

DENMARK

CESCR E/1988/14

117. The Committee considered the second periodic report of Denmark on articles 10 to 12 of the Covenant (E/1986/4/Add.16) at its 8th and 9th meetings, on 11 and 12 February 1988 (E/C.12/1988/SR.8 and 9).

118. In his introduction of the report, the representative of the State party observed that the issues covered by the Covenant were of vial importance to Denmark, which was currently devoting more than 50 per cent of the national budget to social welfare, housing, labour and education. He compared the efforts made by his country in these sectors with security nets through which no one must be allowed to fall and he stated that, despite economic problems requiring a review of social welfare schemes, these nets were still being made tighter. He pointed out certain changes in the information provided by the report as a result of new legislation and administrative practice. Finally, while recognizing the usefulness of guidelines for the preparation of reports, he suggested that the Committee might want to consider formulating and providing a list of key questions prior to the relevant meetings so that States representatives could better elaborate on weak points in the reports.

General observations

119. Members of the Committee expressed both their appreciation for the excellent quality of the report and their congratulations to the Government for major achievements made in implementing Covenant provisions. Several achievements were signalled out for particular praise, such as the virtual equality between nationals and non-nationals in the various fields under scrutiny. It was pointed out that the report highlighted the need for the Committee to use different yardsticks in assessing the efforts of countries with highly sophisticated social welfare systems and those of countries which had barely embarked on the process of providing social benefits.

120. Attention was drawn to article 17, paragraph 2 of the Covenant, which stipulates that reports “may indicate factors and difficulties affecting the degree of fulfilment of obligations” by a State party. Such a description of the difficulties encountered by Denmark, it was said, would have been of interest to the Committee. In this regard, referring to the economic problems mentioned by the representative in his introductory statement, it was asked how policies with respect to economic, social and cultural rights were being affected by the current climate of economic stringency. In reply, the representative of the State party confirmed that adverse economic trends had led to inevitable reductions in the social services sector, but he emphasized that these had been accomplished in such a manner that those most in need of assistance would not be affected. He also mentioned several examples of benefits which had actually increased in real terms over the last few years.

121. Taking into account the large number of social assistance allowances available, it was asked whether these had a negative side-effect in the sense of acting as a disincentive to people seeking

employment. In response, the representative admitted that individual cases of abuse existed and that these would undoubtedly continue to occur, but his conclusion was, nevertheless, that the general trend and feeling among his compatriots underlined the opposite, namely that it was considered to be a privilege and an honour for people to work and earn their own living.

122. It was asked whether any difference existed between metropolitan Denmark on the one hand and the Faroe Islands on the other in respect of compliance with the Covenant. Noting that the report contained a special annex on the situation in Greenland while giving no information about the Faroe Islands, it was asked whether there were any problems specific to them. In this context, the suggestion was made that it would be a good idea to include Greenlandic and Faroese experts in the Danish delegation. In response to these remarks, the representative of the State party provided general information about conditions in and the autonomous powers of the two regions, including transfer of power over the issues under consideration to the respective self governments. As to Greenland, the handing-over of the last remaining sectors - health and protection of the environment - were currently being negotiated between the central and home rule governments. Upon request, the representative of the State party undertook to submit supplementary material on the situation in the Faroe Islands prior to the submission of the next report by his Government.

123. Members of the Committee inquired about the extent to which the Danish public had been given an opportunity to participate in the preparation of the report and, if so, what form the participation had taken. The opinion was expressed that such participation was important for keeping people informed of their rights and of the progress made in their implementation as well as to enable account to be taken of their views. It was also asked whether the Danish Government was considering wider publication of the report at home. In reply, the representative of the State party explained that the report had been prepared by the responsible Ministries, but he indicated willingness to consider the possibility of popular participation in that process. Furthermore, the representative said that, while the report had not been issued separately in Denmark, the information in question was certainly available to the public through national publications. He also provided information about human rights teaching and the newly established Danish Centre of Human Rights.

124. The observer of the ILO informed the Committee about the ratification and application by Denmark of the relevant ILO conventions, including the ratification in January 1988 of the Working Environment (Air pollution, Noise and Vibration) Convention, 1977 (Convention No. 148).

Article 10: Protection of the family, mothers and children

125. Members of the Committee asked for clarification on several issues mentioned in the report concerning the subject-matter of article 10. In his reply to exactly the questions posed, the representative of the State party explained that maternity benefits were available irrespective of marital status and that no distinction was thus made between married and unmarried couples or single parents; that divorce rates, albeit high, had remained steady over the last 10 to 15 years; that joint custody over children by parents who were divorced or no longer lived together, although possible by law, was infrequently made use of; that there was no difference under the law between legitimate and illegitimate children; and that the competence to place children outside their home rested with locally elected social welfare committees, presided over in such cases by a local judge, which could act only if it was absolutely necessary for the welfare of the child in question.

