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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT  
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Fourth periodic reports submitted by States parties  
under articles 16 and 17 of the Covenant**

**Addendum**

**DENMARK\* \*\***

[28 March 2003]

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\* The third periodic report concerning rights covered by articles 1 to 15 (E/1994/104/Add.15) was considered by the Committee on Economic, Social and Cultural Rights at its twentieth session (see E/C.12/1999/SR.11-13) in 1999.

\*\* The information submitted by Denmark in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.58).

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- Annex II. The Home Rule Act of the Faroe Islands
- Annex III. The Danish education system

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\* The annexes are available for consultation in the files of the secretariat.

## **Introduction**

### **The report**

1. This is the fourth periodic report submitted by the Government of Denmark in pursuance of articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights. The report deals with the changes in national legislation and legal practices, etc., relating to individual material developments since the submission of the third periodic report of Denmark on 30 September 1997 (E/1994/104/Add.15).
2. The report also deals with plans for new legislation in certain fields. The report is based upon and structured in accordance with the general guidelines regarding the form and content of reports to be submitted by State parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights. Reference is made to relevant paragraphs of Denmark's third periodic report and to the concluding observations of the Committee on Economic, Social and Cultural Rights on that report (E/C.12/1/Add.34) as well as to questions raised during the examination of the third report, held on 3, 4 and 12 May 1999.
3. To the extent that no changes have occurred in legislation and legal practice since Denmark's last reporting to the Committee on Economic, Social and Cultural Rights reference will be made to the third periodic report submitted by the Government of Denmark.

### **Contributions**

4. The report has been compiled by the Danish Ministry of Foreign Affairs on the basis of contributions from the relevant departments and ministries of the Government of Denmark and the Home Rule of Greenland. In this connection it should be mentioned that the latter is the author of the new section on article 1 pertaining to recent developments in Greenland.
5. The Home Rule of the Faroe Islands has not been in a position to contribute to the present report, which is why the sections pertaining to the implementation of article 1 of the Covenant on the Faroe Islands has been drafted by the Office of the Prime Minister.

## **Article 1. The right to self-determination**

### **Greenland**

#### **Introduction**

6. Greenland is a geographically separate and well-defined part of the Danish Realm covering an area of 2,175,600 square kilometres. The population of Greenland is almost exclusively made up of an indigenous people (ethnic Greenlanders/Kalaallit or Inuit) with a language and culture distinct from the Danish. As of 1 January 2002, the total population of Greenland amounted to 49,814 persons, the vast majority of whom are ethnic Greenlanders. Additionally, 6,728 ethnic Greenlanders live in various other parts of the Realm.

7. Denmark regards the right of peoples to self-determination as also being applicable to indigenous peoples. How the observance of this right has been achieved in the case of the indigenous people of Greenland, the only indigenous people living within the Kingdom of Denmark, is described below.
8. The Danish Constitution applies to all parts of the Danish Realm. Since 1953, Greenland has been represented by two permanent members in the Danish Parliament.
9. The Home Rule Act of 1978 permitted Greenland to take over responsibility for almost all policy areas pertaining exclusively to its own affairs (the Greenland Home Rule Act is enclosed as Annex I). Reference is made to reports submitted by the Government of Denmark under article 40 of the International Covenant on Civil and Political Rights concerning the introduction of Home Rule in Greenland, contained in documents CCPR/G/Add.19, CCPR/C/37/Add.5 and CCPR/64/Add.11.
10. Denmark has ratified ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. This Convention applies to the indigenous people of Greenland. The Home Rule authorities encouraged Denmark to ratify the Convention and thereby declare that the Home Rule Act for Greenland fulfils the obligations of the Convention.

### **Home Rule in Greenland**

11. In 1972, the Provincial Council of Greenland recommended to the Danish Government that the issue of granting the Provincial Council increased influence on and joint responsibility for the development of Greenland be studied. The Danish Government established a Commission on Home Rule in Greenland composed of Greenlandic and Danish politicians. On the basis of the recommendations and proposals of the Commission, the Danish Parliament passed the Greenland Home Rule Act in November 1978. By a referendum held in Greenland, on 17 January 1979, a large majority of the population of Greenland approved the coming into force of the Act. Seventy per cent of the votes cast favoured the introduction of Home Rule in Greenland, which became effective as of 1 May 1979.

### **Home Rule powers**

12. Greenland Home Rule is an extensive type of self-government. By the Greenland Home Rule Act the Danish Parliament has delegated legislative and executive powers to the Home Rule Authority, consisting of a popularly elected legislative assembly: the Greenland Home Rule Parliament (Landsting) and the Greenland Home Rule Government (Landsstyre). The powers transferred by statute are in principle identical to the powers exercised by the central authorities of the Realm in other parts of Denmark. Consequently, the Danish Parliament and the Danish Government refrain from enacting legislation and exercising administrative powers in the fields where these powers have been transferred to the Home Rule authorities.

13. The Home Rule Act provides that the Home Rule Authority may request that a number of fields specified in an annex to the Act be transferred to Home Rule. The list of functionally defined, transferable fields contained in the annex is not exhaustive, however, transfer of legislative and executive powers in fields other than those listed in the annex is subject to prior agreement between the Home Rule Authority and the central authorities of the Realm.

14. Since the establishment of Home Rule in 1979, the Home Rule Authority has exhausted the list in the annex and thus assumed authority in most aspects of life in Greenland, including the organization of the Home Rule system, taxation, regulation of trade, including fisheries and hunting, education, supply of commodities, transport and communications, social security, labour affairs, housing, environmental protection, conservation of nature and health services.

### **Procedures for the transfer of powers to Home Rule**

15. Greenland Home Rule rests on the basic principle that legislative power and “the power of the purse” should not be divided. Consequently, the Home Rule Act provides that when the Danish Parliament transfers a field to the Home Rule, the Home Rule Authority must take on the associated expenditures. Conversely, the Home Rule Authority is the sole beneficiary of taxes and revenue generated in fields transferred to Home Rule. Since Greenland is not yet able to fully self-finance a number of capital-intensive fields, an instrument has been created under the Home Rule Act to facilitate transfer of powers to Home Rule in fields requiring Danish subsidies.

16. According to the Act, the Danish Parliament may by statute effect a transfer of authority and the subsidies to be paid in such fields through vesting the Home Rule Authority with the power to issue statutory orders within a subsidized field. The Danish Parliament passes, upon consultation with the Home Rule Authority, an enabling act specifying the competence transferred to Home Rule and establishing a framework in the form of a few fundamental principles for each field while leaving it to the Home Rule authorities to decide the more detailed regulations and undertake the administration of the said field.

17. The Danish subsidies to the Home Rule Authority are not earmarked for specific purposes but granted as a lump sum. Thus, the Home Rule Authority has virtually complete freedom to determine the order of priority for expenditure of the funds allocated by the Danish Parliament. These so-called “block grants” are fixed by acts of the Danish Parliament for three-year periods, and the amount is provided for annually in the Danish budget.

### **Unity of the Realm and constitutional limits to Home Rule**

18. The Home Rule Act has not altered Greenland’s constitutional status as a part of the Danish Realm. The principle of the unity of the Realm, derived from the Danish Constitution and expressed in the Home Rule Act, sets certain limits to the scope of Greenland Home Rule: sovereignty continues to rest with the central authorities of the Realm; Greenland remains a part of the Danish Realm; only policy areas pertaining exclusively to Greenland may be transferred to the Home Rule Authority; the delegation of powers cannot be unlimited and must be precisely defined by statute; certain fields such as the so-called affairs of State may not be transferred to Home Rule. These exclusive affairs of State include external relations, defence and monetary policy.

19. However, with respect to non-transferable and non-transferred fields, the Home Rule Authority has an important advisory function vis-à-vis the central authorities of the Realm. Proposed legislation exclusively addressing the affairs of Greenland must be submitted to the

Home Rule Authority for comments prior to the introduction of the bill in the Danish Parliament. Likewise, when proposed legislation is “of particular importance to Greenland” the Home Rule Authority must be consulted before it is put into effect in Greenland.

### **Joint decision on mineral resources**

20. The Home Rule Act states that the resident population of Greenland has fundamental rights to the natural resources of Greenland. In respect of mineral resources, the Home Rule Act contains a special provision vesting joint decision-making power in the national authorities and the Home Rule authorities, making it possible for either party to oppose, and ultimately to veto, a development policy or specific resolutions considered by the party in question as being undesirable. The Commission on Home Rule applied the principle that, in the wording of the legislation on mineral resources as well as of the Home Rule Act, due respect must be paid to the unity of the Realm and thus also to the interests of the Realm as a whole.

### **“Greenlandization”**

21. With the introduction of Home Rule an intensive process of “Greenlandization” commenced. The autonomy of Greenland was symbolized by the bringing into existence of an official flag and coat of arms of Greenland. The Home Rule Authority has made great efforts to preserve the culture and heritage of Greenland. The language is of vital importance and the Home Rule Act proclaims Greenlandic to be the principal language in Greenland.

22. After having had Home Rule for more than 20 years the Government of Greenland decided, in 2000, to establish a commission on the expansion of Home Rule. The Commission is to make a report on the current extent of Home Rule and to identify and describe new arrangements that will satisfy the self-government aspirations of Greenland within the Danish Realm. Some of the areas which the Commission is exploring are presently within the jurisdiction of the Danish Government, such as the judicial system, foreign affairs and security policy. Furthermore, the Commission will put forward proposals for moving Greenland further in the direction of economic self-sufficiency. See paragraph 30 below.

### **Greenland and Danish foreign policy**

23. The power to conduct foreign policy is a constitutional prerogative of the Danish Government and no part of this prerogative may be transferred to Greenland Home Rule. However, the Home Rule Act has created cooperative procedures serving to accommodate the interests of Greenland and to alleviate potential conflicts of interest between Greenland and Denmark in matters of foreign policy, granting the Home Rule Authority a number of important functions of an advisory, representative and executive nature.

