



Convention on the Rights of Persons with Disabilities

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Summary record of the 155th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 23 September 2014, at 3 p.m.

Chairperson: Ms. Cisternas Reyes

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 35 of the Convention *(continued)*

Initial report of Denmark (CRPD/C/DNK/1; CRPD/C/DNK/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Denmark took places at the Committee table.*
2. **Mr. Staur** (Denmark), introducing his country's initial report (CRPD/C/DNK/1), said that Denmark remained firmly committed to promoting and protecting the rights of persons with disabilities and was about to formally accede to the Optional Protocol to the Convention. As part of national efforts to implement the Convention, the Government had developed a national disability action plan intended to improve access to education and employment for persons with disabilities, support innovation and new assistive technology, raise awareness of disability issues and build an inclusive society. In addition, the national human rights institution was designing a set of statistical outcome indicators to monitor the implementation of the Convention in Denmark.
3. With regard to employment, the Government had recently carried out a reform of the disability pension and flexible working arrangements in an effort to reduce the exclusion and marginalization of persons with disabilities and support their participation in the labour market. Concerning accessibility, which was a prerequisite for enabling persons with disabilities to live independently and participate fully in society, the Ministry of Climate, Energy and Building had introduced several initiatives aimed at improving training on accessibility standards and universal design, in close cooperation with relevant stakeholders. As for health, the Government had implemented an action plan for people with psychosocial disabilities and would introduce a bill to amend the Danish Psychiatric Act so as to ensure respect for the rights of detained psychiatric patients and reduce the use of mechanical restraint. Lastly, the Government had established a national unit in charge of preventing and combating discrimination on grounds of disability. In addition, women and men with disabilities were covered by the Danish Act on Gender Equality and had the right to lodge complaints relating to gender-based discrimination with the Board of Equal Treatment.
4. **Ms. Marthin Kjeldsen**, (Greenland, Denmark) said that in 2012 Greenland had agreed to be bound by Danish ratification of the Convention. The large and sparsely populated area of Greenland posed challenges in regard to the implementation of the Convention, and disability policy had been devolved from the Ministry of Family and Justice to the four municipalities of Greenland in an attempt to enhance the quality of services offered. A comprehensive disability report was being prepared and would form the basis for reform of disability legislation. The Greenlandic Government had launched a series of initiatives to improve the living condition of persons with disabilities, including through the newly established national disability centre, and would continue to take proactive steps to promote and protect their rights.
5. **Ms. Nonklett**, (Faroe Islands, Denmark) said that the Faroe Islands had consented to be bound by the Convention at the same time as Denmark and would also be covered by the Optional Protocol. Awareness of the Convention had increased significantly in recent years among the Faroese authorities and general public. A number of measures had been implemented to secure fuller inclusion of persons with disabilities in society, notably the adoption of an executive order on access to buildings and of legislation to prevent discrimination in the labour market and promote inclusive education. The Faroese Government was committed to implementing the Convention and was strengthening

cooperation between different stakeholders to guarantee the rights of persons with disabilities.

6. **Mr. Babu** (Country Rapporteur) said that the State party was to be congratulated on its efforts to implement the Convention and on its imminent accession to the Optional Protocol. Despite the excellent progress made towards the full inclusion and participation of persons with disabilities in Danish society, there remained several issues of concern. They included the scope, implementation and monitoring of the national disability action plan; the incorporation of the Convention in domestic legislation; the absence of legislation specifically prohibiting disability-based discrimination; the inclusion of persons with disabilities in the community; the consolidation of the inclusive education system; the full participation of persons with disabilities in political and public life; the treatment provided to persons with psychosocial disabilities; and the accessibility of the built environment, transport and public spaces. As for the Faroe Islands, steps must be taken to address the lack of independent human rights reporting and monitoring mechanisms and the absence of a comprehensive disability action plan. The Greenlandic Government must promote the establishment of a strong and vibrant disability movement and encourage the participation of disabled persons' organizations in the development of disability policy.