Furthermore, upon request, the representative provided percentages and other figures for those who enjoyed the services of day-care institutions for free or with reduced rates, for married and cohabiting couples, for juvenile delinquencies, and for the working and resting hours permitted for young persons.

126. With reference to questions relating to the information stating that the share of employed women in the 15 to 19 year-old age group was higher than that of men (E/1986/4 Add.16, para. 117), the representative assured the members of the Committee that there existed no differential treatment between the sexes in terms of educational or employment opportunities. He went on to explain that women were increasingly taking up positions in society which had traditionally been held by men and mentioned, in particular, the justice system and the industrial sector.

Article 11: Right to an adequate standard of living

127. The question was brought up whether, as the report contained virtually no information on the right to adequate food, the Danish Government was confident that there were no significant instances of malnutrition or whether this lack of information was part of the common assumption that such needs were automatically catered for in a developed country. In response, the representative of the State party stated unequivocally that no malnutrition existed in his country and he described the methods employed by the Government, through, *inter alia*, the schools and medical services, to guarantee this result.

128. Replying to questions relating specifically to the availability of housing and to the provision of housing allowances, the representative stated that, while shortages of rental housing might exist in some parts of the country, nobody needed to lack shelter and that the problem was actually one of distribution. He stated further, in connection with general comments about the status of aliens, that resident foreigners received the same kind of housing assistance as did nationals.

129. As to the provision of the Criminal Code which makes begging a criminal offence, the representative replied to questions by explaining that this was one of the oldest provisions of the Code, that it was no longer used in practice, and that the authorities were contemplating the total removal of the ban. He explained further, upon request by members of the Committee, the existing laws concerning prostitution and sexual harassment in the workplace.

Article 12: Right to physical and mental health

130. With reference to the problem of AIDS, it was asked how the Danish Government reconciled the urgent need to prevent the spread of the disease with the observance of civil rights. In this regard, the representative observed that the official emphasis was on prevention through information. As to patients already infected by the virus, he described the efforts undertaken by his Government which, while attempting to avoid the spread of the disease, respected the rights of those affected relying on voluntary treatment, consent at all stages and anonymity.

131. With regard to health insurance, the representative stated in response to inquiries made about the status of aliens that foreigners residents in the country enjoyed in all respects the same coverage as citizens.

132. In their closing remarks, the representatives of the State party expressed their gratitude to members of the Committee for what they felt had been a good and useful dialogue and more than an examination of the report.

Concluding observations

133. In concluding consideration of the report, the Chairman and various members of the Committee thanked the representatives for an excellent report and for their constructive co-operation with the Committee, including their comprehensive answers to questions and comments. The Committee also noted the undertaking to provide supplementary information on the situation in the Faroe Islands.

CESCR E/2000/22

90. The Committee considered the third periodic report of Denmark on the rights covered by articles 1 to 15 of the Covenant (E/1994/104/Add.15) at its 11th to 13th meetings, held on 3 and 4 May 1999, and adopted, at its 26th meeting held on 12 May 1999, the following concluding observations.

A. Introduction

91. The Committee expresses its appreciation to the State party for the submission of its report, which follows the Committee's guidelines regarding both content and form, and for the comprehensive written answers to its list of issues. It notes that the information submitted in the report and that provided by the Danish delegation in reply to both written and oral questions in the course of the consideration of the report enabled the Committee to obtain a comprehensive view of Denmark's compliance with its obligations under the Covenant. The Committee also notes the information submitted by the Government of Denmark in a core document (HRI/CORE/1/Add.58), as well as the supplementary information submitted in response to the Committee's request during the consideration of the third periodic report.

92. The Committee considers that the dialogue established between the Government of Denmark and the Committee was very satisfactory. It also welcomes the participation of an official of the Government of Greenland in the Danish delegation.

B. Factors and difficulties impeding the implementation of the Covenant

93. The Committee notes the absence of any insurmountable factors or difficulties preventing the effective implementation of the Covenant in Denmark.

C. Positive aspects

94. The Committee notes the high level of achievement by Denmark of its obligations in respect of the protection of the rights set forth in the Covenant. It notes with satisfaction that the Government of Denmark pays a great deal of attention to its activities for the promotion and protection of economic, social and cultural rights in accordance with the obligations undertaken under article 2 of the Covenant. The Committee commends the State party's long tradition of respect for human rights.

95. The Committee notes the significant degree of autonomy enjoyed by the people of Greenland, which is evident in the existence of an elected parliament, with devolved powers over a wide range of issues, *inter alia*, education, health, taxation, trade, fisheries and hunting. It notes with appreciation that the culture of the Greenlandic community is well respected and, in particular, that the indigenous language is official and consequently may be used in contacts with public bodies and before the courts.