24. Extensive legislative and executive powers, territorially as well as functionally defined, have been transferred to the Home Rule. Consequently, the cooperation of the Home Rule Authority will often be necessary for Denmark to fulfil its international obligations. Accordingly, the Home Rule Act provides that the Danish Government must consult the Home Rule Authority before entering into treaties that particularly affect the interests of Greenland. This consultative procedure applies whether or not the treaty concerns a transferred field.

25. International treaties concluded by the Danish Government and customary international law bind the Home Rule Authority to the same extent as they do the Government of Denmark. In order to ensure that Denmark and Greenland comply with their international obligations, the Danish Government may direct the Home Rule Authority to take the necessary steps to fulfil such obligations.

26. Legislative and administrative orders of the Home Rule Authority, e.g. concerning the regulation of fisheries, may affect third State interests and the position of the Danish Government vis-à-vis other countries. Under the Act the Home Rule Authority is, therefore, under obligation to consult with the central authorities of the Realm before introducing measures that might prejudice Denmark's interests.

27. The Home Rule Authority may send representatives to Danish diplomatic missions in order to safeguard important commercial interests of Greenland.

28. Although, in principle, treaty-making powers are vested exclusively in the Danish Government, the central authorities of the Realm may, upon request, authorize the Home Rule Authority to conduct, with the assistance of the Foreign Service, international negotiations on affairs pertaining exclusively to Greenland. The Home Rule Authority has notably availed itself of the right to conduct bilateral negotiations in connection with the conclusion of fishery agreements.

29. Greenland is not a member of the European Union.

### **Recent developments in Greenland**

30. In January 2000, a Commission on Self-Government, established by the Greenland Home Rule Government, commenced its work. The Commission, which is made up of representatives of the political parties as well as experts appointed in their personal capacities, has the following terms of reference:

The Commission's task is to prepare a report on the possibilities for expanding Greenland's autonomy within the unity of the Realm, based on the principle of conformity between rights and responsibilities.

The Commission shall describe the Home Rule's current position with respect to constitutional law - including questions of jurisdiction and delegation between the central and Home Rule governments - and identify and describe alternative arrangements that will better satisfy self-government aspirations within the unity of the Realm.

The Commission shall explore the possibilities for expanding Greenland's authority, role and ability to act in the foreign and security policy areas. To this end, it shall:

- consider Greenland's role in security policy from the standpoint of its geographical situation, and how Greenland's interests can most appropriately be safeguarded from this point of view; and

- consider the need and potential for independent Greenlandic representation in international forums at which Greenlandic representatives currently form part of Danish government delegations.

The Commission shall describe the areas in which the Home Rule has taken over jurisdiction, the areas in which the central Government has retained jurisdiction, and those areas in which jurisdiction is shared in various ways between the Home Rule and the central Government. In this connection the Commission shall consider possibilities for the transfer to Greenland in whole or part of the judicial system in Greenland, now or in the long term, in view of the report to be tabled by the Greenlandic Commission on the Administration of Justice.

The Commission shall put forward proposals for moving Greenland further in the direction of economic self-sufficiency, including the conditions for the block transfer. It shall describe and discuss changes to the Greenland Treasury's various subsidy schemes.

The Commission shall consider the need and feasibility of transferring other areas of responsibility to the Home Rule, and explore the advantages and disadvantages.

The Commission is asked to explore and assess possibilities for Greenlandic participation in assertion of sovereignty and fisheries inspection.

The Commission may put forward proposals for amending the Home Rule Act and existing enabling legislation, and amendments to administrative and framework agreements between the central Government and the Home Rule in the above-mentioned areas of concern.

31. The report of the Commission on Self-Government will be submitted to the Greenland Home Rule Parliament, which will hold a debate on self-government during the autumn of 2003.

32. Recently, a new coalition government was formed. It is stated in the coalition agreement that following this spring's debate in Parliament on the issue of self-government, the Government will decide on the establishment of a government entity/department that is to deal with the matter of self-government and furthermore decide on the question of holding a referendum on self-government. The new coalition Government finds it important that responsibility for the judiciary system and law enforcement (the penal code, courts and policing) be transferred to Greenland authorities, but only after the necessary improvements/developments have been made in these fields (by the Danish authorities).

## **The Faroe Islands**

### **Home Rule in the Faroe Islands**

33. The Faroe Islands are a geographically separate and well-defined part of the Danish Realm, situated in the North Atlantic and covering an area of 1,400 square kilometres. As of 31 December 2001, the total population of the Faroe Islands amounted to 46,996 persons.

### **The Danish Constitution**

34. Section 1 of the Danish Constitution provides for its application to all parts of the Danish Realm. The Danish Constitution, including the provisions on civil rights, is therefore also applicable to the Faroe Islands. The Danish Constitution provides for the Faroese population to be represented by 2 out of the 179 seats in the Danish Parliament.

35. Danish citizenship - and the rights and freedoms it encompasses - is obtained by birth within the Realm (Denmark, Greenland and Faroe Islands) to Danish parents/mother.

### **Unity of the Realm and constitutional limits to Home Rule**

36. The constitutional principle of unity of the Realm, derived from section 1 of the Danish Constitution and expressed in section 1 of the Home Rule Act, sets certain limits to the scope of the Faroe Islands Home Rule. Thus policy areas such as the so-called affairs of State may not be transferred to Home Rule. However, even though sovereignty rests with the central authorities of the Realm, policy areas pertaining exclusively to the Faroe Islands may be transferred to the Home Rule.

### **Home Rule powers**

37. The Home Rule arrangement of the Faroe Islands was established by Act No. 137, of 23 March 1948, on Home Rule of the Faroe Islands, according to which the Faroe Islands are a self-governing community within the Danish Realm. A translation into English of the Home Rule Act is enclosed as annex II.

38. The Home Rule authorities consist of a popularly elected assembly (Lagting) of up to 33 members and an administration (Landstyre), which is established by the assembly.

39. In sections 2 and 3 of the Home Rule Act a distinction is made between fields of responsibilities, which are handled by the Home Rule authorities, and joint matters, which, as a starting point, are handled by the central authorities. In an enclosure to the Home Rule Act, the fields of responsibility which are special Faroese matters are listed as List A and the fields of responsibility which after negotiation between the Home Rule Government and the central authorities may be transferred as special matters as List B. The majority of the matters mentioned in List A and several matters in List B (including mineral resources in the subsoil) have been transferred as special matters of the Faroe Islands. List A and List B, mentioning the fields which have been transferred to the Home Rule Government according to sections 2 and 3 of the Act, are enclosed in annex II, as part of the Home Rule Act.

40. In fields that have been transferred as special Faroese matters the Home Rule authorities have legislative as well as administrative authority.

41. According to section 9 of the Act, the Home Rule Government may - further to the possibility of taking over a field of responsibility as a special matter - in agreement with the central authorities regarding the special Faroese conditions take over legislative authority for and the administration of matters falling under the category of joint matters. In accordance with this provision and framework by laws passed by the Danish Parliament (Folketinget) the Home Rule Authority has inter alia taken over part of the policy areas pertaining to social and health matters.



42. According to section 2 of the Act, the Home Rule Government takes over the expenditures involved when taking over a field of responsibility as a special Faroese matter. However, in accordance with a special act, the Danish Government continues to subsidize joint matters, even upon the transfer of the administrative authority to the Home Rule Government of the Faroe Islands in accordance with section 9 of the Home Rule Act.

43. According to section 7 of the Home Rule Act, bills of the Danish Government which contain provisions relating exclusively to the Faroe Islands must be put before the Home Rule Government for comments. Other national legislation must be submitted to the Home Rule Government before it is put into force in the Faroe Islands.

### **The Faroe Islands and Danish foreign policy**

44. In accordance with section 5 of the Home Rule Act, the power to conduct foreign policy is a constitutional prerogative of the Danish Government and no part of this prerogative may be transferred to the Faroe Island Home Rule. However, the Home Rule Act has created cooperative procedures serving to accommodate the interests of the Faroe Islands, granting the Home Rule Authority a number of important functions of an advisory, representative and executive nature.

45. Extensive legislative and executive powers, territorially as well as functionally defined, have been transferred to Home Rule. Consequently, the cooperation of the Home Rule Authority will often be necessary in order for Denmark to fulfil its international obligations. Accordingly, the Home Rule Act provides that the Danish Government must consult the Home Rule Authority before entering into treaties that particularly affect the interests of the Faroe Islands. This consultative procedure applies whether or not the treaty concerns a matter transferred to the authority of the Faroese Home Rule.

46. The Home Rule authorities may send representatives to Danish diplomatic missions in order to safeguard important commercial interests of the Faroe Islands. Accordingly, since 1998 the Faroe Islands Home Rule Government has had a representative at the Royal Danish Embassy in Brussels and the Royal Danish Embassy in London.

47. Although, in principle treaty-making powers are vested exclusively in the Danish Government, the central authorities of the Realm may, upon request, authorize the Home Rule Authority to conduct, with the assistance of the Ministry of Foreign Affairs, international negotiations on purely Faroese affairs. The Home Rule Authority has notably availed itself of the right to conduct bilateral negotiations in connection with the conclusion of fishery agreements.

### **The Faroese language**

48. In accordance with section 11 of the Home Rule Act, the Faroese language is the principal language on the Faroe Islands, but Danish must also be thoroughly taught. Danish as well as Faroese may be used in public affairs.

## **Article 2. Implementation of the Covenant and non-discrimination**

### **Incorporation of the Covenant in domestic law**

49. In paragraph 14 of its concluding observations (E/C.12/1/Add.34) of 12 May 1999, the Committee on Economic, Social and Cultural Rights noted that, although the provisions of the Covenant may be directly invoked before the courts or referred to by the courts, there is as yet no case law in Denmark. In this respect the Committee expressed concern that lawyers and judges may not be sufficiently aware that the rights enshrined in the Covenant may be invoked before the courts. Therefore, in paragraph 22 of its concluding observations the Committee urged the Government of Denmark to take appropriate steps to incorporate the Covenant in domestic law.

