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Summary record of the 17th meeting

Held at the Palais Wilson, Geneva, on Friday, 10 May 2013, at 10 a.m.

Chairperson: Mr. Kedzia

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The meeting was called to order at 10.10 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Fifth periodic report of Denmark (E/C.12/DNK/5; E/C.12/DNK/Q/5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Denmark took places at the Committee table.*

2. **Mr. Wolffhechel** (Denmark), introducing Denmark's fifth periodic report (E/C.12/DNK/5), said that his Government respected the Committee's advice and gave it serious consideration when developing policies. In May 2012, Parliament had unanimously approved a new human rights-based development cooperation strategy entitled "The Right to a Better Life". In December 2012 the Government had decided to set up an expert committee to examine whether certain human rights instruments should be incorporated into Danish law and whether Denmark should undertake further international human rights obligations. The Government had also launched ambitious reforms aimed at increasing employment, including the reform of the disability pension and the flexi-jobs scheme for persons with limited working capacity. Furthermore, it was developing a national action plan on disability.

3. The Child's Reform Initiative had been implemented to protect children and young people at risk, and in March 2013 a bill on coordinated measures to protect children against abuse had been submitted to Parliament. A campaign entitled "Stop Hate Crimes" had been launched in August 2010. In April 2013 a bill had been adopted to improve the living conditions of asylum seekers. The National Arts Council Action Plan 2011–2015 promoted artists from immigrant or intercultural backgrounds by informing them about how to obtain public grants. Combating marginalization and inadequate living conditions was a high priority for the Government.

4. **Mr. Worm** (Denmark), speaking about implementation of the Covenant in Greenland, said that since the consideration of the State party's previous periodic report Greenland had become self-governing under the Act on Greenland Self-Government. The Act set out the procedures to be followed for Greenland to exercise autonomy and stated that the government of Greenland could assume responsibility in all areas except those closely related to State sovereignty. It also introduced a new model for economic relations between Denmark and Greenland and confirmed that Greenland had to be consulted on foreign policy issues that concerned it. Greenlandic was the official language of Greenland, and a law on language policy had been passed in 2010. A law establishing the Greenland Council on Human Rights had been adopted in 2012, and the mandate of the Danish Institute for Human Rights would be extended to cover Greenland.

5. **Ms. Jóansdóttir** (Denmark), speaking about implementation of the Covenant in the Faroe Islands, said that the report under consideration was the first Danish report to the Committee to which the Faroese government had made a substantial contribution. Since 2004 the Faroese government had produced reports on the implementation of seven United Nations conventions and a report for the universal periodic review. The general welfare system had contributed to an overall high standard of living in the Faroe Islands. The Faroese government appreciated the increased interest shown by Faroese NGOs in human rights reporting and intended to collaborate closely with all relevant stakeholders to ensure the proper implementation of the Committee's recommendations.

6. **Mr. Schrijver** (Country Rapporteur) expressed his appreciation for the timely submission of the periodic report. He noted that Denmark had still not incorporated the

Covenant's provisions into national legislation and asked why it was hesitant to do so. Case law indicated that human rights treaties were not regularly applied by the courts or invoked by the parties in proceedings, and he therefore wondered if the Government saw a need for human rights education to raise awareness of the treaties in the legal community. He wished to know the Government's stance on the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

7. He asked if the Government believed that the reservation to article 7 (d) entered in 1972 was still of practical relevance. He commended the independence of the Danish Institute for Human Rights but asked why its mandate did not yet extend to the Faroe Islands. He wished to know if the Government was considering enacting a comprehensive anti-discrimination law. He enquired what measures the Government planned to take to address the gender wage gap and the underrepresentation of women in high-level positions. He asked the delegation to comment on the following: women from minority groups faced difficulties accessing their Covenant rights; unemployment rates among young people and immigrants were much higher than the national average; persons with disabilities were underrepresented in the labour market and employers were not required to provide reasonable accommodation for them.

8. He asked why no national minimum wage had been established. He noted that legislation restricted civil servants' right to strike, and that the basic social assistance allowance for persons under 25 years of age did not provide an adequate standard of living. He further noted that the corporal punishment of children in the home and in other care settings was not explicitly prohibited, and that a significant number of children were placed in care outside the home. He asked what the Government was doing to reduce the risk of poverty among certain segments of the population, including single-parent and immigrant families.

