



**Economic and Social
Council**

Distr.
GENERAL

E/C.12/1/Add.102
14 December 2004

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Thirty-third session
8-26 November 2004

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT**

**Concluding observations of the Committee on
Economic, Social and Cultural Rights**

DENMARK

1. The Committee on Economic, Social and Cultural Rights considered the fourth periodic report of Denmark on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/4/Add.12) at its 34th, 35th and 36th meetings, held on 10 and 11 November 2004 (E/C.12/2004/SR.34-36), and adopted, at its 56th meeting, held on 26 November 2004 (E/C.12/2004/SR.56), the following concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the fourth periodic report of the State party, which was prepared in conformity with the Committee's guidelines, and the written replies to its list of issues.

3. The Committee welcomes the frank and constructive dialogue with the delegation of the State party, which included experts in the different areas covered by the Covenant, as well as a representative of the Greenland Home Rule Government.

B. Positive aspects

4. The Committee notes with appreciation the State party's continuing efforts to comply with its obligations under the Covenant and the overall protection afforded to economic, social and cultural rights in Denmark.

5. The Committee notes with appreciation Denmark's commitment to official development assistance (ODA) and its level of contributions, which stands at 0.85 per cent of its gross domestic product (GDP) (2004), and that it is therefore one of the few countries to have exceeded the United Nations target of 0.7 per cent of GDP.

6. The Committee notes with satisfaction the existing legislative and administrative measures taken to combat acts of racism and xenophobia in the State party and welcomes the enactment in July 2003 of the Act on Equal Treatment Irrespective of Ethnic Origin. In this connection, the Committee also notes with appreciation the establishment of the National Action Plan to promote equal treatment and diversity and to combat racial discrimination as a follow-up to the Durban Declaration and Programme of Action.

7. The Committee acknowledges with appreciation the efforts made by the State party to strengthen the promotion of gender equality in Denmark through its laws, policies and programmes, including the appointment in July 1999 of a Minister of Gender Equality and the enactment in May 2000 of Act No. 388 on Gender Equality.

8. The Committee notes with satisfaction that the unemployment rate is on the decrease, owing to the effective employment policies implemented by the State party.

9. The Committee welcomes the adoption in March 2003 of the law on combating child pornography, sexual exploitation of children and sale of children, and the establishment in August 2003 of an action plan on combating sexual abuse of children.

10. The Committee welcomes the measures taken by the State party to combat the phenomenon of trafficking in persons, including the adoption in June 2002 of the law on trafficking in human beings and the ratification in September 2003 of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

11. The Committee notes with satisfaction the reduction in the number of smokers, owing to the sustained campaign undertaken by the State party to promote a healthy lifestyle, including awareness-raising on the negative effects of smoking.

C. Factors and difficulties impeding the implementation of the Covenant

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

D. Principal subjects of concern

13. The Committee is concerned that the rise in the number of immigrants and refugees arriving in Denmark over the last years has been met with increased negative and hostile attitudes towards foreigners. The Committee also expresses concern about the occurrence of xenophobic incidents in the State party.

14. While appreciating the measures taken by the State party to promote equality between men and women, the Committee remains concerned about the persistent gender inequalities in the State party, particularly with regard to wages (a differential of 12-19 per cent) and the low participation of women in certain levels of decision-making.
15. The Committee is concerned about the level of long-term unemployment, affecting men aged 55-59, and the high rate of unemployment among immigrants, refugees, new college graduates and women, which are well above the national average.
16. The Committee notes with concern that the amendment to the Aliens Act in 2002, which raised the age of the right to reunification of migrant spouses to 25 years, constitutes an impediment to the State party's obligation to guarantee the enjoyment of the right to family life in Denmark.
17. The Committee regrets that there is no legal provision in the State party's domestic legal order specifically criminalizing domestic violence, particularly against women.
18. The Committee is also concerned at the reports of cases of ill-treatment, particularly of migrant women, at the hands of their spouses or partners, which often remain unreported for reasons of economic dependency and fear of deportation. The Committee notes that the situation has been exacerbated by the 2002 amendment to the Aliens Act, which increased the required number of years of residence to seven before a permanent residence permit may be obtained by migrant women married to Danish citizens.
19. The Committee notes with concern that, in spite of the measures taken by the State party, Denmark continues to face problems of child pornography, sexual exploitation of children, and trafficking in women and children.
20. The Committee regrets the absence of disaggregated statistical data on the extent of poverty in the State party's report, particularly among refugees and the immigrant population, and notes that the State party has yet to adopt an official poverty line, which would enable the State party to define the extent of poverty and to monitor and evaluate progress in alleviating poverty.
21. The Committee is concerned at the lack of constitutional or other legislative provisions in the State party guaranteeing the right to housing. The Committee is also concerned about the difficulties faced by disadvantaged and marginalized groups, in particular immigrants, in renting or obtaining public housing owing to discriminatory practices. The Committee also notes with concern the increase in homelessness among the immigrant population in the State party.
22. The Committee is concerned about the high rate of illicit drug consumption and alcohol abuse in the State party, and about the conditions of those who suffer from mental illnesses caused by such consumption and abuse.