50. In this regard, the Government of Denmark would like to inform the Committee that, in a judgement of 10 August 2000 (reproduced in the Danish Law Reports (*Ugeskrift for Retsvæsen*) 2000: 2350), the High Court of Eastern Denmark (Østre Landsret) had to determine whether a store that had dismissed a work-experience trainee who showed up for work wearing a headscarf had violated the Act on Discrimination on the Labour Market, etc. The plaintiff invoked a large number of provisions, covenants and conventions, including article 2 of the International Covenant on Economic, Social and Cultural Rights (see also under articles 6 and 13 below). The High Court did not expressly refer to the covenants and conventions invoked, but found that the store's dismissal of the plaintiff solely because - owing to her religious faith - she wore a headscarf was a manifest of indirect discrimination against the plaintiff. The plaintiff was awarded compensation in consequence of the racially discriminating act.

51. Moreover, there are several examples in printed case law of other human rights covenants and conventions having been invoked before and applied by the Danish courts although, like the International Covenant on Economic, Social and Cultural Rights, they are not incorporated in Danish law. Thus, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention relating to the Status of Refugees and ILO Conventions Nos. 87, 98 and 111 have been invoked before and applied by the Danish courts.

52. The Danish Government would further like to inform the Committee that a committee was appointed, in 1999, to examine the advantages and disadvantages of incorporating the general human rights covenants and conventions, including the International Covenant on Economic, Social and Cultural Rights, in domestic law. The committee, named the Incorporation Committee, concluded its work in October 2001.

53. In its report, the Incorporation Committee emphasized that not only conventions that have been implemented in Danish law by being transformed or incorporated are relevant sources of law. Conventions, etc., that have not been specifically implemented, because harmony of norms has been ascertained, can also be invoked before and applied by Danish courts and other law-applying authorities. This means that the unincorporated conventions are also relevant sources of law within the Danish Realm.

54. The Incorporation Committee recommended, for the time being, incorporation in domestic law of the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

55. The Incorporation Committee was in agreement that the International Covenant on Economic, Social and Cultural Rights must be considered “central” to the protection of human rights, as the Covenant concerns everybody and contains a large number of very diverse rights of major social importance.

56. However, the Incorporation Committee was also in agreement not to recommend incorporation of the Covenant in question in Danish law at present time, on the grounds that further incorporation of human rights conventions should initially concern only a limited number of conventions in order to allow for the attainment of a better basis of experience, and that the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel and Inhuman or Degrading Treatment or Punishment should enjoy higher priority in this context. The Committee emphasizes not only that the International Covenant on Economic, Social and Cultural Rights contains many “programmatically” provisions, but also that no individual complaints procedure has been established. Moreover, there are as yet insufficient aids to interpretation.

57. The Incorporation Committee was aware that this situation may change over time so that a sufficient basis for incorporating this Covenant as well may emerge at a later stage. This may be the case if an individual complaints procedure were to be established and if relevant case law on the interpretation of the Covenant were to be developed. But even if this were not to be the case, other factors may lead to a different assessment.

58. The report of the Incorporation Committee was distributed to a large number of authorities, organizations, NGOs, etc., with a request for comments. In the light of the comments received, the Government will take a position as to the recommendations of the Incorporation Committee.

**Paragraphs 5 and 6 of the guidelines: Non-discrimination in the implementation of the Covenant**

59. With regard to non-discrimination in the implementation of the Covenant, reference is made to the latest periodic report submitted by the Government of Denmark to the Committee on the Elimination of Racial Discrimination (CERD/C/408/Add.1) in January 2001, in accordance with article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination.

60. It is the objective of the Danish Government to ensure and promote - both in law and through other measures - equal treatment and opportunities as well as respect and tolerance among people, regardless of their backgrounds or beliefs.

61. All persons legally residing in Denmark have equal rights in almost all respects - regardless of their nationality. Also, everyone is protected by the general legal principles of equal treatment in the public administration of Denmark.

### **Anti-racism and non-discrimination legislation**

62. Denmark's specific anti-racism and non-discrimination legislation consists of the following elements:

- (i) Section 266b of the Criminal Code, which prohibits the dissemination of statements or other messages whereby persons are threatened, scorned or degraded on the basis of race, colour, religious belief, political observation, sexual orientation or national, social or ethnic origin. By an amendment, in 1995, it became an aggravating circumstance if the offence is in the nature of propaganda activities. The primary purpose of the amendment was to counteract Nazi and racist propaganda.
- (ii) Act on Prohibition of Discrimination on the Basis of Race, etc., which was first adopted in 1971, renders it an offence to refuse, in connection with commercial or non-profit business, to serve or admit a person on the basis of race, colour, religious belief, political observation, sexual orientation or national, social or ethnic origin. The act is not limited to access to public places in a narrow sense but also covers access to housing.
- (iii) Act on Prohibition of Differential Treatment on the Labour Market from 1996 prohibits discrimination on grounds of race, colour, religious belief, political observation, sexual orientation or national, social or ethnic origin in situations of recruitment, employment or dismissal.
- (iv) Act on the Activities of the Board on Ethnic Equality, the purpose of which is to promote ethnic equality in all areas of society, has been transferred to the Danish Institute for Human Rights (see below).
- (v) In May 2001, the Minister of the Interior - now the Minister of Refugee, Immigration and Integration Affairs - set up a Committee for Equality in order to examine and propose how to implement in Danish law Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment among persons irrespective of racial or ethnic origin (the "Race Directive"). The Directive includes the establishment of a body for the promotion of equal treatment.
- (vi) In May 2002, the Danish Parliament adopted the Act on the Establishment of a Danish Centre for International Studies and Human Rights. According to the Act, the new Centre will consist of an Institute for Human Rights, among other institutes. The Institute for Human Rights is designated as a body for the promotion of equal treatment of all persons without discrimination on the grounds of racial or ethnic origin, as set out in article 13 of the Race Directive. Thus, the Institute for Human Rights has been granted the competences mentioned in

article 13 (2). These competences include the promotion of equal treatment of all persons without discrimination on the grounds of racial or ethnic origin, including assistance to victims, conducting independent surveys and publishing independent reports and making recommendations.

- (vii) The Committee for Equality concluded its work in September 2002 with the submission of a report. On the basis of this report, the Danish Government has proposed draft legislation before the Danish Parliament, to be implemented on 1 July 2003. According to the draft legislation, the Institute for Human Rights will also have the competence to make decisions on whether or not discrimination has occurred in individual cases. In such instances, the institute may provide for an easier access to free legal aid for the alleged victim before the courts.

### **Policies and special measures to promote equal opportunity and tolerance**

63. In the framework of its integration policies relating to socially marginalized groups, for example immigrants and refugees, the Government has implemented numerous measures to promote tolerance, equal treatment and opportunities for all citizens irrespective of their race, gender or religion.

64. One of the core elements of this policy is the Integration Act of 1999, the main objective of which is to ensure immigrants and refugees equal opportunities for participation in all areas of society. The Act includes provision for a comprehensive three-year introduction programme covering areas such as vocational and language training. The Act also provides for the establishment of municipal Integration Councils, aimed at improving the political participation and influence of ethnic minorities, and for a Council of Ethnic Minorities at the national level, which advises the Government.

65. The new Integration Act transferred everyday responsibility for integration efforts from the Government to the municipalities. The municipalities are compensated fully for their expenses in this regard. Thus, the Danish Government spends around DKr 3-4 billion per year on implementing the new Integration Act.

66. Another core element of Denmark's integration policy is the general Plan of Action for Improved Integration of February 2000. The Plan of Action clearly sets out the objectives of the Government. The main objectives are first and foremost to ensure immigrants and refugees equal opportunities for participation in all areas of society, and secondly to create mutual understanding and respect between immigrants and refugees and the rest of the population. A third and equally important objective is to ensure immigrants and refugees a life in dignity and with national health insurance on an equal footing with others. The Plan of Action contains 78 concrete initiatives, which are currently under implementation.

67. Equality in the workplace for ethnic minorities is high on the agenda in both the public and the private sector and it will remain there as long as ethnic minorities have a higher unemployment rate than the rest of the population. A comprehensive plan of action was introduced already in 1993 with a view to removing all barriers to integration in the labour market.

68. In the Plan of Action for Improved Integration of February 2000 a wide range of further initiatives to improve the education and employment situation of immigrants and refugees has been recommended.

69. Additionally, a separate plan of action was implemented to ensure ethnic equality in the recruitment policies of State institutions. The Government's recruitment policy in this regard has spilled over into the recruitment policy of many municipalities and private enterprises.

70. In March 2002, the Danish Government presented a proposal on how to make both newly arrived foreigners and refugees and immigrants who have lived in Denmark for some time active and equal partners in society. The proposal was published in the Government's policy paper "Towards a new integration policy" of 5 March 2002. The proposal covers a wide range of initiatives to enhance the integration of ethnic minorities in the Danish labour market and in Danish society. It can be summarized into four main themes:

Short cut to the labour market;

Effective Danish courses;

Better utilization of qualifications;

Integration - a common concern.

71. Initiatives specifically aimed at combating racism are to be supported by more general integration initiatives. The objective is for the integration of ethnic minorities to reduce racism, xenophobia and discrimination in society, where they exist. A wide range of legislative measures and other initiatives have been taken to implement the new integration policy.

72. The Ministry of Refugee, Immigration and Integration Affairs provides financial support to a wide range of activities to promote participation, integration, tolerance and good community relations. Thus, substantial financial support is given to such purposes as the operating costs of the associations of ethnic minorities, intercultural activities and information materials, as well as various types of local integration projects. Financial support is also given to initiatives facilitating positive development in urban residential areas with a high concentration of lower income groups and of immigrants and refugees. In general the Ministry pays out approximately DKr 15-20 million per year for these purposes.

### **Other measures to combat racism, xenophobia and related intolerance**

73. In the framework of the International Year for Mobilization against Racism, Racial Discrimination, Xenophobia and Related Intolerance Denmark launched a campaign against racism in 2000 and 2001. The campaign was part of the preparations for the Council of Europe's Conference against Racism, which took place from 11 to 13 October 2000 in Strasbourg, and the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held from 31 August to 7 September 2001 in Durban.