Articles 1–10

7. **Ms. Degener** said that she would welcome additional information on the national disability action plan, with specific reference to the budget, targets and time frames. She enquired whether the State party had integrated the concept of disability contained in article 1 of the Convention into its definition of disability. Lastly, she wished to know how many persons with disabilities who had been victims of sexual or physical violence had benefited from support and redress under the Danish Social Services Act.

8. **Mr. McCallum** asked whether Danish disability legislation applied in all instances in Greenland and the Faroe Islands. He would also like to know whether the State party intended to introduce specific anti-discrimination legislation to protect persons with disabilities.

9. **Ms. Mulligan** asked whether statistics collected on persons with disabilities were disaggregated by age and gender. She requested further information on the number and type of disabled persons' organizations involved in the State party's consultation and inclusion processes. Lastly, she enquired whether policies had been introduced to promote the use of sign language.

10. **Mr. Tatić** asked whether there were any disabled persons' organizations in Greenland and the Faroe Islands and what efforts the Greenlandic and Faroese Governments made to consult persons with disabilities on policies affecting them. He wished to know what legal redress was available to persons with disabilities who suffered discrimination; up-to-date data on the use of such remedies would be appreciated. As for accessibility, he wondered what measures would be taken to ensure compliance with relevant standards and whether training on the design of accessible facilities had been introduced for building professionals.

11. **Mr. Kim Hyung Shik** enquired about the implications of the Danish model of local government and the principle of sector accountability outlined in paragraphs 10 to 12 of the State party report, notably for the implementation of the national disability action plan.

12. **Ms. Maina** asked whether national disability laws, policies and programmes recognized persons with psychosocial disabilities and provided for relevant services and support. The delegation should indicate whether involuntary commitment still took place and electroconvulsive therapy continued to be used in the State party and, if so, what steps the Government was taking to put an end to such practices.

13. **Ms. Peláez Narváez** said that she wished to know how the State party applied the principle of gender equality in its disability policies. She would appreciate information on how women and girls with disabilities had been included in the process of drafting the initial report and the replies to the list of issues (CRPD/C/DNK/Q/1/Add.1) and whether the State party had established legislation on equality and non-discrimination in respect of such persons, for whom there was no representative organization in Denmark.

14. She asked what measures had been taken in response to a report published by the Danish Institute for Human Rights in which it was stated that women and girls with disabilities in Greenland were exposed to a greater risk of violence. The delegation should also explain what follow-up had been given to allegations from children in psychiatric facilities of a lack of professional advice, patients being intimidated into receiving treatment and children under the age of 15 being unable to file complaints about interventions conducted without their informed consent.

15. **Mr. Buntan** asked whether Denmark had signed and ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled and, if not, whether it planned to do so. He also wished to know whether a bill had been introduced to recognize Braille as an official script for blind persons and whether accessibility standards in the State party, particularly in the field of information and communications technology, were legally binding.

16. **The Chairperson**, speaking in her personal capacity, asked whether campaigns and initiatives to raise awareness of disability issues were being actively pursued and supported by the Government. The delegation should also indicate what steps had been taken to adopt comprehensive anti-discrimination legislation, as recommended by the Committee on Economic, Social and Cultural Rights in its concluding observations on the fifth periodic report of Denmark (E/C.12/DNK/CO/5).

The meeting was suspended at 4.05 p.m. and resumed at 4.25 p.m.

17. **Ms. Stig Andersen** (Denmark) said that, while the national disability action plan necessarily focused on priority issues, other areas relevant to persons with disabilities would not be neglected. In 2013, a budget of 91 million Danish kroner had been allocated to the implementation of the plan, which contained around 50 initiatives, some of which would have to be funded from existing ministerial budgets. The process of implementation was monitored by an expert working group comprising members of all relevant ministries. One goal of the plan was the compilation of comprehensive data on three key indicators: education, employment and citizenship. The information collected would serve as the basis for future discussions on how best to implement the Convention, develop the plan and set more ambitious, measurable objectives.

18. The plan had been drafted with the extensive participation of women with disabilities, who were very well represented by a combination of disabled persons' organizations, the Danish Disability Council and the Danish Institute for Human Rights, obviating the need for a distinct representative organization.