9. There appeared to be a shortage of social housing in the country, including in the Faroe Islands. Homelessness was also a problem, and there had been reports of racism and discrimination against foreigners in shelters for the homeless. He pointed out difficulties faced by immigrants in accessing the right to health and the right to education and noted that children seeking asylum were placed in separate schools, which impeded their integration in society. Children with disabilities were much less likely than other children to take final examinations, and those who did reportedly scored lower than other children.

10. He asked why the Thule people of Greenland were not recognized as a distinct indigenous community. He commended Denmark for exceeding the United Nations target of allocating 0.7 per cent of gross national product to official development assistance, and asked to what extent the Covenant rights played an explicit role in the State party's policy on development cooperation.

Articles 1 to 5

11. **Ms. Ravenberg** requested information about the current situation with regard to the gender wage gap and the sexual division of labour, and about violence against minority women. She also asked the delegation to provide statistics on women migrant workers and working conditions for au pairs.

12. **Mr. Ribeiro Leão** expressed appreciation for the State party's emphasis on the importance of making constant efforts to prevent xenophobic incidents and requested updated information on the outcome and effectiveness of the Action Plan for prevention of radicalization and extremist views among young people.

13. **Mr. Sadi** noted with concern that, while Denmark had incorporated the European Convention on Human Rights into national law, it had not given the same treatment to the Covenant or to other international human rights instruments, despite recommendations by

its national human rights institution to do so. He did not believe that article 7 (d) of the Covenant posed any problem in Danish law and hoped that the State party would withdraw its reservation to that article. He noted with concern that the Danish Institute for Human Rights did not carry out actions to promote the Covenant rights and hoped that it would be given additional financial support that would allow it to do so. He also hoped that the Government would act on the Institute's recommendation to adopt a comprehensive anti-discrimination law. He recommended that newcomers to the country should be informed about the national cultural values to help them integrate in society. He asked if there was any legislation in Greenland or the Faroe Islands that incorporated the Covenant rights into regional laws.

14. **Ms. Shin** commended the delegation for the high percentage of women among its members. She urged the State party to ratify the Optional Protocol to the Covenant. She enquired if civil society had been consulted during the preparation of the report. She also asked the delegation to assess the effectiveness of the Board on Equal Treatment compared with its predecessor, the Board on Gender Equality. She would like to know to what extent the Act on Gender Equality was being implemented by municipal and regional governments and whether the representation of women had truly increased at all levels of government and in all sectors. She also asked how many men had requested help to stop using violence, as provided for under the national strategy against violence in families.

15. **Mr. Abdel-Moneim** said it was doubtful whether it was possible to adequately describe the implementation of the Covenant over a period of six years in the short report provided. Furthermore, he was concerned that too little space had been allotted to Greenland and the Faroe Islands, and found that much of the data provided could not be easily compared to data from previous reports. Since the report only covered the period up to December 2009, he wished to receive up-to-date information on the impact of the global financial crisis on the enjoyment of economic, social and cultural rights in Denmark. He asked to what extent freedom of the media and free expression impinged on the enjoyment of the rights set out in the Covenant, and particularly on the implementation of Government measures for their realization.

16. **Mr. Kerdoun** asked how the human rights-based approach of Denmark to development cooperation worked in practice, which countries were involved and whether development cooperation was contingent on certain conditions being met.

Articles 6 to 9

17. **Mr. Ribeiro Leão** asked whether refugees received different social security treatment than nationals or foreigners who were not refugees.

18. **Mr. Martynov** said that no data on long-term unemployment among men aged 55–59 had been provided in the report, despite previous expressions of concern by the Committee in that area, and requested the relevant data. He asked why poor employment rates for immigrants and persons of non-Danish background persisted, despite Government efforts; whether the Government intended to ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities; whether the drop in the employment rate of persons with disabilities over the period from 2002 to 2012 indicated that Government policy in the area was inadequate; and whether the Government intended to introduce legal protection against unfair dismissal and a legal requirement for employers to provide appropriate facilities for disabled workers.

19. The written replies stated that the Government had no intention of introducing a national minimum wage, since pay and conditions were determined by collective bargaining. However, only 70 per cent of private-sector workers were covered by collective agreements. Furthermore, new legislation allowed the provisions on pay in a collective

agreement to be set aside if a worker was considered to be less efficient than others, raising the question of whether employees with a disability would be considered less effective and therefore receive a lower rate of pay. He wished to know whether the Government intended to take legislative measures to address those two matters.