74. The Ministry of the Interior - now the Ministry of Refugee, Immigration and Integration Affairs - had allocated DKr 3.0 million per year in 2000 and 2001 for the campaign and a series of initiatives were launched. The Danish Ministry of the Interior in cooperation with the Danish

United Nations Association, of which the latter undertook the coordination of the actions of Danish NGOs in connection with the campaign, prepared a catalogue of ideas with suggestions for activities for the campaign. The various projects and campaigns were carried out by different organizations with special expertise within a special target group and on special themes. The purpose of the campaign was to promote high commitment in associations and organizations, including those that do not normally deal with the issue of racism. Another aim was to ensure a link between international and national events.

75. One of the main objectives of the campaign was to promote a better understanding of issues surrounding racism, but also to obtain greater commitment on the part of the general population to the fight against racism and to ensure that the debate on ethnic minorities, foreign residents and refugees in Denmark was conducted in a constructive and positive manner.

76. The Danish Government has decided to establish a national action plan to promote diversity, tolerance and equal treatment and to combat discrimination, as a follow-up to the Durban Declaration and Programme of Action. The overall goal of the action plan is:

To promote equal treatment and equity irrespective of race or ethnic origin, in part by the promotion of diversity and tolerance; and

To combat unequal treatment on grounds of race or ethnic origin.

77. Apart from being a goal in itself, combating unequal treatment assists in ensuring that newly arrived foreigners can participate in the life of society in terms of politics, the economy, employment, social activities, religion and culture on an equal footing with other citizens. The action plan is therefore to be seen as part of the Danish Government's integration policy and as a follow-up to the Government's policy paper "Towards a new integration policy" of 5 March 2002.

78. The action plan will give an overview of the current situation in Denmark and existing legislation and non-legislative initiatives in the field of equal treatment. Also - and most importantly - the action plan will make recommendations on future steps to be taken, which are found to be necessary to reach the overall goal mentioned above. The Danish Government has taken steps to involve national NGOs and human rights institutions in the designing of the action plan. The action plan will be launched later this year.

79. In the autumn of 1992, the National Commissioner of Police (National Security Service) introduced a reporting system for the police districts in Denmark to ensure that the National Commissioner of Police is notified of criminal acts and events of a potentially racist nature aimed at foreigners. The scheme was introduced because of the realization that a number of criminal offences, mainly of a vandalizing nature, directed against immigrants and refugees were rooted in racism.

80. As of 18 December 2001, the reporting system has been revised. The revisions entered into force on 1 February 2002. The revisions were made in order to simplify the reporting system and make it more efficient. Under the revised reporting system, the National Commissioner of police is notified of criminal acts of a potentially racist nature. The reporting

system is extended to include also criminal acts with a potentially religious background. Thus, any criminal act of a racist/religious background should be notified to the National Commissioner of Police.

81. These reporting schemes, as well as further reports to the Director of Public Prosecutions on violations of the Act on Prohibition against Discrimination on the Basis of Race, etc., mentioned in Denmark's third periodic report (para. 28), form the basis of, inter alia, Denmark's statements on race-related criminal acts to the Committee on the Elimination of Racial Discrimination (most recently in Denmark's fifteenth periodic report (CERD/C/40/Add.1; HRI/CORE/1/Add.58) under the International Convention on the Elimination of All Forms of Racial Discrimination), as well as to the European Monitoring Centre on Racism and Xenophobia.

**Paragraph 7 of the guidelines: Efforts by the Danish Government to ensure the promotion of economic, social and cultural rights in Danish development cooperation**

82. The overall Danish development cooperation policy, "Partnership 2000", stresses that Denmark's development policy is an integral part of the foreign policy with its overriding objectives of inter alia promoting sustainable economic, social and environmental development of the world. The importance of these issues is echoed in the Government Platform of December 2001 and in the "Review of Denmark's official development and environmental assistance to the developing countries", carried out in January 2002. Thus Danish development policy sees the protection of civil, political, economic, social and cultural rights as being of extreme importance for the quality of life in developing countries, and the protection of the individual from violations of these rights as a vital prerequisite for free participation in the public debate and political decision-making processes.

83. Poverty alleviation constitutes the fundamental principle of Danish development assistance. The poverty alleviation strategy of Danish official development assistance can be condensed into three main points:

The promotion of sustainable and socially balanced economic growth;

The development of the social sector, including the promotion of education and health services as prerequisites to the development of human resources;

Promoting popular participation in the development process, the development of a society based on the rule of law and good governance as prerequisites to stability and economic, social and political progress.

84. The aim of Danish development policy is to assist developing countries in their efforts to achieve sustainable development based on the improvement of living conditions through socially balanced economic growth and with respect for political independence. In addition to promoting mutual understanding and solidarity through cultural cooperation between peoples, the assistance aims at creating equal and free opportunities for the individual, in accordance with the purposes and principles of the Charter of the United Nations, the development of human resources and respect for the individual, as well as the creation of pluralistic civil societies. Particular emphasis is placed on the improvement of the social and economic status of the rural population,



in particular the poorer and more vulnerable groups. An important part of the assistance given to promote respect for human rights is the particular emphasis placed on activities in support of vulnerable groups, inter alia indigenous peoples.

85. The total Danish ODA budget for 2002 amounted to DKr 13,900 million (approximately US\$ 1,853 million). The final figure reported to the Organization for Economic Cooperation and Development (OECD)/DAC may vary slightly from this. This qualifies Denmark as one of the leading ODA donor countries on a BNI/cap basis.

### **Article 3. Equality between men and women**

86. Reference is made to the fifth periodic report submitted by the Government of Denmark to the Committee on the Elimination of Discrimination against Women (CEDAW/C/DEN/5), in May 2002.

87. Promoting gender equality is an important issue in Denmark. In July 1999, the Prime Minister appointed a Minister of Gender Equality, who is currently also the Minister of Social Affairs, with the responsibility of promoting gender equality. In May 2000, the Danish Parliament passed an Act on Gender Equality (Act No. 388 of 30 May 2000). The Act states that women and men shall be given equal treatment within the public administration and in occupational and general activities. In accordance with the gender mainstreaming strategy, the Act states that all public authorities, within their portfolio, shall work for gender equality and integrate gender equality into all planning and administration.

88. The Minister of Gender Equality has set up an interministerial Steering Committee, whose task it is to work on implementing the mainstreaming strategy in all areas of the public sector. Members of the Steering Committee are senior managers from all the ministries.

### **Article 4. Limitations**

89. Any limitations will be noted under the relevant article.

### **Article 5. Activities aimed at destruction or limitation of rights**

90. The Government of Denmark is not aware that the terms of the Covenant have been relied on in contravention of the provisions set out in article 5.

### **Article 6. The right to work**

#### **Paragraph 8 of the guidelines: Submission of reports on relevant related conventions**

91. Reference is made to the third periodic report submitted by the Government of Denmark to the Committee on Economic, Social and Cultural Rights (E/1994/104/Add.15) in September 1997 and to the reports submitted by the Government of Denmark (the latest year of reporting is indicated in brackets) to the International Labour Office on the implementation of Convention No. 122 on Employment Policy (2000) and Convention No. 111 on Discrimination (Employment and Occupation) (1999), and to the Committee on the Elimination of Racial Discrimination (2001) and the Committee on the Elimination of Discrimination against Women (2000).

**Paragraph 9 (a) of the guidelines: Information on employment**

92. Developments in the labour market as regards employment, activity rates and unemployment are shown in the tables below. The data have been prepared by Statistics Denmark.

**Table 1**  
**Employment in 1990, 1995 and 2000 (thousands of persons)**

|  | Fourth quarter<br>of 1990 | Fourth quarter<br>of 1995 | Fourth quarter<br>of 2000 |
|--|---------------------------|---------------------------|---------------------------|
| Seasonally adjusted full-time employment | 2 014                     | 2 037                     | 2 200                     |

93. Employment has been increasing since 1993. Employment in 2000 reached the highest level ever and had increased by 9 per cent since 1990.

**Table 2**  
**Unemployment as a percentage of the workforce in 1991, 1995 and 2000**

|                                       | 1991 | 1995 | 2000 |
|---------------------------------------|------|------|------|
| Total unemployment                    | 10.6 | 10.4 | 5.4  |
| Unemployment broken down by age group |      |      |      |
| 16-24 years                           | 10.9 | 8.5  | 3.0  |
| 25-34 years                           | 14.0 | 12.3 | 6.2  |
| 35-54 years                           | 8.5  | 8.9  | 5.1  |
| 55-59 years                           | 11.7 | 15.1 | 8.4  |
| 60-66 years                           | 9.6  | 16.6 | 7.5  |
| Unemployment by gender                |      |      |      |
| Men                                   | 9.2  | 9.0  | 4.6  |
| Women                                 | 12.1 | 12.0 | 6.3  |

94. Unemployment has been falling since 1993/94. During the period in question, unemployment has been halved. The fall in unemployment has benefited all age groups. Youth unemployment has experienced the largest fall, i.e. approximately 67 per cent. As regards men and women, the fall in unemployment has been the same (approximately 50 per cent). The unemployment rate of women remains higher than that of men.

**Table 3**  
**Activity and employment rates in 2000, broken down by gender and age**

|             | Activity rate | Employment rate |
|-------------|---------------|-----------------|
| 16-66 years | 77.5          | 74.2            |
| Men         | 81.4          | 78.2            |
| Women       | 73.6          | 70.2            |
| 50-59 years | 79.7          | 76.1            |
| 60-66 years | 27.8          | 26.6            |
| Immigrants  | 55.6          | 49.3            |

95. The activity rate is the share of the population in the workforce. The employment rate is the share of the population in employment. The difference between the activity rate and the employment rate therefore represents the unemployed share of the population. As regards persons aged 16-66 years, 3.3 per cent are unemployed. It should be noted that this unemployment rate is not the same as the ordinary unemployment rate indicated above (unemployment as a percentage of the workforce).

