danish companies share personal stories to inspire young women to choose a career in leadership.

39. Occupational segregation starts long before entering the labour market being closely linked to educational segregation. The Government's efforts to reduce gender-stereotyped educational choices include:

- Cooperation with different relevant stakeholders on attracting more women to IT subjects.
- A conference to provide inspiration for promoting girls' interest in technology.
- A social media campaign launched together with the IT Union and IT Universities addressing stereotypes about women in IT and introducing female role models working within IT in order to i.a. encourage young women to study IT.
- A trial program to enhance understanding of technology in compulsory programs at municipal primary and lower-secondary schools.

40. Following a new strategy of the IT University of Copenhagen to attract more female applicants, the number of female students enrolled in its software development program almost doubled, from 12 to 22%.

### **Reply to the issues raised in paragraph 11**

#### *Sharing domestic and care responsibilities*

41. The Government would like to mention that unpaid care work (primarily undertaken by women) is an informal sector that is largely unknown in Denmark. The reason for this is the general provision of affordable and accessible child-care facilities as part of the Welfare Model with a municipal obligation to provide child-care to children from the age of 6 months. Similarly, the municipalities provide eldercare in the form of nursing homes and support to elderly citizens in their own home.

42. With regards to the work-life balance for families, the Act on Maternity Leave provides for an equal right to parental leave for mothers and fathers as well as maternity leave and paternity leave. During leave periods the parents are entitled to state benefits at the same level as sick leave pay (4,385.83 DKK per week, appr. 660 USD) if they meet the employment criteria.

43. Furthermore, most collective agreements will include a right to pay during all or part of the leave periods. In this case, the employer receive the state benefit as compensation for the pay during leave.

44. In 2018, the Government and the social partners launched a successful awareness-raising campaign on fathers' right to parental leave in cooperation with a "role model companies".

45. It is the Government's belief that a more equal share of the parental leave – besides creating a closer tie between the father and the young child and a greater shared responsibility for upbringing the child – will result in a more equal distribution of household work and improve opportunities for women to pursue a career and to increase lifelong income and thereby also address gender stereotypes.

46. Data shows that between 2008 and 2018, the time fathers spend with their children (on active care days) has increased with 48 minutes, from 1:27 hour to 2:15 hours. In comparison, mothers spent 2 hours and 55 minutes with their children.

#### *Negative social control*

47. There is a range of initiatives targeted at preventing negative social control among ethnic minorities. As a part of the national action plan for prevention of honour related conflicts and negative social control from 2016, a task force has been established to advice local governments on strategic measures to prevent honour related conflicts, including negative

social control. Local government employees working on these issues are continuously up-skilled through the Government Agency for International Recruitment and Integration.

48. The organisation RED Counselling (formerly Ethnic Minority Youth) has since 2002 offered free and professional counselling on honour related conflicts, including negative social control, to youths and young adults, parents and professionals. RED Counselling is funded by the Government.

49. A “National Corps of Dialogue Creators” have since 2009 visited schools and residential areas and entered into dialogue with youngsters and parents about subjects such as honour, shame and negative social control as well as how to navigate between cultural norms and individual rights. The corps consists of 30 youngsters and parents who themselves have experienced honour related conflicts or negative social control.

### **III. Issues relating to the specific provisions of the Covenant (arts. 6–15)**

#### **Right to work (art. 6)**

##### **Reply to the issues raised in paragraph 12**

50. The Reform of the Disability Pension and Flexi-job Scheme (2012) seeks to increase employment by restricting the access to disability pension and instead providing assistance to enter education and employment through rehabilitation teams in the municipality, while ensuring that individuals with a lasting and significantly reduced working capacity enter the flexi-job scheme.

51. A flexi-job allows a person to remain as part of the workforce in spite of a reduced working capacity by only working a few hours a week. Besides a salary from the employer, where the person will be paid for the work input she/he actually completes, the person also receive a flexible pay subsidy as a supplement from the local authority. Many private businesses need employees that can work a few hours a week. Today, more than 30,000 persons have flexi-jobs while entry into the permanent disability scheme has declined.

52. In November 2018 the Parliament reached a political agreement targeting employment and education for persons with disabilities to ensure even more focused efforts in this area. The Government’s strategic goal is to ensure that in 2025 another 13,000 persons with greater disabilities have entered into employment.

53. Discrimination on the Labour Market based on disability is covered by the Act on Prohibition of Differences of Treatment in the Labour Market. The Act both protects against direct and indirect discrimination based on disability.

54. According to the Act an employer may not subject workers to differences of treatment based on disability when dismissing. Nor may an employer dismiss based on reduced work capacity related to disability. Persons experiencing violations under the Act may be awarded compensation.