96. The Committee expresses its appreciation for the level of services provided to the population,

in relation to social security, health care and education and for the elderly.

97. The Committee welcomes the measures taken to promote equality between men and women, in particular the enactment of the Act on Equal Payment (Act No. 639 of July 1992).

98. The Committee also welcomes the State party's policies and programmes which have resulted in the reduction of unemployment.

99. The Committee acknowledges the social assistance benefits being accorded to refugees, among them those contained in the Alien Integration Act, which include provision of temporary housing and other settlement benefits. The Committee also notes the efforts made by the State party to integrate foreign workers and their families.

100. The Committee commends the State party for its regular participation in multilateral development cooperation programmes, as well as for setting up a number of bilateral programmes (for devoting 1 per cent of GDP to those activities), thus contributing to the realization of economic, social and cultural rights in other countries.

101. With regard to the promotion of human rights, the Committee commends the activities of the Danish Centre for Human Rights, such as courses for civil servants, seminars, courses at universities, the publishing of books and periodicals, and the provision of advice and information material to the public at large.

102. The Committee notes with satisfaction that the State party has set up a committee with the task of studying the possibility of incorporating the Covenant in domestic law.

D. Principal subjects of concern

103. The Committee regrets that the Covenant has not been incorporated in domestic law. It notes that, although the provisions of the Covenant may be directly invoked before the courts or referred to by the courts, there is no case law as yet. In this respect, the Committee expresses concern that lawyers and judges may not be sufficiently aware that the rights enshrined in the Covenant may be invoked before the courts.

104. The Committee is concerned at the information provided that highlights an emerging trend towards intolerance and violence against members of minority groups and foreigners in the State party.

105. The Committee is also concerned that the new Alien Integration Act may have a discriminatory impact on refugees.

106. The Committee is concerned that, although equality between men and women is established in law, it is not fully achieved in practice, in particular in the field of equal remuneration, and that, in general, women continue to encounter more obstacles than men in advancing to higher professional positions.

107. While it notes with satisfaction the recent decrease in the percentage of the population who are unemployed, the Committee is still concerned that the level of unemployment remains high, especially among young people, foreign nationals, immigrants and refugees.

108. The Committee expresses its concern at the recent increase in the school drop-out rate, which particularly affects children from economically disadvantaged groups and children belonging to minorities.

109. The Committee notes with concern the information received with regard to the relatively high rate of youth suicide in the State party.

110. The Committee notes with concern the restrictions on the right to strike of teachers in the public sector, who cannot be considered as constituting an essential service.

E. Suggestions and recommendations

111. The Committee urges the State party to take appropriate steps to give full legal effect to the Covenant, so that the rights covered by it may be fully integrated into the legal system.

112. With regard to the emerging trend of violence against minority groups and foreigners, the Committee recommends that the State party monitor the situation to combat, effectively, such acts of violence.

113. The Committee also recommends that the State party carefully monitor the impact of the new Alien Immigration Act and urges it to take urgent remedial action if the legislation proves to have a discriminatory effect upon refugees.

114. The Committee encourages the State party to continue in its endeavour to eliminate the persisting inequality between men and women in relation to equal wages for work of equal value.

115. The Committee urges the State party to take all corrective measures to reduce the level of unemployment of young people, foreign nationals, immigrants and refugees.

116. The Committee also draws the attention of the State party to the emerging problem of school drop-out, which mainly affects children coming from vulnerable social groups, such as economically disadvantaged children or children belonging to minorities. In this regard, the Committee recommends that specific measures be taken to ensure that these children can complete their studies to the extent of their academic capacities.

117. The Committee encourages the Government to continue its efforts to combat the problem of youth suicide and it recommends that statistical data be collected and that thorough and targeted studies be conducted on the extent, the causes and the consequences of this problem. The Committee particularly draws the attention of the authorities to the importance to be given to detection measures and preventive policies, and encourages them to continue with their campaigns for the prevention of this phenomenon.

118. The Committee recommends that the State party take the necessary measures to assure the right to strike to the teachers in the public sector, since they do not constitute an essential service.

119. The Committee emphasizes that further measures should be taken to ensure that the provisions of the Covenant are more widely disseminated, particularly among the legal profession and members of the judiciary.

120. The Committee recommends that the concerns expressed in the present concluding observations, as well as the issues raised during the discussion of the third periodic report which remain unanswered, *inter alia*, regarding the question of devolution of responsibility to the Faroe Islands, should be addressed in the State party's fourth periodic report.

121. The Committee wishes to receive from the State party any reactions it or any other State authorities may have with respect to the present concluding observations.

122. The Committee requests the State party to disseminate the present concluding observations widely at all levels of society and to inform the Committee on all steps taken to implement them.