19. Pursuant to the principle of sector accountability, every ministry was responsible for ensuring that new legislation was in line with international human rights treaties to which Denmark was a party, including the Convention. Moreover, all municipalities were empowered to determine their own level of services, allowing them to cater to the specific needs of local citizens, provided that they fulfilled the Government's clear expectations with regard to disability rights.

20. **Mr. Staur** (Denmark) said that discussions were ongoing at the European level regarding the Marrakesh Treaty, which had as yet only been ratified by India.

21. **Ms. Jørgensen** (Denmark) said that no spoken or written languages were formally recognized in national law. Despite that, books, periodicals and teaching materials were all available in Braille. In May 2014, the national parliament had passed a law establishing the Danish Sign Language Council, which would begin working on 1 January 2015 to develop principles and guidelines for the documentation of Danish sign languages and provide advice and assistance.

22. **Mr. Boje Nielsen** (Denmark) said that the failure to incorporate the Convention in national law in no way reflected on the importance placed on it by the Government. All international treaties ratified by Denmark became an integral part of Danish law, and the rights enshrined in them were recognized and protected by courts and other legal authorities. An expert committee had been set up to review the issue of incorporation, and a majority of its members were in favour.

23. While there was no anti-discrimination legislation covering persons with disabilities specifically, Denmark was bound by article 5 of the Convention, article 14 of the European Convention on Human Rights and article 21 of the Charter of Fundamental Rights. The recommendations made by the Committee on Economic, Social and Cultural Rights in 2013 would be taken into account in future discussions on the incorporation of human rights instruments.

24. **Ms. Stig Andersen** (Denmark) said that the recently established anti-discrimination unit sought to eliminate discrimination against persons with disabilities both inside and outside the labour market. The unit was tasked with investigating cases of discrimination, coordinating prevention initiatives and collecting information on the use of remedies in the event of discrimination. In that connection, statistics on redress provided within the labour market were being compiled and the results would be available in 2015.

25. The unit was also responsible for launching campaigns on disability rights, including the right to equal treatment. An application had been developed for smartphones in the municipality of Copenhagen to facilitate reporting of discrimination on account of disability. Should the trial prove successful, the unit would seek to expand the scheme to other areas of the country. The unit was already working with several disabled persons' organizations to promote the participation and inclusion of persons with disabilities in society and enhance cooperation between such organizations and the business sector.

26. Statistics on the number of women with disabilities who had been victims of violence or abuse were available, thanks to a survey conducted in 2013, but were too complex to be condensed into a few words. The 19,000 survey respondents had included persons with disabilities and non-disabled persons. Unfortunately, no such figures had been collected on children with disabilities.

27. **Ms. Eberhardt Søndergaard** (Denmark) said that, under the Danish Psychiatric Act, patients had the right to file coercion complaints and consult an adviser. Custodial parents could oppose coercive measures, while children whose parents did not wish to be involved in the decision-making process were covered by the provisions of the Act.

28. In accordance with the Danish Health Act, minors over the age of 15 could give their informed consent to treatment. Custodial parents were also consulted and could give their informed consent if the child was unable to do so. For children under the age of 15, consent could be given by the custodial parent, who had a duty to protect the child's interests. Doctors had a responsibility to ensure that all patients were involved in decisions affecting them, unless that would be detrimental to their well-being. The principle of the least invasive treatment must always be followed and due weight must be given to all relevant statements made by the patient. The Government had recently proposed a bill addressing the rights of minors in psychiatric facilities, with the focus on the child's maturity rather than his or her age.

29. **Ms. Stig Andersen** (Denmark) said that the Danish Disability Council would continue to support the campaign entitled “It is not a disability” by maintaining the relevant Facebook page. In addition, it was working on a strategy to challenge stereotypes and change attitudes regarding disability.

