



Economic and Social Council

Distr.: General
8 July 2013
English
Original: French

Committee on Economic, Social and Cultural Rights Fiftieth session

Summary record of the first part (public)* of the 18th meeting

Held at the Palais Wilson, Geneva, on Friday, 10 May 2013, at 3 p.m.

Chairperson: Mr. Kedzia

Contents

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 (continued)

* No summary record was prepared for the second part (closed) of the meeting.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

The meeting was called to order at 3.05 p.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 (continued) (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. **Ms. Jóansdóttir** (Denmark, Faroe Islands) said that since the Faroe Islands were a self-governing territory, the mandate of the Danish Institute for Human Rights did not extend to the islands, where human rights issues were dealt with by various public bodies and NGOs.
3. **Ms. Westh** (Denmark) said that the gap in employment levels between Danes and immigrants with non-Western backgrounds was significant. The low employment rate among immigrants was largely due to difficulties with the language and low levels of education. Measures had been taken to remedy that situation, which were described in detail in her Government's written replies to the list of issues (E/C.12/DNK/Q/5/Add.1, paras. 60–64). Moreover, the authorities paid close attention to the working conditions of foreigners and carried out awareness-raising campaigns in that area. Reforms of disability pensions and flexible working arrangements had been introduced to increase the independence of persons with disabilities by making them more employable.
4. **Ms. Gade Jensen** (Denmark) said that first- and second-generation immigrants accounted for 10 per cent of the Danish population. While members of that group were very heterogeneous, they often had in common an insufficient command of the Danish language. Therefore, the Government had introduced integration programmes with a special focus on learning Danish. In November 2012, it had launched a new comprehensive integration programme that took the needs of Danish society and immigrants alike into account and emphasized individual responsibility.
5. **Ms. Møller** (Denmark) said that, in the area of asylum, several initiatives had been undertaken to help persons with refugee status to integrate into Danish society and the labour market. A law on asylum that had recently entered into force emphasized education. On their arrival, asylum seekers received language training and awareness-raising training on Danish society and culture and guidance on employment, housing and education in Denmark. At a later stage in the asylum procedure, regardless of its outcome, asylum seekers attended English classes and participated in activities aimed at facilitating their integration into society and the labour market. They could enter the labour market within six months of having filed their application for asylum provided that they undertook to participate actively in the asylum procedure and to leave the country should their application for asylum be rejected. Whatever happened, such training would give them a better start in life. The programme was geared towards both adults and young people, and offered them greater opportunities, for example the chance to go on paid internships.
6. **Mr. Martynov** asked what impact the decision taken in 2013 to reduce the duration of unemployment benefits from four years to two years had had on the unemployed and requested the State party to address the issue in its next periodic report.
7. **Mr. Schrijver** (Country Rapporteur) asked whether there was a minimum wage other than the minimum wages negotiated by sector between management and labour.

8. **Ms. Westh** (Denmark) said that the reduction of the duration of unemployment benefits had taken a greater toll than expected. Therefore, in January 2013, the Government had adopted the series of measures described in its written replies to the list of issues (E/C.12/DNK/Q/5/Add.1, paras. 74 and 75). It would assess and give an account of the impact of those measures in its next periodic report. In Denmark, there was no minimum wage other than that established by collective bargaining.

9. **Ms. Schjøning** (Denmark) said that the Government's aim was to ensure equal and easy access to health care for all. Most treatment was free of charge, including hospital and children's dental care, while co-payments were required for other treatment, such as dental care for adults. The fact that cultural differences and language barriers were taken into account meant that future mothers in Copenhagen could attend antenatal classes in Turkish. All emergency services were free of charge, including for undocumented foreigners. Foreigners, including undocumented foreigners, who were unfit for travel received free treatment provided that they obviously could not afford it. As from 1 September 2013, the maximum waiting time to obtain a medical appointment for either a physical or mental examination was one month; in cases of serious illness, the maximum waiting time to begin treatment was also one month. Since 1990, two thirds of the women who had been diagnosed as HIV-positive in Denmark were immigrants.