20. He asked whether the International Labour Organization (ILO) Prevention of Major Industrial Accidents Convention, 1993 (No. 174) and the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117) had been ratified, in accordance with the Committee's recommendation of 2004. Noting that social security benefits for persons under 25 were inadequate, he asked how such persons had been affected by changes to the cash benefit.

The meeting was suspended at 11.25 a.m. and resumed at 11.45 a.m.

21. **Mr. Neutzsky-Wulff** (Denmark) said that the status of the Covenant in Greenland and the Faroe Islands was the same as in the rest of Denmark. Although careful drafting of new legislation could be a factor in the rare use of international agreements by the courts, jurisprudence showed that the courts and the authorities did refer to the Covenant and other international conventions. No court had ever considered a case of conflict between national legislation and his country's international obligations. Denmark was hesitant to incorporate the Covenant because of the imprecise nature of a number of its provisions.

22. Regarding the case heard before the Supreme Court regarding the ILO Forced Labour Convention, 1930 (No. 29), it should be noted that no violation of the Convention had been found. Accession to the Optional Protocol to the Covenant and the Optional Protocol to the Convention on the Rights of Persons with Disabilities was being considered by an Expert Committee, along with ratification of Protocol 12 to the European Convention on Human Rights, which included a general prohibition of discrimination. The Expert Committee was due to present its conclusions in September 2013.

23. Danish legislation included safeguards against discrimination on the grounds of sexual orientation that also covered transgender and transsexual persons. If sexual orientation was the motivation for an offence, that was considered an aggravating circumstance under the Criminal Code.

24. **Mr. Abashidze** expressed doubts about the effectiveness of establishing an Expert Committee to consider the incorporation in national legislation of the Covenant, among other international instruments, since he was aware that a similar committee had been established to accomplish the same task in 1990. A 2001 report by an Expert Committee had recommended that the Covenant should not be incorporated in national legislation and had noted problems with regard to a lack of clarity in the Covenant. It seemed unlikely that the new Expert Committee would reach a different conclusion and he therefore asked which specific provisions of the Covenant were viewed as obstacles to its incorporation in national legislation.

25. **Mr. Wolffhechel** (Denmark) said that women enjoyed high participation in the labour market, including in the public sector, and the fact that his delegation included more women than men was unremarkable in the Danish context. Although no direct consultations had been held with civil society during the drafting of the report, submissions from Danish NGOs had been carefully considered. Civil society stakeholders were often briefed on the work of the Human Rights Council.

26. **Ms. Westh** (Denmark) said it was difficult to determine the causes of the gender pay gap, which amounted to approximately 17 per cent. One possible reason was the gender segregation of the labour market. Complaints about pay could be taken to the Board of Equal Treatment and six cases on equal pay had come before the Board in the previous two years. New initiatives were being implemented to bolster equal pay, including a

requirement that companies with over 35 employees must provide publicly accessible wage statistics, which would help individuals to make a case for fair pay.

27. A Government committee was examining the option of giving mothers and fathers equal access to parental leave, which would indirectly help to place women and men on a more equal professional footing. The committee's findings were due in late 2013. Consideration was also being given to funding maternity leave for the self-employed, which would improve women's position in the labour market. Her delegation would provide the Committee with wage statistics for 2012.

28. Regarding women's representation on corporate boards and in other decision-making posts, she said that in the past decade their numbers had increased, but not enough to fundamentally alter the equation. The Minister for Gender Equality was tackling the issue, and the country's thousand-plus largest firms were now required to set targets for the number of women on their boards and to report periodically on progress. The policy also applied to State companies, regardless of size. To date no actual quotas had been introduced.

29. Turning to labour rights, she said that there were no plans to withdraw the reservation to article 7 (d) of the Covenant or to introduce legislation covering paid vacations and public holidays. The Danish social model left such matters to be determined by collective bargaining. As collective bargaining agreements did not completely cover the private labour market, the Government was taking steps to help trade unions and employers' organizations exercise their respective rights.

30. The current Government had recently begun tackling the issue of "social dumping", which often involved substandard working conditions, and related practices such as tax fraud. Her delegation could provide the Committee with more information on the issue.

31. **Mr. Wolffhechel** (Denmark) said that, while his Government strove to produce succinct reports, his delegation would take note of the request to include in future reports more statistics detailing progress in the implementation of the rights enshrined in the Covenant.