30. **Mr. Lykke Graversen** (Denmark) said that accessibility was an important component of the Danish Building Regulations, which were regularly updated. In 2010, provisions on signage had been amended and brought into line with article 9, paragraph 2 (d), of the Convention. The aim of the Regulations was to improve accessibility in new and refurbished buildings by setting out detailed rules on, inter alia, barrier-free entrances, lifts and toilets. Despite recent progress, a study carried out by the Danish Building Research Institute had found that the Regulations were not consistently applied in new buildings, mainly owing to a lack of knowledge. There had also been a failure by some local authorities to ensure compliance with the Regulations. As a result, the Government had decided to launch two initiatives as part of the action plan unveiled in 2013. The first involved conducting a campaign to inform, guide and advise partners in the building industry about existing regulations, while the purpose of the second was to analyse those regulations to determine whether they hindered the implementation of innovative solutions to improve access to the built environment for persons with disabilities.

31. **Ms. Marthin Kjeldsen** (Greenland, Denmark) said that 90 per cent of Greenland was covered by ice and that transport between cities was difficult. There were only 56,000 inhabitants, very few of whom received higher education. The Greenlandic Government, responsible for services for persons with disabilities, would take those factors into consideration when drafting an action plan to implement the Convention, along with the Committee’s comments regarding the Danish disability action plan. Disabled persons’ organizations were a priority for the Greenlandic Government and more had been created in recent years, thanks in part to the efforts of the knowledge and consultancy centre on disability. The Human Rights Council of Greenland included various NGOs and disabled persons’ organizations. Lastly, the Greenlandic Government worked closely with organizations of disabled persons through conferences and seminars.

32. **Ms. Jacobsen Lund** (Greenland, Denmark) said that, in response to research highlighting Greenlandic women’s vulnerability to violence, the Greenlandic Government had adopted an action plan to combat violence against women, including those with disabilities, and launched a website called “Break the Silence”, which provided information resources on persons with disabilities as well as tools to support dialogue and professional development. Handbooks and booklets for those working with persons with disabilities had also been published. Greenlandic legislation provided for equal rights and protection for persons with disabilities, and although there were no immediate plans to adopt new legislation expressly prohibiting disability-based discrimination, the matter would be addressed in a future action plan.

33. **Ms. Nonklett** (Faroe Islands, Denmark) said that the Faroe Islands was a self-governing nation with its own parliament and executive, which had legislative and administrative power over almost all domestic affairs. The Faroese authorities were consulted prior to the ratification of international instruments; Denmark generally entered geographical reservations in respect of the Faroe Islands unless the Faroese authorities had decided that the Faroe Islands should be covered by the instrument in question.

34. **Ms. Nordendal** (Faroe Islands, Denmark) said that the Faroe Islands lacked intersectoral coordination of services and a comprehensive disability action plan. The Faroese Ministry of Social Affairs, the focal point for implementing the Convention, had placed the matter on the agenda of the Faroese Government, which supported the prompt drafting of a plan; the future document would take the Committee’s comments on the Danish action plan into consideration. Discussions regarding accessibility should be more

cross-cutting and greater focus was required on universal design, the adoption of which would pose a challenge in such a small society.

Articles 11–20

35. **Ms. Mulligan** asked how the Government monitored and evaluated the efforts of its implementing partners to ensure the accessibility of international humanitarian aid programmes and the inclusion of persons with disabilities.

36. **Ms. Degener**, noting that support services for persons with disabilities in the State party seemed to rely on substitute decision-making, asked how the Government ensured that domestic legislation on legal capacity, guardianship and mental health complied with the Convention, particularly in the light of the Committee's general comment No. 1. She was concerned about the high, and increasing, number of patients undergoing forced medical treatment and restraint in psychiatric hospitals and she wished to know what steps the Government was taking to prevent such measures.

37. She had received information that social housing legislation was being abused in order to build institutions for persons with disabilities. In that connection, she asked how many persons with disabilities were living in institutions, how many received independent living services and whether the delegation agreed that a residential facility in which more than four persons with disabilities were forced to live together constituted an institution.

38. **Mr. McCallum**, expressing surprise at the seemingly outdated nature of the guardianship laws in Denmark, asked whether the State party might follow the example of other countries, particularly Sweden, in the area of assisted decision-making.