10. **Mr. Hede** (Denmark) said that the Government had set up a committee to find ways of alleviating poverty. The committee's report was expected before the end of May 2013. In spite of the economic crisis, the number of homeless people had increased only slightly, from 5,000 in 2000 to 5,300 in 2011. He recalled the information contained in his Government's written replies to the list of issues (E/C.12/DNK/Q/5/Add.1, paras. 137–149) regarding social services, the strategy for homeless people and evictions. As far as the rise in evictions during the economic crisis was concerned, the Government had adopted measures to reduce their number, especially among the most vulnerable social groups and families with children. Since 1 January 2013, those groups had been entitled to a subsidy on the condition that they undertook to look for lower-cost housing, for example.

11. **Mr. Worm** (Denmark, Greenland) explained that, in Greenland, poverty was directly linked to a lack of education and to geographical location. In 2011, the average annual income had stood at \$37,000, compared to only \$22,000 in the isolated areas in the north of the territory. The solution to the problem lay in improving the level of education.

12. **Mr. Lamhauge Rasmussen** (Denmark) said that childcare services, whether public or private, in institutions or home settings, were well developed and provided a good quality service. The law guaranteed parents a place in a day-care centre that was within a five-kilometre radius from their home or close to their place of work. Children were eligible for enrolment from the age of 26 weeks. However, there might be a waiting period of up to four weeks; if parents were on a waiting list, it was because they wished to place their child in a day-care centre other than the one assigned to them. Parents could have to cover up to 25 per cent of the overall costs of running the day-care centre, which varied from one municipality to another, but they benefited from a discount for each additional child. Depending on the child's age and on whether the child was placed in a day-care centre or a home setting, the costs could range from 1,600 to 3,200 Danish kroner (DKr). For families who could not afford day care, the costs were either wholly or partially subsidized according to their income. The maximum annual income to qualify for free childcare was DKr 140,000. Thirty-four per cent of children benefited from a State subsidy.

13. **Ms. Gade Jensen** (Denmark) said that the authorities placed children and young people in institutional care only when it seemed to be the best possible solution. Everything was done to avoid doing so. The Government had allocated DKr 150 billion to parenting programmes and other preventive measures, which had yielded positive results, given that 60 per cent of potential placements had been avoided. In accordance with a law adopted in

2009 to foster placement stability, a child who was well settled in a foster family could not be taken away from it. Corporal punishment had been prohibited in Denmark since 1997 and in the Faroe Islands since 2007. In Greenland, where serious cases of corporal punishment were currently covered under the Criminal Code, there were plans to consider a law on that question.

14. **Mr. Neutzsky-Wulff** (Denmark) said that only pandering was prohibited by the Criminal Code, the aim being to protect sex workers against exploitation. When the current Government took office in 2011, it had initially planned to punish the clients of prostitutes but then decided not to in view of the conclusions of a committee responsible for examining that issue. The authorities had then decided to focus their attention on human trafficking. For example, training had been provided to various professional groups, including police officers, magistrates, tax officials, trade union representatives and health workers, to identify victims of trafficking. Information on the initiatives undertaken to combat that scourge could be found in paragraphs 98 and 99 of the written replies to the list of issues.

15. **Ms. Møller** (Denmark) added that, as part of the National Action Plan to Combat Human Trafficking for the period 2011–2014, steps had been taken to reduce the demand for prostitutes by mapping the phenomenon from a trafficking perspective and by looking at other countries' experience in that area.

16. **Mr. Wolffhechel** (Denmark) said that diplomats posted abroad received training on trafficking so that they might identify cases of it and take appropriate action. Turning to the issue of domestic violence, he said that there were a range of services for victims of such violence, including three national action plans that had been implemented since 2002. Between 2000 and 2010, the percentage of female victims of domestic violence aged between 16 and 74 had fallen from 2.5 per cent to 1.4 per cent, whereas, over the same period, the percentage of male victims had gone from 0.3 per cent to 0.5 per cent. According to the Department of Gender Equality, there was no link between the number of divorces and the number of cases of domestic violence.