96. Men have higher activity and employment rates than women. The older individuals become, the lower the rates get.

97. As regards immigrants, both the activity rate and the employment rate are significantly lower than for the rest of the population. Therefore, integration measures are being undertaken aimed at increasing the employment rate among immigrants.

98. Likewise, Denmark has a relatively high unemployment rate among persons of an ethnic background other than Danish, and a number of initiatives have been launched to promote the integration of new Danes into the labour market. In this connection, reference is made to Denmark's fifteenth periodic report to the Committee on the Elimination of Racial Discrimination (CERD/C/40/Add.1).

**Paragraph 9 (b) and (c) of the guidelines: Measures to ensure productive work for all**

99. Reference is made to the third periodic report to the Committee on Economic, Social and Cultural Rights (E/1994/104/Add.15).

**Paragraph 9 (d) of the guidelines: Freedom of choice of employment**

100. There is no discrimination in Denmark as regards freedom of choice of employment. The conditions of employment do not infringe upon fundamental political and economic freedoms of the individual. On the contrary, the labour policy is designed to give all individuals both education and appropriate work and protection against discrimination within the scope of ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation.

**Paragraph 9 (e) of the guidelines: Technical and vocational training programmes**

101. In May 2000, the Danish Parliament (Folketinget) adopted a number of acts, which will tie continuing training and further education programmes together into a single coherent and transparent adult education system.

102. The adult vocation reform has three main objectives. Firstly, it aims at providing relevant adult education and offers of continuing training to all adults at all educational levels from the low-skilled to university graduates. The offers of education/training are to constitute a system of competence which will give all adults formal recognition of the knowledge and qualifications which they acquire, whether this takes place on the job or by participation in formal education/training programmes. Secondly, the reform aims at improving opportunities for those with the lowest levels of education. Courses for adults in general subjects such as reading, spelling and mathematics and continuing vocational training play an important role in the efforts to enhance education/training opportunities for the low-skilled groups. The same applies to the new possibilities for having work experience and participation in continuing

training credited as part of an education programme, which will give the participants formally recognized vocational competence. Lastly, the reform aims at better utilization of resources. In 1998, the Danish State spent Dkr 12.8 billion on continuing and advanced training. The adult education reform will make it possible to use the huge resources for adult education in a more cost effective way.

103. The education programmes within the adult educational system are characterized by being organized for adults in employment, by having content which takes into account the work and the experience of the adults, and by their flexible organization.

104. With regard to the vocational training system, the following should be mentioned. The vocational training programmes are labour market policy tools under the responsibility of the Ministry of Labour and part of the overall enterprise-targeted adult education and continuing training efforts, which aim at giving the adult part of the population an educational boost.

105. The purpose of the programmes is to guarantee relevant education/training in recognized competences, primarily to low-skilled persons in relation to specific job assignments. The objective of the vocational training system is to upgrade the qualifications of the labour force, so that they are constantly in line with the needs of the labour market.

106. The target group of the vocational training system is mainly non-skilled persons, but skilled persons are also included. The target group comprises unemployed persons and persons in employment, who are private as well as public employees and self-employed persons. These groups have access to education/training and programmes are designed in relation to their needs, with a main emphasis on the needs of persons in employment. The financing of the education/training programmes for unemployed persons is managed by local State authorities (the Public Employment Service) in order to ensure coherence between choice of education/training and possibilities for obtaining employment.

107. The content of the programmes is decided upon in bodies with representatives of the social partners, according to sector and occupation, and is approved at the central level. The programmes are offered in modules, which offer an increasing level of competences up to the level of vocational education, but the purpose of each individual programme is described in relation to job assignments in the labour market. At present, there are approximately 2,000 vocational training programmes.

108. The programmes are offered by 15 independent vocational training centres, at vocational schools under the responsibility of the Ministry of Education, at semi-State-owned institutions and by private suppliers.

109. The social partners act in an advisory capacity in this field in relation to rules, development needs, concrete contents of programmes and financing. In certain cases, the social partners may recommend that the subsidy for the programmes does not amount to 100 per cent, so that the enterprises co-finance the programmes. This mainly applies to fields, where it is assumed that the enterprises would have chosen to train the staff even without State financing.

110. An allowance is paid in connection with the programmes, both in relation to the labour market policy and the educational policy of enterprise-oriented adult education and continuing training for persons with a skilled background or no educational background at all. The allowance corresponds to the maximum amount of unemployment benefits and may be paid as a refund to employers who chose to pay a full salary to their employees during education/training. Young persons under the age of 25 years may only receive the allowance for a limited period in order to ensure that the continuing training system does not prevent them from undergoing basic education owing to the favourable financial situation.

**Paragraph 9 (f) of the guidelines: Difficulties encountered**

111. Reference is made to the third periodic report of the Government of Denmark to the Committee on Economic, Social and Cultural Rights (E/1994/104/Add.15).

**Paragraph 10 (a) of the guidelines: Distinctions, exclusions, restrictions or preferences between persons or groups of persons**

112. The main act is the Act prohibiting Discrimination in the Labour Market, etc., No. 459, of 12 June 1996. The aim is to implement the Discrimination (Employment and Occupation) Convention (ILO Convention No. 111) and the International Convention on the Elimination of All Forms of Racial Discrimination. The Act comprises the criteria mentioned in these two conventions, i.e. discrimination on the basis of race, colour, religion, political opinion or national, social or ethnic origin.

113. The Act also contains a prohibition on discrimination due to sexual orientation. This criterion has been included because Danish legislation in a number of fields gives protection against discrimination on this basis by private and public authorities.

114. The Act prohibits both direct and indirect discrimination. The prohibition on discrimination applies to all employers, both private and public, any person who engages in guidance and education/training activities, and any person engaged in placement in connection with recruitment, dismissal, transfer or promotion, or as regards pay and working conditions. The prohibition applies at all stages of an employment relationship.

115. The Act does not prevent other legislation or public measures being introduced with a view to promoting employment opportunities for persons of a specific race, colour, religion, etc.

116. The implementation of the article 13 directives implementing the principle of equal treatment of persons irrespective of racial or ethnic origin, Council Directive 2000/43/EC of 29 June 2000 and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation will lead to amendments of the Act prohibiting Discrimination on the Labour Market.

117. Reference is furthermore made to the fifteenth report of Denmark concerning the International Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/40/Add.1).

**Paragraph 10 (b) of the guidelines: Situations regarding vocational guidance, etc.**

118. Reference is made to the third periodic report of the Government of Denmark to the Committee on Economic, Social and Cultural Rights (E/1994/104/Add.15).

**Paragraph 10 (c) of the guidelines: Distinction not considered as discrimination**

119. Article 6 of the Act prohibiting Discrimination on the Labour Market lists the prerequisites for allowing exemptions. Special measures are permitted if they are established by law or with reference to law. The article also ensures that public projects to promote equal treatment can be carried out.

120. Furthermore, an employer may be exempted from the Act prohibiting Discrimination on the Labour Market if it is of decisive importance for the performance of the trade that the performer has a particular ethnic background. The Documentation and Advisory Centre on Racial Discrimination has such a concrete exemption.

**Paragraph 11 of the guidelines: Proportion of the working population holding more than one full-time job**

121. The question cannot be answered in relation to “secure adequate standard of living for themselves and their families” by purely statistic means. The situation may be roughly highlighted by the “Working hour statement” statistics from Statistics Denmark.

**Table 4**

**Number of jobs and number of employed persons in 1995 and 2000**

|  | 1995            | 2000            |
|--|-----------------|-----------------|
| Number of jobs                           | 2 912 194       | 3 091 261       |
| Number of employed persons               | 2 611 119       | 2 748 950       |
| Number of jobs per employed person       | 1.12            | 1.12            |
| Number of persons with more than one job | approx. 300 000 | approx. 342 000 |

*Source:* “Working hour statement”, 4Q 2000, Labour Market 2001:15, 29 March 2000.

122. Taking account of the uncertainties that are attached to the statement, a prudent estimate suggests that 10 to 12 per cent of employed persons hold more than one ordinary job and that there has not been any significant change in this figure between 1995 and 2000.

**Paragraph 12 of the guidelines: Changes since the previous report**

123. Reference is made to the information provided in the reply to paragraph 10 (a) of the guidelines pertaining to distinctions, exclusions, restrictions or preferences between persons or groups of persons (paras. 112-117).

124. In addition, it should be noted that the Danish courts of law have dealt with four cases on ethnic discrimination on the labour market. One case concerned the use of religious headscarves of trainees in a department store (see further reference to the case in paragraph 50 above). The result of the case was that the expulsion of a trainee wishing to wear a scarf due to her religious belief amounted to indirect discrimination.

125. In a case from Copenhagen, a shopping and entertainment centre accepted a fine of Dkr 3,000 for having stated in an Internet job advertisement that a person of Danish nationality was wanted for employment as a service assistant.

126. Reference is made to the fifteenth periodical report of the Government of Denmark on the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD/C/40/Add.1).

**Paragraph 13 of the guidelines: The role of international assistance**

127. Denmark does not receive international assistance.

**Article 7. Just and favourable conditions of work**

**Paragraph 14 of the guidelines: Reference to previous report**

128. Reference is made to the third periodic report submitted by the Government of Denmark to the Committee on Economic, Social and Cultural Rights (E/1994/104/Add.15) and to the reports submitted to the International Labour Office on the implementation of the following ILO Conventions (the years indicated in brackets are the years of reporting):

Equal Remuneration Convention, 1951 (No. 100), (2000);

Weekly Rest (Industry) Convention, 1921 (No. 14), (2000);

Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106), (2000);

Labour Inspection Convention, 1947 (No. 81), (1997);

Labour Inspection (Agriculture) Convention, 1969 (No. 129), (2000);

Occupational Safety and Health Convention, 1981 (No. 155), (1999).