32. **Mr. Neutzsky-Wulff** (Denmark), referring to Mr. Abashidze's comments, said that his delegation was not in a position to compare the Expert Committee of 2001 with the current Expert Committee, since the latter would not finish its work until September 2013. He emphasized that respecting the country's international human rights obligations was a key objective of the current Government.

33. **Mr. Wolffhechel** (Denmark), turning to the issue of development aid, said that his Government had recently adopted a human rights-based approach to providing such aid. In deciding with which entities to cooperate, and on what terms, it would henceforth refer systematically to United Nations human rights conventions and standards. In dialogue with partners it would raise human rights issues and seek improvements, and if conditions in a given country worsened it would strive to stay engaged by, for example, supporting civil society and education so as to improve long-term prospects for progress.

Articles 10 to 12

34. **Mr. Pillay** asked whether the poverty alleviation measures taken since January 2012 had reduced the number of single-parent and immigrant families living in poverty. He also wished to know the poverty rate in Greenland.

35. He asked what measures were taken to eliminate barriers that could prevent disadvantaged categories of people such as migrant workers and Roma from realizing their right to housing. Citing the nearly 4,000 cases of forced eviction in 2012 of people who had not paid their rent, he wondered whether the policy of having local authorities cover missed

rental payments was an adequate response or whether it would be better to build more low-income housing units.

36. Noting that the number of homeless people in Denmark had increased between 2009 and 2011, he requested the figures for 2012 and said that the Committee looked forward to seeing the report of a recent survey on the causes of homelessness in Denmark. He asked what steps were taken to address discrimination faced in shelters by homeless people of immigrant origin.

37. **Mr. Ribeiro Leão** said that, according to the written replies to the list of issues, the Danish Government had in May 2012 established an expert committee to identify methods for measuring poverty and make recommendations regarding a possible definition of poverty in Denmark. He asked whether that body had released its findings.

38. **Mr. Martynov** said that in 2004 the Committee on Economic, Social and Cultural Rights had recommended that Denmark take measures to help women and men to reconcile their professional and family lives. He asked whether day care for children was accessible and affordable, whether it was provided mainly by the public or the private sector, and whether there were children on waiting lists.

39. Referring to new legislation under which eligible people under the age of 40 would no longer be able to receive disability pensions, he requested that the State party in its next report provide information, including statistics, on how the new policy affected people with disabilities in the age group in question.

40. **Mr. Sadi** said that, while there might have been valid grounds for legalizing prostitution in Denmark, the existence of the practice promoted human trafficking and lured children into prostitution. He asked the delegation to comment on the practice.

41. He asked whether the incidence of domestic violence in Denmark was increasing or decreasing. Were campaigns to combat the problem proving successful and, if not, why not?

42. Regarding health care, he asked how long people using the public health-care system typically had to wait for major surgery and whether the public medical insurance system covered dental care.

Articles 13 to 15

43. **Mr. Abashidze** expressed concern that, even though international legal instruments recognized the right of individuals and communities to identify themselves as ethnic groups or indigenous peoples, when a community such as the Thule tribe in Greenland tried to identify itself thus, the Government did not seem to accept that. He asked whether the State party had a mechanism enabling communities to identify themselves as distinct ethnic groups or indigenous peoples. If there were no explicit rules for self-identification, then how could such communities assert their cultural rights or claim assistance or benefits in the realm of culture?

44. **Mr. Mancisidor** said that, while the State party's report included coverage of article 15 of the Covenant, there was no reference to enjoyment of the benefits of scientific progress and its applications, nor did the annexes contain extensive coverage of the issue. He requested that the State party, in its next periodic report, provide detailed information about how scientific progress benefited Danish society and how society participated in decision-making in that area. By doing so, Denmark as a country could demonstrate leadership in developing best practices for addressing the rights in question.

45. **Mr. Marchán Romero** said that the detailed information on the rights of indigenous peoples provided in the written replies to the list of issues, while helpful, raised a question.

While the Government's official position was that only the Inuit were a distinct indigenous people while the Thule tribe of Greenland were not, paragraph 208 of the replies stated that that did not mean that the Thule tribe was incapable of maintaining its identity and using its own language. If the tribe recognized itself as an indigenous community, why had the State done nothing to accord such recognition?

The meeting rose at 1 p.m.