##### **Reply to the issues raised in paragraph 13**

55. In March 2016 the government concluded talks with the social partners (employers’, employees’ and local authorities’ organizations) involving further initiatives aiming at improving cost-effectiveness and the outcome of employment and integration programs.

56. The guiding principle of the accords is ‘work from day one’. For example it calls for a better screening of refugees’ competencies, combining employment and language classes, tying refugees’ allocation to job opportunities and for enhancing flexibility in providing housing.

57. When the agreements came into force (July 2016), only 11% of the newly arrived were considered ‘ready for a job’ and 27% were doing traineeships or wage subsidy programs. Since then, the starting points have been:

- everybody is considered ‘ready for a job’ and
- everyone must acquire real workplace experience (for example traineeships or work with wage subsidies) within one month after arrival.

58. Another key measure is the introduction of a more efficient job and training program the so-called integration training program (Integrationsgrunduddannelse (IGU)). Hereby newly arrived are gradually - over the course of two years - brought into regular employment, although they initially may not possess the skills and productivity required to qualify for a job on a regular wage level and working conditions. This model includes a so-called apprentice pay and ensures that working is combined with training.

59. Over the past 2.5 years the key indicators of bringing newly arrived into work have improved significantly. The rate of newly arrived considered as ‘ready for a job’ has risen from 11 to 17% (Nov 2018) while the rate related to traineeships or work with wage subsidies has risen from 27 to 34% (Nov 2018). Additionally, the rate of refugees with three years of residence in regular employment has improved from 23 to 43% from the second quarter of 2016 to the fourth quarter of 2018. And more than 1,955 refugees have now been employed in the IGU.

60. Following the success of the IGU, it has been decided to extend the program for another three years until the end of June 2022.

#### **Reply to the issues raised in paragraph 14**

61. According to The Employers’ and Salaried Employees’ Act an employer shall pay compensation to a salaried employee if the employee has been continuously employed in the enterprise concerned for at least 1 year prior to the notice of termination and the dismissal is not considered to be reasonably justified by the conduct of the employee or the circumstances of the enterprise.

62. This Act applies in cases where the person concerned is engaged in work of a particular kind, is employed by the employer for more than eight hours a week on average and occupies a position in which he works under the instructions of the employer. According to the act the term “salaried employees” means:

- a) shop assistants and office workers employed in buying and selling activities, in office work or equivalent warehouse operations;
- b) persons undertaking technical or clinical services (except handicraft work or factory work) and other assistants who carry out comparable work functions;
- c) persons managing or supervising the work of other persons on behalf of the employer;
- d) persons whose work is mainly of the type specified in (a) and (b).

#### **Right to just and favourable conditions of work (art. 7)**

##### **Reply to the issues raised in paragraph 15**

63. There are no official data on how many workers are covered by a collective agreement

in Denmark. According to the Confederation of Danish Employers more than eight out of ten workers are covered by collective agreements in Denmark. Thus, Denmark has one of the highest collective coverage in the world.

64. Workers not covered by a collective agreement will often be hired under similar terms as workers who are covered by collective agreements. It is possible for workers not covered by collective agreements to take industrial actions.

#### **Reply to the issues raised in paragraph 16**

65. There are very few cases regarding equal pay in Denmark. A report from the DIHR from 2014 found that between 2000 and 2014, the Board of Equal Treatment heard 31 cases about equal pay and a smaller number of judgments have been issued by the civil courts. Furthermore, there are a small number of decisions issued by the industrial arbitration tribunals and an unknown number of industrial dispute settlements.

66. The Act on Equal Pay prohibits gender discrimination with regards to pay. The Government's continued efforts regarding equal pay and occupational segregation are conducted in dialogue with the social partners recognizing the fact that promotion of equal pay takes place at the workplace and through collective bargaining.

67. The latest gender pay gap report from May 2018 conducted by the Danish Centre for Social Science Research shows that the unadjusted gender pay gap in Denmark has decreased by almost a quarter from 19.5 % in 2007 to 14.5 % in 2016. It should be noted, however, that the unadjusted gender pay gap increases with rising hourly wages. Among the low-end earners the unadjusted gender pay gap is 4 % as opposed to 17-25 % for the high-end earners. The adjusted gender pay gap remains at an average of 4-7 % depending on the calculation of pay.

68. In April 2018, new collective agreements were concluded for the public sector (local, regional and state level). Funds were allocated specifically to strengthen equal pay and raise the pay for low-income groups. There are no immediate plans to review the current legislation on gender-segregated pay statistics.

#### *Greenland*

69. In 2013, Greenland adopted the Gender Equality Act (Inatsisartut Act No. 3 of 29 November 2013 on equality between men and women), which prohibits gender based discrimination, including in the labour market. In accordance with County Council Act no. 5 of 20 May 1998 on the Greenland Equality Council, Greenland has set up a politically independent Gender Equality Council tasked with i.a- promoting equality between men and women.