**Paragraph 15 (a) and (b) of the guidelines: System of minimum wages**

129. Reference is made to the third periodical report of the Government of Denmark to the Committee on Economic, Social and Cultural Rights (E/1994/104/Add.15).

**Table 5****Consumer price index and indexed wage development in 1991, 1995 and 2000**

|  | 1991  | 1995  | 2000  |
|--|-------|-------|-------|
| Average annual wage                      |       |       |       |
| Female non-skilled worker                | 100.0 | 111.5 | 129.4 |
| Male skilled worker                      | 100.0 | 110.4 | 128.2 |
| Public servant                           | 100.0 | 108.5 | 124.8 |
| Private sector salaried employee         | 100.0 | 111.7 | 134.2 |
| Consumer price index                     | 100.0 | 110.2 | 123.7 |
| Average annual wage/consumer price index |       |       |       |
| Female non-skilled worker                | 100.0 | 101.2 | 104.6 |
| Male skilled worker                      | 100.0 | 100.2 | 103.6 |
| Public servant                           | 100.0 | 98.5  | 100.9 |
| Private sector salaried employee         | 100.0 | 101.4 | 108.5 |

*Source:* Annual wages: Families and earnings, Ministry of Economic Affairs, November 2000. Consumer price index: Statistics Denmark.

**Paragraph 15 (c) of the guidelines: Equality of remuneration**

130. Reference is made to pages 40 and 41 of the fifth periodic report of the Government of Denmark on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/DEN/5).

131. Promoting gender equality is an important issue in Denmark. In July 1999, a Minister for Gender Equality was appointed, with responsibility for promoting gender equality. In May 2000, the Danish Parliament passed an Act on Gender Equality (Act No. 388 of 30 May 2000). The Act states that women and men shall be given equal treatment within the public administration and in occupational and general activities. In accordance with a gender mainstreaming strategy, the Act states that all public authorities, within their portfolio, shall work for gender equality and integrate gender equality into all planning and administration.

132. The Government has set up an interministerial Steering Committee, whose task it is to work on implementation of the gender mainstreaming strategy in all areas of the public sector. Members of the Steering Committee are senior managers from all ministries.

**Paragraph 15 (d) of the guidelines: Income distribution of employees**

133. No statistics are available which offer a breakdown on income in relation to employees in the private sector and in the public sector. Similarly, no information is available on the wage components "remuneration and non-monetary benefits".



134. Summary figures on wages in the private sector and in the public sector can be given for 1998, where the average annual wages (calculated as the wage sum divided by the number of full-time employed persons) can be estimated at:

|                |             |
|----------------|-------------|
| Private sector | 270,000 DKr |
| Public sector  | 248,000 DKr |

**Paragraph 16 (a) of the guidelines: Categories of workers excluded from existing schemes or who benefit insufficiently or not at all**

135. Reference is made to the third periodic report of the Government of Denmark to the Committee on Economic, Social and Cultural Rights (E/1994/104/Add.15).

136. During the period from 1994 to May 2001, 68 orders have been issued on the basis of the Working Environment Act.

**Paragraph 16 (b) of the guidelines: Information on occupational accidents and diseases**

137. Statistical information on the number of notified occupational accidents in Denmark from 1993 to 2000 is enclosed.

**Paragraph 17 of the guidelines: Principle of equal opportunities for promotion**

138. Reference is made to pages 42 and 43 of the fifth periodic report by the Government of Denmark on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/DEN/5).

139. With Act No. 440, of 7 June 2001, shared burden of proof is introduced within the areas of equal treatment and equal pay, in implementation of the Directive on the shared burden of proof (90/87/EEC).

**Paragraph 18 of the guidelines: Rest and holidays with pay**

140. No changes have been made since the submission of the third periodic report by the Government of Denmark to the Committee on Economic, Social and Cultural Rights (E/1994/104/Add.15).

**Paragraph 19 of the guidelines: Changes since previous report**

141. Any such changes have already been dealt with under the relevant replies above.

**Paragraph 20 of the guidelines: The role of international assistance**

142. Denmark does not receive international assistance.

## **Article 8. Trade unions**

### **Paragraph 21 of the guidelines: References to other reports**

143. Reference is made to the third periodic report submitted by the Government of Denmark to the Committee on Economic, Social and Cultural Rights (E/1994/104/Add.15) and to the reports submitted to the International Labour Organization on the implementation of the following ILO Conventions (the latest year of reporting is indicated in brackets):

Convention No. 87, Freedom of Association and Protection of the Right to Organize (2000);

Convention No. 98, Right to Organize and Collective Bargaining (1999);

Convention No. 151, Labour Relations (Public Service) (1999).

### **Paragraph 22 (a)-(e) of the guidelines: Conditions for joining and forming trade unions**

144. No changes have been made since the submission of the third periodic report by the Government of Denmark to the Committee on Economic, Social and Cultural Rights (E/1994/104/Add.15).

### **Paragraph 23 of the guidelines: The right to strike**

145. The Community Social Charter of 1989 provides for the right to resort to collective action in the event of a conflict of interests, including the right to strike, subject to the obligation arising under national regulations and collective agreements.

146. In addition, reference is made to the third periodic report by the Government of Denmark to the Committee on Economic, Social and Cultural Rights (E/1994/104/Add.15) with regard to article 8 of the Covenant, paragraphs 3 and 4.

147. As regards publicly employed primary and secondary lower schoolteachers' right to strike, this question has been dealt with by the ILO in connection with a complaint against the Danish Government concerning the violation of the freedom of organization. Reference is made to ILO Case No. 1950. The recommendation in the case reads inter alia as follows: "The Committee requests the Government to take the necessary measures to ensure that all teachers - regardless of their classification as public servants - are granted the right to strike and to be informed of any progress made in this respect."

148. Subsequently, negotiations have taken place between the social partners concerning a solution to the case. The result of these negotiations was an agreement that "no legislation, etc., should be adopted with a view to introducing access to industrial action among public servants as a follow-up to the recommendations from the ILO in Case No. 1950". The social partners have accordingly indicated that they will take no further action regarding this matter.

**Paragraph 24 of the guidelines: Restrictions on the right to strike**

149. There are no conditions whatsoever for joining or forming a trade union. The authorities do not interfere with the right of any person to join or form organizations.

150. The Danish industrial relations system is characterized by a high degree of “juridification”. There is a far-reaching “peace obligation”, i.e. a duty on the part of the trade union which is party to a collective agreement, and often also its members (the individual workers), not to take industrial action (strike, lock-out, blockade, etc.), when a collective agreement is in force.

**Question 25 of the guidelines: Changes since the previous report**

151. Any such changes have already been dealt with under the relevant replies above.

**Article 9. Social security**

**Paragraph 26 of the guidelines: ILO social security**

152. Denmark has ratified ILO Convention No. 102.

**Paragraph 27 of the guidelines: Branches of social security**

153. All the branches of social security mentioned exist.

**Paragraph 28 of the guidelines: Main features of schemes**

**Social pensions**

154. In Denmark, older people and people with a reduced working capacity, etc., are provided for by way of assistance granted under the Social Pensions Act. A public old-age pension is payable to everyone over the age of 67 and an anticipatory pension is payable to people between the ages of 18 and 66 whose capacity to work makes them unable to earn an income that will make them fully or partly self-supporting.

**Old-age pension**

155. The public old-age pension is the basic Danish pension, ensuring that all older people are provided for from the time they reach the age of 67. The public old-age pension is financed by the central Government and is not based on insurance principles or dependent on any previous attachment to the labour market. People with no previous attachment to the labour market, such as housewives, are also granted an old-age pension from the age of 67.

156. In 2004, the age for entitlement to the old-age pension will be reduced from 67 years to 65 years for people born on 1 July 1939 or later.

157. The public old-age pension secures all older persons a basic income that, politically, is considered fair. The level should be seen in the light of the fact that public old-age pensioners are entitled to a number of special benefits (favourable housing benefit rules, heating benefits,

health allowances, reduced tax on owner-occupied housing), most of which depend on the individual pensioner's income and assets. Furthermore, particularly disadvantaged pensioners may be granted a personal allowance following a specific, individual assessment of their needs. The public pension system should also be seen against the background that pensioners are entitled to a number of free services, such as home help and hospital treatment.

158. In principle, everyone is paid the same amount of old-age pension. The pension is, however, income-related (see below). At the same time, the pension system is constructed in a way which makes it worthwhile to have an income in addition to the pension, be it income from private pension schemes or from other types of savings schemes.

159. Entitlement to an old-age pension is subject to (i) Danish nationality, (ii) residence in Denmark, (iii) permanent residence in Denmark for a minimum period of three years between the ages of 15 and 67, and (iv) the condition that the claimant has attained the age of 67. There are however a number of exceptions to the requirements of nationality and residence.

160. Entitlement to an old-age pension at the full rate is subject to a minimum period of permanent residence of 40 years in Denmark between the ages of 15 and 67. If a pensioner is not entitled to a pension at the full rate, the pension will be fixed on the basis of the ratio of the actual period of residence between the ages of 15 and 67 and a period of 40 years.

161. The old-age pension comprises a basic amount and a pension supplement. As of 1 January 2001 the rates are as follows:

Basic amount: DKr 51,144;

Pension supplement: couples DKr 24,024 annually;

Pension supplement: singles DKr 51,480 annually.

162. The basic amount is not reduced on the basis of income, except income from personal work exceeding DKr 217,300 at the year 2001 level. The pension supplement is reduced if the pensioner or his/her spouse or cohabitant has earnings besides the pension above a certain limit. The size of assets, if any, does not affect the public old-age pension.

163. The public old-age pension is adjusted annually, on the basis of the trend in wages in the private sector.

### **Anticipatory pension**

164. A reform of the anticipatory pension scheme came into effect on 1 January 2003. The reform includes a simplification of several aspects of the pension system. After the reform, the anticipatory pension will be paid as a single taxable sum. Under the previous rules, there were four types of anticipatory pension, some of them tax-free. The reform also means a fundamental change in the basis for the granting of a pension. The focus will now be on an assessment of the working capacity of citizens, i.e. their ability in relation to the job market. This change continues and extends the present active line in social policy and ensures better coherence with other rules applying in this area.