39. **Mr. Ríos Espinosa** asked how persons with disabilities were accommodated within the justice system, beyond training for judges and sign language interpretation. He also wished to know how the criminal justice system dealt with persons with disabilities who were unfit to stand trial and what safeguards existed to ensure that they did not receive disproportionately long or indefinite treatment orders. He asked whether the amendments to the Danish Psychiatric Act would take account of the Committee's previous concluding observations, in which it definitively rejected forced psychiatric treatment.

40. **Ms. Quan-Chang** said that Denmark set a good example for other countries in many areas regarding disability. However, she had received information that persons were often admitted to psychiatric units without their informed consent. She asked whether the State party planned to review its informed consent provisions as part of the Danish Psychiatric Act reforms. Although the reforms would restrict mechanical restraint, she was concerned about the persistence of the use of chemical restraint and electroconvulsive therapy persisted and she wished to know whether those practices too would be prohibited.

41. **Mr. Tatić** asked whether persons lodging a discrimination complaint could invoke an international instrument directly, whether services for persons with disabilities were standardized across the municipalities and whether the relocation of large numbers of persons with disabilities from Greenland to Denmark, possibly in search of better services, would be addressed. He requested figures comparing the amount of money invested in institutions for persons with disabilities with the amount invested in personal assistance services.

42. **Ms. Maina** asked how many cases of discrimination on grounds of disability had been investigated by the anti-discrimination unit, whether data was available on the different groups of persons with disabilities lodging complaints of discrimination, torture or ill-treatment, what actions were taken by the unit after it had completed its investigations and whether it respected the autonomy of persons with disabilities. In that connection, she wondered to what extent alternative modes of communication were used in the State party,

particularly to facilitate communication with persons with intellectual or psychosocial disabilities.

43. Turning to the Government's plans to reform the Danish Psychiatric Act, she asked whether the term "persons with psychosocial disabilities", rather than "patients", would be used. She hoped that the reforms would be carried out with the full participation of organizations representing persons with psychosocial disabilities.

44. **Ms. Peláez Narváez** asked how blind children were taught to read Braille and when an official council to regulate Braille would be created. She noted that Denmark had not yet addressed the recommendation of the Committee on the Elimination of Discrimination against Women that it should adopt legislation on violence against women. She noted with concern that the State party's national strategy to combat violence in relationships did not provide for any action aimed at victims, that its Criminal Code did not consider disability to be an aggravating circumstance in rape cases and that the "Break the Silence" website did not specifically address disability.

45. She requested clarification regarding reports that legislation had been proposed that would permit the voluntary sterilization of adults with intellectual disabilities and asked whether redress had been granted to victims of forced sterilization in the past. Lastly, she enquired how the State party was addressing the limited access of persons with intellectual and psychosocial disabilities to treatment for addiction, as well as isolation among persons with disabilities who lived in the community.

46. **Mr. Torres Correa** said that, since Denmark was a small, industrialized country with a small population, it should be able to provide all basic services required by persons with disabilities; was that objective being met?

47. **Mr. Buntan** asked whether the State party had a comprehensive national plan ensuring that disaster risk reduction efforts were disability-inclusive.

48. **Mr. Babu**, noting that there was no formal recognition of any written or spoken language in Denmark, asked what language was tested as part of the naturalization process. Under Danish criminal law, an offender with a mental disability could be sentenced to forced treatment for at least five years, while a person without a disability who committed the same crime faced a much shorter prison sentence. He asked the delegation whether it believed the relevant provisions to be problematic and, if so, how they could be reviewed and amended.

49. **The Chairperson**, speaking in her personal capacity, asked how due process was ensured when a suspect had a psychosocial disability, whether police officers received training on the Convention, whether there was a formal mechanism to prevent torture and whether that mechanism took the needs of persons with psychosocial and intellectual disabilities into account.

50. **Mr. Ríos Espinosa** requested clarification as to how the criminal justice system dealt with persons with intellectual disabilities who were unable to understand the charges brought against them.

The meeting rose at 5.50 p.m.