70. The Greenlandic labour market is liberally regulated by collective agreements between the social partners with limited interference from the Government. Salaries in Greenland are determined by collective agreements, within the frame of the Gender Equality Act.

71. According to Statistics Greenland, the average taxable income for men was 224,896 DKK (approx. 33,842 USD) in 2012, whereas it was 163,344 DKK (approx. 24,580 USD) for women; a difference of 27.4%. In 2017, the average taxable income for men was 261,957 DKK (approx. 39,419 USD) whereas it was 194,147 DKK (approx. 29,215 USD) for women; a difference of 25.9%. The wage gap has thus decreased by 1.5% from 2012 to 2017. The gap, though decreasing, is still substantial. This partly due to the fact that traditionally male dominated jobs generally have higher salaries than traditionally female dominated jobs. However, between 2012 and 2017 the number of women with an education higher than high

school level has increased by 16.2%, whereas the number for men in the same period has only increased by 7.4%. The number of women with a Vocational Training has increased by 11.7% (compared to 6.8% for men), a Bachelor Education by 14.4% (0.7% for men) and a Master Degree by 40.4% (10.4% for men). Higher education means higher salaries and better work opportunities.

### *Faroe Islands*

72. The Faroe Islands do not have an Act of Equal Pay as such, but in the Act on Gender Equality Section 4 it is stated that the employer shall provide equal pay as well as equal benefits for men and women, and this also applies for work which is estimated to have equal value.

73. There are no plans to review the Act in relation to make it compulsory for companies to provide gender-segregated pay statistics at this moment. However, the Government has plans to encourage companies to have an active gender policy plan.

## **Right to social security (art. 9)**

### **Reply to the issues raised in paragraph 17**

74. When the entitlement to unemployment benefits expires the person still has a right to work, to an adequate standard of living and may also, according to their means, be entitled to social assistance (cash benefits).

75. In 2010, the unemployment benefit period changed from four to two years and two temporary schemes were subsequently made; “Special Education Benefit” (Særlig uddannelsesydelse) and “Labour Market Benefit” (Arbejdsmarkedsydelse).

76. In 2013 about 19,300 persons’ entitlement for unemployment benefits expired. 57% hereof surpassed to receive Special Education Benefits.

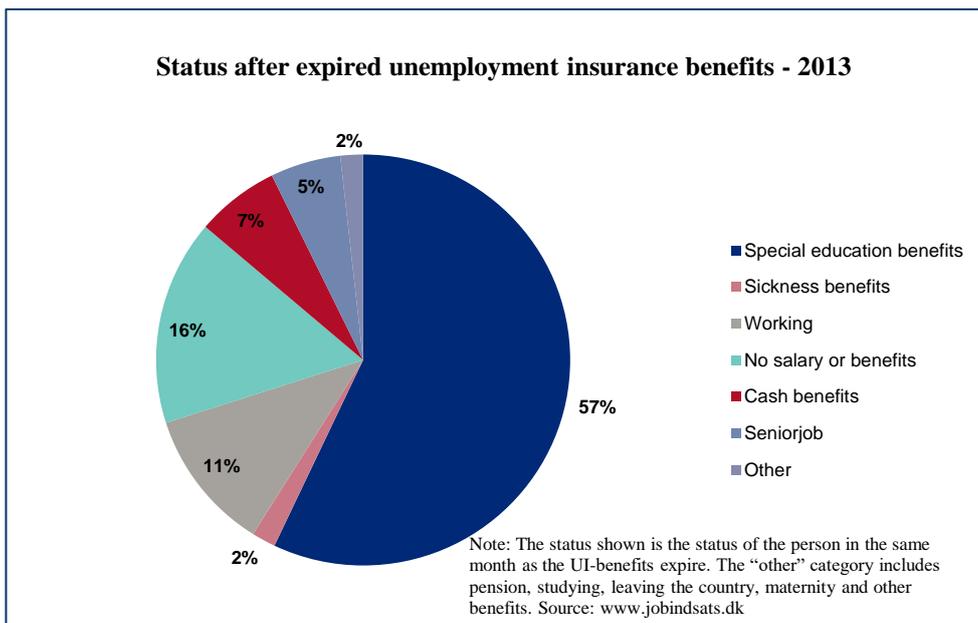
77. In 2014 about 34,100 persons’ entitlement for unemployment benefits expired. 76% hereof surpassed to receive Special Education benefit or Labour Market Benefits.

78. The two temporary schemes are now phased out, as the 2-year benefit period is fully implemented. Unemployed persons who have exhausted their period of entitlement to unemployment benefits may, according to their means, be entitled to social assistance.