165. An anticipatory pension may be granted to persons aged 18 to 65 (67 if the pensioner was born before 1 July 1939) if their capacity to work is such that they are unable to earn an income that will make them fully or partly self-supporting. This means that no anticipatory pension will be granted if it is documented that a claimant is able to work in a job to which flexible working arrangements apply. The anticipatory pension is financed by the central government (35 per cent) and by the local authorities (65 per cent).

166. The requirements concerning nationality and residence and the exceptions to those requirements are similar to those for the old-age pension. Entitlement to an anticipatory pension at the full rate is subject to a minimum period of permanent residence corresponding to 4/5 of the number of years since age 15 to the date on which the pension is first payable.

167. People who have already been granted an anticipatory pension under the previous scheme will not be covered by the new rules. They will continue to receive benefits according to the previous pension scheme.

168. Anticipatory pensions as of 1 of January 2003 (January 2001 level) according to the new scheme:

Singles: 152,880 DKr annually;

Couples: 129,948 DKr annually.

**Table 6**

**Anticipatory pension rates as of 1 January 2001 (previous pension scheme)**

| Anticipatory pensions granted before 1 January 2003 | Highest amount of anticipatory pension | Intermediate amount of anticipatory pension | Increased ordinary anticipatory pension | Pension and ordinary anticipatory pension | Taxable | Earnings-related |
|---|--|---|---|---|---------|------------------|
| Basic amount  | 51 144                                 | 51 144                                      | 51 144                                  | 51 144                                    | +       | +                |
| Ordinary pension supplement, couples                | 24 024                                 | 24 024                                      | 24 024                                  | 24 024                                    | +       | +                |
| Special additional for singles                      | 27 456                                 | 27 456                                      | 27 456                                  | 27 456                                    | +       | -                |
| Disablement allowance                               | 24 876                                 | 24 876                                      |   |   | -       | -                |
| Unemployability amount                              | 34 344                                 |   |   |   | +       | -                |
| Anticipatory amount                                 |  |   | 13 008                                  |   | -       | -                |

169. Anticipatory pensions are awarded by the local authorities. Decisions made by the local authorities may be brought before the regional social complaints board. Decisions taken by the regional social complaints board cannot be brought before any other administrative authority. The Central Government Social Appeals Board may, however, reopen any case deemed to be of general public importance.

### **Partial pension**

170. The partial pension scheme was introduced with effect from 1 January 1987. The purpose of the partial pension scheme is to provide actively employed people between the ages of 60 and 66 with a possibility to prepare a gradual retirement from the labour market before becoming full-time pensioners. The scheme makes it possible to combine part-time work with a public partial pension, so that the individual may reduce his/her working hours over a period of time according to his/her own wishes and needs. The partial pension is payable to wage earners and self-employed people between the ages of 60 and 66. Self-employed people, including assisting spouses, are also covered by the Act.

171. Different rules govern wage earners and self-employed people. The employment after the transfer to a partial pension is decisive for whether the applicant is covered by the partial scheme for wage earners or that of self-employed people. When a person transfers to a partial pension, his/her average weekly working hours must be reduced by at least seven hours during the nine months prior to the transfer. After the transfer, the average weekly working hours must be at least 12 hours and not more than 30 hours. Furthermore, there must be at least 20 working days in each quarter of the year. Self-employed people must, when transferring to a partial pension, reduce their weekly working hours by at least 18½ hours, so that the average weekly working hours after the transfer amount to 18½ hours.

172. Entitlement to a partial pension is not subject to Danish nationality. Foreign nationals living and working in Denmark are therefore entitled to a partial pension, if the conditions are otherwise satisfied.

173. The annual partial pension is calculated on the basis of a basic amount equal to 82 per cent of the annual maximum amount of unemployment benefit, which as of 1 January 2001 totals Dkr 125,234. The partial pension totals 1/37 of the basic amount for each hour by which the weekly working hours are reduced. If working hours, for example, are reduced from 37 hours to 15 hours, the partial pension will amount to 22/37 of Dkr 125,234, i.e. Dkr 74,464 annually.

174. The partial pension is payable up to and including the month in which the recipient reaches the age of 67. Partial pension is not payable together with anticipatory pension. Payment will be stopped from the time a pension or an advance on a pension is paid.

### **Sickness benefits**

175. According to the Daily Cash Benefit (Sickness or Maternity) Act, employed and self-employed people may be absent from work owing to illness or injury. Employed and self-employed people partially incapable of working may be entitled to a reduced sickness benefit, i.e. when a physician finds that the employed person can work part-time.

176. According to the Daily Cash Benefit (Sickness or Maternity) Act, absence due to a child's illness does not entitle a person to sickness benefit. As regards employed people, some collective agreements include regulations on entitlement to receive benefits from employers in connection with absence due to a child's illness.

177. The sickness benefit is usually based on the hourly income which an employed person would have earned had he/she not been absent because of illness. It must not exceed a fixed maximum, which as of 11 December 2000 amounts to DKr 79.38 per hour. After a period of sickness of two weeks, the sickness benefit must not exceed a fixed weekly amount. As of 11 December 2000 this maximum amounts to DKr 2,937.00 per week.

### **Assistance to the sick and elderly**

178. Home care on a permanent basis is provided for domestic work and personal needs to a person who, owing to a chronic affliction or infirmity, is in need of practical assistance.

179. In April 1990, the Social Assistance Act made it possible to receive, inter alia, a home-care allowance in connection with care for terminally ill persons in their homes. The assistance comprises:

Reimbursement of lost income paid to someone closely related who takes care of the dying person in this person's home; however, not more than the maximum wages for domestic helpers;

Reimbursement of articles without regard to the economic situation of the sick person or the person's family. The scheme is based on the idea that care in the home should not involve expenses that the sick person would not have incurred had the person in question been hospitalized;

Domestic help free of charge in connection with care for the terminally ill.

180. Any person suffering from a disability or chronic infirmity due to sickness or old age may be eligible for assistance towards the cost of aids, including such special articles of clothing as are necessary to enable the person concerned to carry on trade or business, or may substantially relieve his/her affliction, or largely facilitate daily life in his/her home. Any person suffering from disability or chronic infirmity due to sickness or old age may be eligible for necessary assistance to adapt the layout of his/her dwelling to meet his/her needs as far as possible. Assistance may be granted to meet the cost of help or special devices in service flats for disabled persons or old-age pensioners.

181. The local council will provide or grant assistance towards welfare facilities for persons in receipt of a social pension with the exception of disability benefit. The municipal council will ensure that persons whose condition requires constant attendance and care which cannot be provided in their own home during the day are admitted to a day-care home. Furthermore, the local council will provide for the establishment of day centres within its area for such social welfare work as is best carried out in an institution. The municipal council must see to it that

care on a 24-hour basis is offered to persons having such a need for health reasons. The municipal council may fulfil its obligations in this respect by establishing 24-hour standby services. Such services should establish a framework which ensures that the users will have the highest possible degree of influence, co-responsibility and well-being.

182. As of 1 January 1988, the Social Assistance Act no longer provides for the building of nursing homes and sheltered dwellings. Instead, dwellings for the elderly are to be built according to the Act on Dwellings for the Elderly. Existing nursing homes and sheltered dwellings built under the Social Assistance Act may, however, continue to be run after rebuilding and refurbishing has been carried out. Nursing homes and sheltered dwellings are some of the facilities which the municipal council may establish in order to meet its obligations as laid down in the Social Assistance Act.

### **Compensation for industrial injuries**

183. The Act on Compensation for Industrial Injuries covers any person who is employed in the services of an employer in Denmark. Foreigners working in Denmark are also covered by the Act, as are seamen working on board vessels flying the Danish flag. Persons who have been posted to carry out employment abroad are also covered by the provisions of the Act, subject to certain terms and conditions. The Act includes paid as well as unpaid work of short or long duration, including private services rendered to the employer and his family.

184. An industrial injury is an injury sustained by a person as a consequence of the occupation or the conditions under which the occupation is carried out. This applies to industrial injuries and occupational diseases. An industrial injury is a suddenly occurring event causing damage to the health of the person concerned. The event must have occurred unintentionally. Diseases not included may, however, in certain cases be attributed to the work if it is established that the disease is caused by the special nature of the work.

185. The Act comprises the following benefits:

Payment of costs incurred for treatment, rehabilitation and technical aids, etc.;

Compensation for loss of working capacity;

Compensation for permanent injury;

Compensation for loss of supporter;

Transitional allowances in case of death.

186. Compensation of less than 50 per cent but more than 15 per cent for loss of working capacity will normally be paid as a lump sum without the consent of the injured person being required.



187. When compensation for loss of working capacity is 50 per cent or more the part of the compensation corresponding to the 50 per cent may, subject to the request of the beneficiary, be paid as a lump sum.

188. Periodical benefits are paid for a limited period, i.e. until the person concerned attains the age of 65, when they are replaced by a tax-free lump-sum payment of four times the annual periodical benefit.

189. Furthermore, children under 18 years of age will, as a general rule, qualify for compensation for loss of their supporter. Benefits payable to children whom the injured person was liable to maintain will cease when the child attains the age of 18, or 21 if the child is receiving training or education.

190. Periodical benefits are liable to taxation. Lump-sum payments are not taxed as income.

### **Financing**

191. All people with permanent residence in Denmark are guaranteed decent living conditions and all have the right to services, security and benefits, regardless of degree of affiliation to the labour market. Forty-five per cent of the adult population receive transfer payments, whilst parents have an obligation to take care of their children until the age of 18. However, each year there is a much larger number, about 60 per cent, who receive transfer payments in one form or another, for instance in the case of unemployment.

192. Almost all social security payments and services are financed through taxes and duties. Nearly half of GNP goes to the social sector (including unemployment benefits).