E. Suggestions and recommendations

23. The Committee welcomes the newly established mechanism within the Danish Institute for Human Rights to receive complaints from individuals in cases of discrimination based on race and encourages the State party to continue to take effective measures to strengthen the

work of this Institute, inter alia through the allocation of adequate resources, and to consider expanding its competence so as to enable it to receive complaints of violations of a wider range of human rights, including economic, social and cultural rights.

24. The Committee recommends that the State party closely monitor the incidence of and combat racism and xenophobia, and continue to promote intercultural understanding and tolerance among all groups in society. The Committee further recommends that the State party take measures to ensure the effective implementation of the National Action Plan to promote equal treatment and diversity and to combat discrimination as a follow-up to the Durban Declaration and Programme of Action, and to provide information on the progress made in its next periodic report.

25. The Committee calls upon the State party to adopt effective measures to ensure equality between men and women as provided for in articles 2, paragraph 2, and 3 of the Covenant, including by implementing the principle of equal pay for work of equal value and ensuring the participation of women in decision-making. The Committee requests the State party to provide in its next periodic report detailed information on the progress made on gender discrimination issues, including through affirmative action.

26. The Committee recommends that the State party continue strengthening programmes to reduce unemployment targeting the most affected groups, including immigrants, refugees, men in the age group 55-59, new college graduates and women. It also recommends that the State party take further measures to assist men and women to reconcile professional and family life.

27. The Committee requests the State party to include in its next periodic report detailed information on the "New Denmark" reform, including information on its impact on the marginalized groups of society, so that it may assess whether the level of benefits is sufficient to ensure an adequate standard of living for all.

28. The Committee recommends that the State party consider ratifying the Social Policy (Basic Aims and Standards) Convention, 1962 (No. 117) and the Major Industrial Accidents Convention, 1993 (No. 174) of the International Labour Organization.

29. The Committee calls upon the State party to take appropriate measures to either repeal or amend the so-called 24-year rule of the 2002 Aliens Act, in line with its obligation to guarantee the enjoyment of the right to family life to all persons in Denmark, without distinction. In this connection, the Committee encourages the State party to consider alternative means of combating the phenomenon of forced marriage involving immigrant women.

30. The Committee requests that the State party include in its fifth periodic report detailed information on the extent of the problem of domestic violence, in particular violence against women in Denmark, and on the measures taken to combat this phenomenon. In this connection, the Committee encourages the State party to consider enacting specific legislation to criminalize domestic violence and to provide training for law enforcement personnel and judges regarding the criminal nature of domestic violence.

31. The Committee recommends that effective measures be taken to ensure that victims of domestic violence receive appropriate care and support for their rehabilitation and that appropriate mechanisms be enforced so that victims are not prevented from seeking assistance for fear of deportation or expulsion from Denmark.

32. The Committee encourages the State party to continue and strengthen its efforts to address the problem of trafficking in persons, especially women and children, as well as commercial sexual exploitation in the State party, and requests that the State party provide in its next periodic report detailed information on any results achieved and difficulties encountered in their implementation, including the results of the Action Plan on combating sexual abuse of children.

33. The Committee calls upon the State party to strengthen its efforts to combat poverty and social exclusion and to develop a mechanism for measuring the poverty level and monitor it closely. In this respect, the Committee refers the State party to its statement on Poverty and the International Covenant on Economic, Social and Cultural Rights, adopted on 4 May 2001 (E/C.12/2001/10). The Committee requests that the State party provide in its next periodic report disaggregated and comparative data on the number of people living in poverty and on progress made in reducing the incidence of poverty.

34. The Committee encourages the State party to consider enacting specific legislation providing for the right to housing. The Committee also recommends, in line with the Committee's General Comment No. 4, that the State party adopt national policies to ensure that all families have adequate housing facilities and that adequate resources are allocated for social housing, particularly for disadvantaged and marginalized groups such as immigrants. The Committee further encourages the State party to take measures to address the problem of homelessness, particularly among the immigrant population.

35. The Committee recommends that the State party continue taking measures for the effective implementation of programmes to prevent the consumption of illicit substances, tobacco smoking and alcohol abuse and to report back to the Committee on this issue in its next periodic report.

36. The Committee requests the State party to disseminate widely the present concluding observations among all levels of society and, in particular, among State officials and the judiciary, and to inform the Committee in its next periodic report of all steps taken to implement them. It also encourages the State party to engage non-governmental organizations and other members of civil society in the process of discussion at the national level prior to the submission of its fifth periodic report.

37. Finally, the Committee requests the State party to submit its fifth periodic report by 30 June 2009.