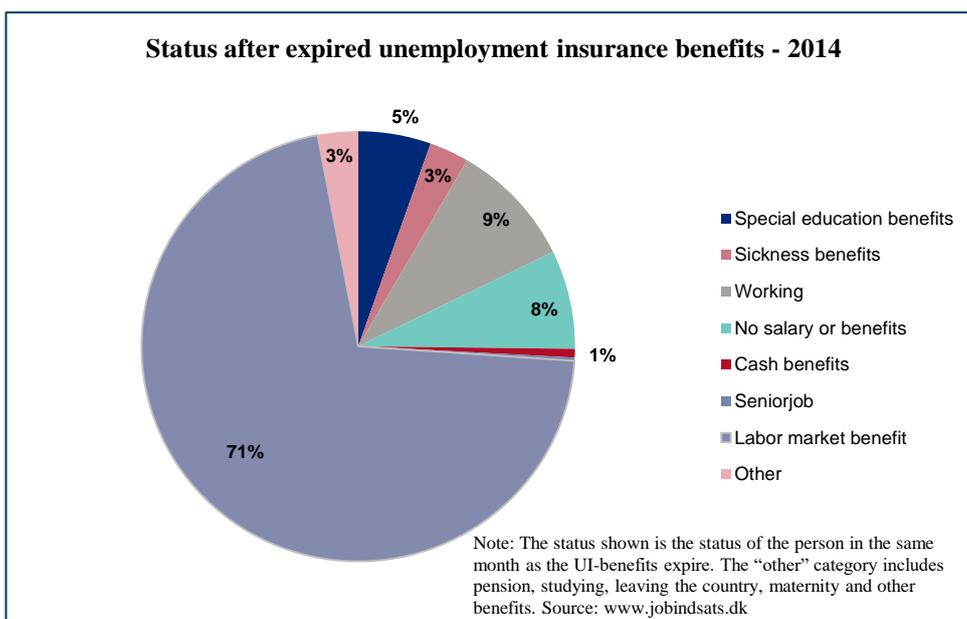
79. From 2017 it is possible to extend the unemployment benefit period based on:

- Hours worked since the person started receiving unemployment benefits, and
- Income not taxable at source (B-indkomst) which are not included in the calculation of the company's profit or loss.

80. In 2013 about 19,300 persons’ entitlement to unemployment benefits expired. The graph shows that 57% hereof surpassed to receive temporary benefits (Education Benefits). The status shown is the status of the person in the same month as the UI-benefits expire. The “other” category includes pension, studying, leaving the country, maternity and other benefits.



81. In 2014 about 34,100 persons' entitlement for unemployment benefits expired. 76% hereof surpassed to receive a temporary benefit (Education Benefits or Labour Market Benefits):



**Reply to the issues raised in paragraph 18**

82. According to the Unemployment Insurance Act, Section 53 a, periods of residence in Denmark is a requirement for entitlement to unemployment benefits. The required period is 5 out of the latest 12 years before applying and will affect new claims for unemployment benefits from 1 January 2019.

83. In 2020 the required period will be 6 out of the latest 12 years and from 1 January 2021 the required period will be 7 out of the latest 12 years. Periods of residence in EU Member States and certain periods of residence abroad are equated to residence in Denmark.

84. The purpose of the Act is i.a. to get more foreign nationals and Danish nationals into the Labour Market instead of receiving public benefits and to a larger degree integrate foreign nationals into the Danish community. The requirement of residence apply equally to both Danish and foreign nationals.

85. Persons who are not entitled to unemployment benefits can, according to their means, be entitled to social assistance or integration benefits.

#### **Reply to the issues raised in paragraph 19**

86. The 2013 reform has not lead to the abolishment of any disability pensions granted before or after 1 January 2013. Individuals affected by the 2013 reform are thus limited to persons who apply for disability pension and persons whom the municipality considers to be on a trajectory hereto.

87. Since the 2013 reform, persons considered to be on a trajectory that could lead to disability pension are assigned individually tailored rehabilitation and support programs. Persons who can work for a few hours a week are instead assigned a flexi-job, if their work ability can realistically be expected to improve within a reasonable time.

88. A person assigned to a flexi-job will receive an unemployment allowance (roughly equivalent to social assistance) until an appropriate flexi-job is found. During the employment in flexi-job the person receives normal wages plus a flexible job wage subsidy. A person assigned individually tailored rehabilitation and support will receive a resource rehabilitation allowance equivalent to social assistance.

89. Within completion of the individually tailored rehabilitation and support program (with a duration of 1-5 years), the municipality makes an assessment of the outcome and need for additional initiatives.

90. If the person is considered eligible to a flexi-job, another individually tailored rehabilitation and support program or disability pension, the person's case is discussed in the interdisciplinary rehabilitation team once again.