17. **Ms. Møller** (Denmark) said that, following the amendment of the law concerning foreign nationals, which had entered into force on 25 April 2013, foreign spouses could keep their residence permit, issued to them in accordance with the legislation on family reunification, following the separation of the spouses when the separation had been caused by acts of violence. However, foreign spouses must demonstrate that they had been willing to integrate into Danish society during the time spent living together as couples.

18. **Ms. Shin**, while welcoming the policy that allowed foreign spouses who were victims of domestic violence to remain in the country, wished to know how those new provisions were being disseminated among the population.

19. **Ms. Møller** (Denmark) said that the new laws were made available on the migration authorities' website.

20. **Mr. Lamhauge Rasmussen** (Denmark) said that, during the period 2010–2011, 5.8 per cent of students had a disability and that the aim of the current policy was to make educational establishments accessible to all. The law had been amended accordingly and new initiatives had been undertaken to help students with special needs, notably through building the capacity of teachers. Moreover, the Government had recently launched a reform of compulsory education to provide an education that met the needs of all students.

21. Ensuring that children belonging to a minority group had access to education was a priority. The difficulties encountered by those students were mainly attributable to their insufficient command of the language of instruction and to the socioeconomic situation of their family. The initiatives undertaken over the last few years had helped to reduce the share of children with reading difficulties from 49 per cent to 38 per cent between 2006 and

2009. It was interesting to note that second-generation children with minority backgrounds encountered fewer difficulties than first-generation children. A task force for bilingual pupils was responsible for implementing development programmes in certain schools, especially those with a high number of students with weak support at home. Furthermore, teacher training had been reformed so as to ensure that teachers were better equipped to teach Danish as a foreign language.

22. **Ms. Møller** (Denmark) said that asylum-seeking children, like all other children, were required to attend school. Upon arrival in Denmark, they acquired some basic knowledge of Danish and Danish society at the centres of the Danish Red Cross. Once their education level was established, those children could continue their education in the asylum centres of the Danish Red Cross or in public or private establishments, with their parents' consent, provided that the school deemed their level to be sufficient. Asylum centres were managed by municipalities and provided a standard of education equal to that provided by other establishments, which allowed asylum-seeking children to integrate gradually into traditional educational establishments.

23. **Mr. Wolffhechel** (Denmark) said that, according to a decision of the Danish Supreme Court in November 2003, the Thule Tribe did not constitute a tribal people or an indigenous people.

24. **Ms. Møller** (Denmark) said that, like children, asylum-seeking adults completed a 10-hour course that covered the rudiments of the Danish language and Danish society and its values. In cases of family reunification, both spouses were required to sign a declaration regarding integration and active citizenship in which the values and principles underpinning Danish society were set out.

25. **Ms. Gade Jensen** (Denmark) said that the integration programme for newcomers consisted of around 40 Danish lessons, as well as lessons on Danish society and culture.

26. **Mr. Sadi** enquired as to the practical consequences of the decision of the Danish Supreme Court concerning the Thule Tribe.

27. **Mr. Schrijver** (Country Rapporteur) asked how long after having successfully completed the integration programme could a person apply for Danish nationality.

28. **Mr. Abdel-Moneim** suggested that the State party should include more statistical tables in its next periodic report.

29. **Mr. Worm** (Denmark, Greenland) explained that the decision of the Danish Supreme Court concerning the Thule Tribe conferred the same rights on that population as the other inhabitants of Greenland.

30. **Ms. Møller** (Denmark) explained that Danish nationality could only be obtained when Parliament adopted a bill, submitted twice a year by the Ministry of Justice, that contained the list of people who could be granted Danish nationality. The criteria for granting Danish nationality had recently changed and, in particular, the level of language proficiency required had been lowered.