91. Cross-sectoral rehabilitation teams are established in all municipalities. The benefits provided are a fair income considering that they are either a temporary income or an ongoing subsidy to persons in a flexi-job in compensation for reduced work ability.

92. The criteria of "inability to work again" is met in cases of permanent reduction of work ability and where the person, regardless of opportunities in support programs and employment in a flexi-job, will not be able to become self-sufficient by income-generating work.

93. Individually tailored rehabilitation and support can only be assigned when the work ability realistically can be improved. If the work ability is very low or non-existing, and there is no potential for improvement, the criteria for disability pension is met.

94. The inability to work again must be documented. In most cases it is documented through information about a person's health together with information about the person's resources, personal competences and professional competences as well as information about efforts to improve a person's work ability. In some cases a person's health in itself documents that the inability to work again is however apparent.

95. Persons under the age of 40 can be granted a disability pension if their work ability is significantly and permanently reduced and it is obviously futile to try to improve the person's ability to work.

## **Protection of the family and children (art. 10)**

### **Reply to the issues raised in paragraph 20**

96. As stated in the sixth periodic report several of the requirements for obtaining family reunification can be suspended if particular reasons apply. Requirements will always be suspended if Denmark's international obligations require a suspension.

97. The rules regarding reunification with a spouse, as described in the report, were changed on 1 July 2018. Thus, it is no longer a requirement that the couple's attachment to Denmark is stronger than their attachment to any other country. Instead four out of six requirements have to be met: the sponsor has a high proficiency in Danish, was employed in Denmark for 5 years or more, or has spent 6 years or more in education in Denmark; the family member speaks English or some Danish, has been employed for 3 out of the preceding 5 years, or has spent 1 year or more in education comparable to Danish higher education or vocational training. In addition, other general requirements have been tightened, e.g. dwelling must not be situated in certain ghetto-like areas. None of the requirements apply if Denmark's international obligations require a suspension, e.g. if the spouse in Denmark has been recognised as a refugee or acquired subsidiary protection status.

98. An unaccompanied minor will have a personal representative appointed as soon as possible after entering Denmark to serve his or her best interest. Among others, the representative will inform the minor e.g. on the possibility of obtaining family reunification. However, the representative may not offer legal support in regard to the actual assessment of the unaccompanied minors asylum claim. During the processing of the asylum case the unaccompanied minor is informed of the possibility of tracing family members through the Immigration Service and through the Red Cross Tracing Program.

99. An unaccompanied minor, who is granted residence permit according to Section 7 (1) or (2) of the Aliens Act (refugee status or subsidiary protection status) or Section 9 c (3) of the Aliens Act concerning unaccompanied minors, does not receive specific guidance on the possibility of obtaining family reunification when granted residence permit. Guidance on the possibility of obtaining family reunification can however be found online in English and Danish. If an unaccompanied minor requests information regarding family reunification, e.g. during the asylum interview, the unaccompanied minor will receive guidance on the possibility of obtaining family reunification.

101. If granted temporary subsidiary protection according to Section 7 (3) of the Aliens Act, an unaccompanied minor receives a written guidance on the possibilities of obtaining family reunification with parents or siblings.

### **Reply to the issues raised in paragraph 21**

101. The Government has access to extensive statistical survey data on the prevalence of domestic and gender-based violence.

102. The National Institute of Public Health (NIPH) has conducted three studies (2005, 2010 and 2017) estimating the prevalence of intimate partner violence, sexual harassment and rape based on data from health interview surveys and data from registers. The NIPH has published the results in a number of reports analysing the development over time. Furthermore, a crime victim survey is conducted annually. It is based on a national representative sample of 16 to 74 year-old residents and covers all forms of physical violence and rape. The

data inform the development of policies to combat gender-based violence and domestic violence including the national action plans.

103. Since September 2018, the National Police has been able to sort data, including all penal cases and all cases regarding violence, by the relationship between victim and perpetrator. Its use relies on the police officer registering the penal case, which is not mandatory.

104. The effectiveness of the action plan on combatting violence in the family and in intimate relations is assessed by external evaluators from Rambøll Management Consulting, who has the necessary methodological skills and sector expertise.

## **Right to an adequate standard of living (art.11)**

### **Reply to the issues raised in paragraph 22**

104. Denmark recognises the right to an adequate standard of living as enshrined in Article 11 of the Covenant and has a range of different temporary accommodation facilities for homeless persons; cf. Section 110 in the Consolidation Act on Social Services. These are available for the target group subject to application or referral from public authorities. Only those who are lawfully staying in Denmark are entitled to assistance under the Act.

106. Problems with persons establishing camps in the public domain that disturbed the public order arose in 2016. The Administrative Order of Public Order (Section 3 (4)) was since amended in 2017, criminalizing the establishment of camps that are qualified to disturb the public order as well as the act of staying in such a camp.

107. The establishment etc. of camps is only forbidden, if the camps are qualified to disturb the public order, and the mere act of sleeping on the streets is thus not in itself punishable. The criminalization of camps or begging is not a criminalization of homelessness and has no effect on the possibilities of a homeless person to obtain shelter at a temporary accommodation facility. The rules regarding the criminalization were introduced in order to accommodate problems with people feeling unsafe in the streets because of the behaviour of the persons in the camps.

108. From 1 April 2017 (when the law was changed) until 28 February 2019, there were 453 decisions regarding the establishment of camps etc., most of which resulted in a fine. From 21 June 2017 (when the law was changed) until 20 November 2018, there were 77 decisions regarding begging.

109. Furthermore, to ensure public safety and to address disturbances of the public domain arising from begging, Paragraph 2 and 3 were added to Section 197 of the Criminal Code in 2017. Section 197(1) criminalizes begging after a warning has been given by the police. Section 197(1) has been in force since 1965. Paragraphs 2 and 3 dismiss the requirement of a warning from the police, if the begging is committed on pedestrian streets, outside railway stations, inside or outside supermarkets or on public transport. Paragraphs 2 and 3 are temporary provisions that terminates by July 2020.

110. Denmark finds that the criminalization under Section 197 does not run counter to the obligations under the Covenant as it does not impose a general prohibition against the criminalization of begging. The Section applies regardless of nationality.

### **Reply to the issues raised in paragraph 23**

111. In 2017, the Danish Center of Social Science Research published a report that presents statistical data on homelessness in Denmark. The report constitutes a biennial national mapping (since 2007) based on a national homeless count performed in February 2017.

112. The report shows that the number of homeless migrants without permanent residence (i.e. unregistered but not necessarily illegal) has increased considerably compared to previous years. The estimated number was 125 in 2015 and 438 persons in 2017. However, part of this increase might reflect a more comprehensive registration. The estimated number of homeless persons with a non-migrant background was 6,635 in 2017.

113. It is noted, that there is a considerable uncertainty associated with the number of homeless migrants as the social service staff does not know the residence status of all persons for whom they answer the questionnaire. Lack of social security numbers further makes it difficult to avoid double counting.

114. Furthermore, the report shows that the main part of the homeless migrants without permanent residence come from EU-countries (68%) while almost every fifth (17%) come from an African country. The causes of homelessness in this group differ from the group as a whole. Far fewer have mental illnesses or problems related to drug abuse or alcohol addiction. Instead, economic difficulties appear as a predominant factor.

115. Of the homeless migrants, 198 (45%) slept in the street and 153 (35%) slept in a shelter. Many who slept in the street also occasionally used shelters. A large majority (88%) are registered in Copenhagen. Less than 1% are registered in rural communities. A large majority (89%) are men, and most (57%) are between 30 and 49 years old.

116. With the 2018-2021 Action Plan against Homelessness DKK 154 mill. (USD approx. 23.2 million) were allocated to ten initiatives directed towards combating homelessness. Among others, the initiatives must contribute to the dissemination of the Housing First-approach, and to the development and testing of a new Housing First-approach aimed in particular towards young persons. Furthermore, over DKK 70 mill. (USD approx. 10.6 million) were dedicated to investment funds intended to support the local authorities in investing in more pre-emptive and comprehensive social services.

117. These initiatives are directed towards homeless persons in general and thus not towards homeless migrants in particular. However, Section 2 of the Consolidation Act on Social Services states that any person who is lawfully staying in Denmark is entitled to assistance under this Act.

118. An analysis has been initiated as part of the 2018-2021 Action Plan with the purpose identify opportunities for amending the conditions (legal, economic, etc.) of temporary accommodation facilities (shelters), cf. Section 110 in the Consolidation Act on Social Services. The aim is to optimize the prospects for helping the users of the shelters to get their own residence and thrive there.

119. Therefore, a focus point in the 2018-2021 Action Plan is to ensure and support a better flow at the facilities, which in turn should lead to better availability at the temporary accommodation facilities.

120. Two important conditions for enhanced accessibility to temporary accommodation services is that i) admission is subject to the applicant's own application and ii) that the principals at the facilities decide on admission. Hereby, a homeless person in the target group who is in urgent need of help can receive help instantly, without initially involving the local

authorities. The temporary accommodation facilities constitute an important service and safety net for some of the most marginalized adults in the Denmark.

#### *Faroe Islands*

121. The Faroe Islands do not collect statistical data on homelessness, but the Ministry of Social Affairs is currently assessing how best to proceed in order to collect reliable statistical data according to the ETHOS typology, as developed by the FEANTSA (European Federation of National Organisations Working with the Homeless) and the EOH (European Observatory on Homelessness).