31. **Mr. Sadi** enquired as to the reasons why Danish nationality granted through naturalization could be withdrawn and, in particular, whether terrorism constituted sufficient grounds for doing so. He would also like to know whether persons with dual nationality could occupy high-level posts.

32. **Ms. Møller** (Denmark) said that Danish nationality granted to naturalized citizens could be withdrawn if they had obtained it by fraudulent means, such as having provided incorrect information, or if they had committed an offence against the Constitution or the highest authorities of the State, such as an act of terrorism. Turning to the question of whether persons with dual nationality could occupy high-level posts, he said that, provided

that they were Danish nationals, they enjoyed the same employment rights as the rest of the Danish population.

33. **Mr. Abdel-Moneim** underlined the importance of respecting the economic, social and cultural rights of persons suspected of terrorism and their family. Furthermore, in its next periodic report to the Committee, the State party should include a chart indicating the public funds allocated to realization each of the rights enshrined in the Covenant for each year of the period under consideration, in order to facilitate a comparison with previous years.

34. **Ms. Westh** (Denmark) said that some amendments had been made to the law concerning the Board of Equal Treatment. Those amendments included a better definition of sexual harassment and of the type of complaints that could be rejected. The Board was particularly efficient in dealing with cases concerning the unfair dismissal of women on grounds of pregnancy or maternity leave.

35. With regard to employment, in April 2013, the right to strike had been extended to certain civil servants, such as deputy public prosecutors. Denmark was committed to ensuring that the labour market was accessible to persons with disabilities and had adopted measures to help to make employment possible, such as personal assistance services. National legislation prohibited all forms of direct and indirect discrimination against persons with disabilities and required employers to make reasonable and appropriate arrangements for them. A person with disabilities with flexible working arrangements such as so-called flexi-jobs received a salary commensurate with the actual hours of work performed, which employment centres were required to estimate. That salary was covered by the collective agreement concluded within the sector in question or, in the absence of a collective agreement, by an individual agreement. Furthermore, that salary was supplemented by a municipal subsidy, which decreased as the salary in question rose. The aim was to increase the fairly small proportion of persons with disabilities who had successfully entered the labour market by reducing the working hours required for flexi-jobs.

36. Given that education was the best way to avoid unemployment, her Government sought to encourage persons under 25 to study by awarding bursaries. While the unemployment rate had been very low before the crisis, it had risen sharply before falling again and currently stood at about 6 per cent. Persons aged between 25 and 29 years were the most affected, with an unemployment rate of 9.4 per cent.

37. **Mr. Martynov** asked whether the State party had a follow-up mechanism for long-term unemployment.

38. **Ms. Westh** (Denmark) said that Denmark closely monitored long-term unemployment.

39. **Mr. Schrijver** (Country Rapporteur) said that it was only a matter of time before international human rights instruments were incorporated more fully into Danish legislation. It was to be hoped that the State party would consider ratifying the Optional Protocol to the Covenant.

40. The issue of the treatment of foreign nationals and of their integration was less contentious than a few years ago. The Committee could only welcome the efforts undertaken by the State party to ensure that foreign nationals benefited from a genuine integration process, and to guarantee them access to education and health care in particular. The Committee was looking forward to reading about the results of the integration measures adopted by the State party in its next periodic report.

41. **Mr. Wolffhechel** (Denmark) said that his Government would include additional information on the following points in its next periodic report: the impact of the reform of

the regulations governing early retirement on persons under 40; the number of women sitting on boards of directors of companies following the entry into force of the new laws adopted in April 2013; and the right to benefit from scientific progress and the measures adopted in that regard. It would also include more detailed statistical data.

42. Denmark was firmly convinced that respect for human rights, and thus for economic, social and cultural rights, was a prerequisite for development and for the well-being of all, as well as a powerful tool in that area.

The first part (public) of the meeting rose at 5.20 p.m.