#### **Reply to the issues raised in paragraph 24**

122. The Government's strategy and the agreed initiatives contain new demands for people living in parallel societies while at the same time offering new ways to gain from all the possibilities that the Danish society offers.

123. The government's effort has four main focuses:

- Tearing down and renovating vulnerable neighbourhoods.
- Stronger enforcement of who can or cannot live in vulnerable neighbourhoods.
- Stronger police efforts and higher penalties in order to fight crime and create more security.
- A good start in life for all children and young people.

124. The social housing sector in Denmark provides universal access to adequate housing with a reasonable rent and offers residents democratic influence on their own housing conditions. The allocation of social housing to citizens follows Article 14 of the European Convention on Human Rights, which guarantees rights and freedoms without discrimination on any ground. Allocation of social housing follows seniority on a waiting list, municipal assigning (anvisningsret) or allocation based on prioritised criteria in relation to local conditions (kombineret- og fleksibel udlejning), which does not discriminate on the basis of ethnic origin or citizenship. To promote affordable and smaller dwellings for groups in need of more affordable housing, the local basic capital has been reduced from 14 to 10 percent of the acquisition costs in 2019 and 2020. The basic capital will depend on the average size of the dwellings. Furthermore, a network of free municipalities regarding affordable housing and flexible housing solutions has been established in an effort to provide affordable housing for e.g. homeless persons and socially vulnerable citizens. The experiences will be evaluated in 2020 and possibly included in the housing legislation.

125. Differentiation in allocation can only be decided based on objective and factual criteria. Regarding "initiatives against parallel societies" only 2% of the social housing stock will be affected by such objective and factual criteria, for instance criminal background. Individuals who are rejected based on these criteria will have the right, through seniority on a waiting list, to apply to social housing outside areas subject to measures of differentiation in allocation.

#### **Reply to the issues raised in paragraph 25**

126. Ritual slaughter of animals is possible in Denmark provided the animal is sedated prior to slaughter. A ban against slaughter without prior sedation was introduced in Denmark by Administrative Order no. 135 of 14 February 2014 Concerning Slaughter and Killing of Animals. No Danish slaughterhouses had applied for permission to perform ritual slaughter

of animals without prior sedation in the 10 years prior to the ban. Import to Denmark of meat from animals slaughtered according to religious rituals without prior sedation is possible.

## **Right to health (art. 12)**

### **Reply to the issues raised in paragraph 26**

127. The Danish healthcare system is universal and based on the principles of free and equal access to healthcare for all residents. Healthcare is provided on the basis of the individual needs of patients, including immunization and maternal care.

128. Non-residents have access to emergency hospital treatment and subsequent non-emergency hospital treatment in cases, where it is not considered reasonable to refer the person to treatment in their home country. Some non-residents will be charged payment for the treatments. However, in case of emergency no persons will be denied hospital treatment in the public healthcare system with reference to payment claims. No payment will be charged for acute births and for treatments of children under the age of 18. The treatments can also be provided free of charge, when the responsible Danish Region considers it reasonable, e.g. treatment of unregistered migrants.

129. Expenses for health treatment to foreign nationals without legal residence in Denmark are covered by the Immigration Service, provided that the healthcare is necessary and unpostponable and/or pain-relieving. Furthermore provided that e.g. the residence is known by the Immigration Service, the person is not married to a person resident in Denmark and that the person is not entitled to healthcare assistance within other legislation than the Aliens Act.

130. Expenses for emergency hospital treatment to foreign nationals without legal residence as described in para. 132 are covered by the Danish Regions. All children, with or without legal residence in Denmark, are entitled to the same healthcare. The Government finds that foreign nationals without legal residence and unregistered migrants in Denmark are adequately covered by the health care system.

### **Reply to the issues raised in paragraph 27**

131. One of the most fundamental rights in the health care system is the patient's right to autonomy and self-determination and the right to choose to receive or reject medical treatment. This applies to both the somatic and the mental health care systems as well as to treatment in both the public health care system and in private hospitals or institutions.

132. The right to consent to medical treatment is statutorily protected under Section 15 of the Health Act and is known as informed consent in Denmark. Informed consent includes both a right to receive information about the offered medical treatment as well as a right for the patient to consider and to accept or refuse the suggested treatment based on information given by a healthcare professional.

133. There are three conditions for an informed consent to be valid: Disclosure, voluntariness and capacity:

- Disclosure requires that the healthcare professional provides information necessary for the patient to make an autonomous decision and to ensure that the patient adequately understands the information provided. The disclosure must contain information about the disease process, benefits and burdens of recommended treatment and consequences of refusal of treatment. The full list of information provided for the patient is listed in the Health Act.

- Voluntariness refers to the patient's right to freely exercise his decision-making without being subjected to external pressure such as coercion or unfair persuasion.
- Finally, the patient must have the ability (capacity) to make decisions, including to understand the information provided and make a decision based on a rational processing hereof.

134. An informed consent can be given either orally or in writing. In case of a major medical procedure, such as surgery, it may be required to give consent in writing. A given consent can be withdrawn by the patient at any time.

135. An important exception to the right to consent is the use of coercive measures on patients in psychiatric care. The use of coercive measures can only be allowed when the law specifically permits it. The rules describing coercive measures can be found in the Mental Health Act. According to the Act, coercive measures such as involuntary admission to mental health facilities, can only be used if the patient is insane or suffers from a similar condition. It also requires that not admitting the patient would mean that patient would not be cured, that the mental health of the patient would not significantly improve, or that the patient would pose a threat to himself or to others.

136. The Act also describes the conditions under which other coercive measures can be applied, such as compulsory treatment and belt restraint. Only hospitals or institutions in the public health care system are allowed to use coercive measures in psychiatric care.

137. The Government aims to reduce the overall use of coercion. In May 2015, the Mental Health Act was amended with the aim of improving treatment and ensuring a reduction in the use of coercive measures. In order to ensure quality in the use of necessary coercive measures and limit the duration of physical restraints, the new rules stipulate a minimum frequency of medical supervision and continuous assessment of whether restraint should cease or continue. Furthermore, the amendment states that belt restraint must only be used for short periods of time.

## **Right to education (art. 13)**

### **Reply to the issues raised in paragraph 28**

138. In general, the Teacher Training College focus on providing knowledge and tools for the teacher training students on how to plan lessons and their pupils' educations as a whole, by adapting their teaching to the individual student's needs, learning processes and prerequisites. The communities in Greenland are scattered around a vast amount of space, and most towns and settlements are not connected by roads. People travel primarily by boat or plane depending on the season. These fairly isolated communities vary in size, which means that both small communities with only a few children in the local school and bigger towns with schools accommodating up to 400 pupils exists. It has not been found possible to train all teachers in all the specific disabilities e.g. hearing disability or blindness. Pupils with greater disabilities are therefore often provided a special care person or referred to a special school with specialised personnel.

## **Cultural rights (art. 15) (art. 15)**

### **Reply to the issues raised in paragraph 29**

139. The legislation and institutional infrastructure in the field of culture and the general objectives of cultural policy are based on the principle of freedom of expression aimed at

offering and encouraging everyone living in or visiting Denmark to take an active part in cultural life in its broadest sense. The ambition is to raise awareness of cultural diversity.

140. The Arts Foundation, an independent body, supports a large number of projects across all art forms. Several of these promote and raise awareness of the cultural diversity of the Danish society. Moreover, a number of independent theatres in Denmark work actively with ethnic minorities to promote diverse cultural expressions.

141. Overall, the education system is aimed at promoting and raising awareness of cultural diversity. The Vocational Education and Training system (VET) is based on a dual base alternating between theoretical and practical learning. The VET Act states that it is important that VET contributes to developing the students' interest in and ability to participate actively in a democratic society which also includes awareness about minorities.

142. In 2018, a broad majority of parliamentary parties entered into an agreement to increase the search for and implementation of vocational training. At the same time, a more coherent educational program and an attractive teaching environment are ensured. The focus to improve the VET education also includes the awareness about minorities in the VET education.

143. The Public School Act concerning primary and lower secondary schools provides the overall framework for the public school. The first paragraph states that the public school must give pupils an understanding of other countries and cultures.

144. In January 2019, the Government reached an agreement with a broad range of parties concerning a reform package, fine-tuning the 2014 reform of the public school (primary and lower secondary school). The agreement states that “the unity of the realm” between Denmark, Greenland and the Faroe Islands is an important part of both the shared history and the present. Therefore, the parties agree that knowledge of the unity of the realm must be strengthened by adding it as a topic on the “history cannon” which lists mandatory topics to be covered in the history subject in the public school.

### **Reply to the issues raised in paragraph 30**

155. Greenland is a part of the Kingdom of Denmark and the Greenlandic people is a people pursuant to international law with the right to self-determination, cf. also paras. 243-248 in the Core Document. The Kingdom of Denmark, including Greenland, has also adopted the UN Declaration on the Rights of Indigenous Peoples.

156. Reference is made to the Supreme Court ruling of 28 November 2003. The ruling states that the Thule Tribe does not constitute a distinct tribal or indigenous people within or in addition to the Greenlandic people in the sense of the ILO Convention no. 169.

157. Greenland continuously seeks to promote and protect the rights of its people. In this regard, reference is made to Inatsisartut Act no. 7 of 19 May 2010 on Language Policy, which acknowledges that Greenlandic - the official language of Greenland - consists of three main dialects spoken in East and West Greenland and in Thule, hereby acknowledging some of the linguistic differences in Greenland.