193. Transfer payments have taken a sharp upward turn, a development partly explained by a rise in the old-age pension. The partial pension, the old-age pension, anticipatory pensions and unemployment benefits account for two thirds of all transfers. The largest part of social security transfers represents compensation for lost income. The largest item is the cost of old-age pensions, followed by anticipatory pensions and unemployment benefits. Among the transfers that are not publicly financed are contributions paid by private employers for occupational injury insurance and for defraying the cost of sickness benefits for the first two weeks. Sickness and maternity benefits are also partly funded through employer contributions. Amounts are determined by collective bargaining agreements.

### **Paragraph 29 of the guidelines: Percentage of GNP spent on social security**

194. The expenditure for social security benefits as a percentage of GDP (based on the prices for each year) for 1988 and 1998 respectively were 27.5 per cent (total: DKr 205,511,000,000) and 29.1 per cent (total: DKr 339,728,000,000).

195. One of the reasons for this trend is that expenditure in connection with the increase in the number of elderly people in Denmark and in sickness benefits has been on the rise. In addition, most social security benefits are adjusted upwards to follow prices and salaries/wages.

**Paragraph 30 of the guidelines: Private arrangements**

196. Reference is made to the third periodic report submitted by the Government of Denmark to the Committee on Economic, Social and Cultural Rights (E/1994/104/Add.15) in September 1997.

**Paragraph 31 of the guidelines: Vulnerable groups**

197. All people with permanent residence in Denmark are, on an equal footing, guaranteed social security and benefits regardless of the degree of affiliation to the labour market. Women have the same right to social security as men.

198. The laws on social security were revised in 1998 and legalize entitlement to assistance and self-determination for the vulnerable groups.

199. The basis for the Danish social policy as regards assistance to disabled persons is that everybody is entitled to compensation for their disablement so that the individual person has the chance of living a life which resembles a normal life as much as possible. This includes public support towards technical aids and transport, as well as personal helpers. In order for disabled nationals to be able to educate themselves and get a job, support in terms of money is granted towards the additional expenses, which are a consequence of the disablement. The necessary support is granted to nationals who can live in their own homes if they are helped.

200. The compensation is free and is granted independently of the person's own income or financial circumstances, and the assistance is tax-free. The compensation is based on common financing through income tax.

201. Over the years, the sector responsible for disabled persons has undergone a process of change. Disabled persons who cannot stay in their own homes have moved from large institutions to small institutions, shared housing or private dwellings. Persons suffering from a disability are eligible for any assistance necessary in connection with adaptation of the dwelling and for payments to cover additional expenses due to the disability. The same applies to parents keeping a disabled child at home.

202. Mobile disabled persons can avail themselves of transportation to and from schools, as well as cultural and sports events. The disabled can also be given financial assistance towards the purchase and adaptation of a car.

203. Local authorities make provisions for technical aids, regardless of income, to make it easier to cope at home.

204. Rehabilitation, retraining and employment of the disabled take place in ordinary training centres and workplaces. Job opportunities for the disabled are enhanced by supplementary pay schemes and financial assistance towards the adaptation of the workplace.

### **The socially excluded**

205. Although Denmark can boast a fine-meshed social and health service safety net, there are people to whom society has been unable to offer adequate help. Included in this small group are homeless people, drug abusers, street children, a few mentally ill patients, prostitutes and some immigrants and refugees. Increasing numbers are suffering from “multiple problems”, for instance the combination of drug abuse and mental illness. Since 1993, Denmark has intensified its efforts towards the homeless, disabled, mentally ill and socially marginalized groups, by earmarking government funds for support to regional and local projects offering assistance and housing.

206. The category of homeless people has changed in recent years in that there are more young people, women, drug abusers, persons on anticipatory pension, mentally ill patients and refugees among the homeless today. There are provisions for the socially excluded in the form of residential homes, institutions and shared housing. Improvement in their condition is a top political priority.

207. Denmark spends a substantial amount of money on support to the homeless, among other things to public shelters and special housing, as well as on offers of activities aimed at making the individual person able to help him/herself.

208. The local authorities are responsible for the provision of the necessary assistance to the residents within their respective local areas. Everybody who needs help can be offered personal assistance, home help, rehabilitation, activity opportunities, treatment and offers of dwellings.

209. It is also the local authorities, who are responsible for offering housing to their local residents who cannot cope on their own because of physical, mental or social handicaps.

210. Over the last 10 years, the Danish Government has carried through central aid programmes in its efforts for drug addicts and alcoholics. These efforts comprise treatment, rehabilitation, offers of activity opportunities, day centres and temporary housing.

211. An aid programme for women who are taken advantage of for prostitution against their will has been carried through, and Denmark participates in the international relief work for trade in women and children for slavery or prostitution.

### **The mentally ill**

212. Denmark has improved and intensified efforts for the mentally ill in line with the general policy, so that the mentally ill are protected against exploitation in terms of compulsory treatment and where possible receive assistance so that they can lead an independent life in their own dwelling or are offered assistance in small shared houses and in housing with 24-hour support.

213. Over the last decades substantial funds have been earmarked to ensure that the mentally ill can live in single rooms at mental hospitals and that the time they spend in hospital in general becomes shorter.

214. The number of beds in psychiatric hospitals has been reduced by 60 per cent. Instead, a growing number of people are being treated on an outpatient basis in district psychiatric units. At the same time, social services are being expanded in the form of more housing, care, and more options in the field of education, leisure and occupation. The aim of this reorganization is to enable the mentally ill to live as normally as possible.

215. There are a variety of supportive services for the mentally ill. A support network has been set up to offer assistance, in the transitional phase from being hospitalized to getting accustomed to everyday life, in daily routine, with housing, with education and occupation opportunities, in re-establishing personal contacts, in using leisure time for sports and other cultural events, and in benefiting from services provided by the social system.

### **Paragraph 32 of the guidelines: Review of changes**

216. In its conclusions on Denmark's third periodic report, the Committee on Economic, Social and Cultural Rights (hereinafter the "Committee") noted as a positive aspect the new Integration Act and the work of the Danish Government to integrate aliens and their families into Danish society.

217. In paragraph 24 of its conclusions, the Committee expressed its concern as to whether the new Integration Act would have a discriminating effect on refugees. The Committee finally recommended that the Government perform a careful examination of the effects of the new Integration Act and suggested prompt measures by the Government if the legislation proved to have a discriminating effect on refugees. These comments were aimed at the amount of the introduction allowance, which at the time was lower than the ordinary cash assistance.

218. On 26 June 1998, the Danish Parliament, Folketinget, adopted the Act on Integration of Aliens in Denmark (the Integration Act). The Act, which entered into force on 1 January 1999, is the first actual integration act in Denmark, which has not previously had a comprehensive set of rules in this field.

219. One of the Government's overall objectives with the Act is that refugees and immigrants are to become contributing members of Danish society on an equal footing with Danes. Therefore, the Integration Act prescribes that newly arrived aliens must be offered participation in an introduction programme comprising a course in understanding Danish society, Danish language lessons and activation consisting in practical or formal training or education intended to improve the individual alien's opportunities of getting work. The Act also includes rules under which aliens who cannot support themselves receive a special introduction allowance until they can support themselves.

220. When the Integration Act entered into force, the Government initiated an action plan for evaluation of the Act. A study carried out in 34 of the municipalities in Denmark, highlighting the question of aliens' employment and their overall financial situation, was published

in December 1999. One of the results of the study was that few aliens covered by the Act had gained ordinary employment as assumed by the Act, and that to a wide extent the aliens received assistance under the rules on assistance in special cases. In order to give the aliens the best possible conditions for participating actively in integration efforts, the Government decided to introduce legislation raising the introduction allowance so that the amount of the allowance was adjusted to the amount of the cash assistance. This amendment was adopted by the Danish Parliament as Act No. 57 of 25 January 2000.

221. It should be noted in general that the Integration Act is evaluated regularly. In addition to the study mentioned above, the Ministry of Refugee, Immigration and Integration Affairs has launched two further external studies in connection with the evaluation of the Integration Act, carried out by private, internationally recognized consultancy firms.

222. One report, called "Integration in practice - Local councils' first experiences with the Integration Act", was published on 16 November 2000 and is a study of the local councils' implementation of the Integration Act and organization of integration efforts. The other report, called "The perception of aliens of their situation and the integration process in Denmark", was also published on 16 November 2000. The two studies were carried out shortly after the Integration Act entered into force and therefore illustrate the first experiences with the Act.

223. On 17 January 2002, the Government presented its initiative "A new policy for foreigners", which is based on three basic principles:

Denmark's commitments under international conventions must be honoured;

The number of foreigners coming into Denmark must be restricted and stricter requirements as to their duty to support themselves must be introduced;

The refugees and immigrants already living in Denmark must be better integrated and get a job faster. Therefore, the incentive to seek work must be enhanced.

224. As a follow up to this policy paper, the Government proposed amendments to the Act on an Active Social Policy and the Act on Integration of Foreigners in Denmark. Thus, the Government proposed to introduce new principles for entitlement to cash benefit allowances so that only persons who have resided lawfully in Denmark for at least seven out of the preceding eight years are entitled to the full amount of cash benefits. Persons who do not meet the residence requirements, but otherwise satisfy the conditions laid down in the Act, will be entitled to a starting allowance. Persons coming to Denmark in future will be subject to the new rules. This applies to both foreigners and Danes. The rules laid down in the Integration Act concerning an introduction allowance correspond to the rules on cash benefits laid down in the Act on an active social policy.

225. It is the opinion of the Government that the rules guarantee everyone the rights concerning social security and an adequate standard of living which follow from the Covenant. The rules guarantee every person who is entitled to support in accordance with the new rates

during the seven-year period an amount of support, which - as a minimum - corresponds to the rates for State educational support (SU) - which is the support basis for persons in education/training. Furthermore, the provisions laid down in section 81 of the Act on an Active Social Policy and section 35 of the Integration Act continue to apply. This implies that all persons, including foreigners, to whom the new rates apply, will have the right to have reasonable specific expenses covered if the payment of these expenses by the person concerned would seriously reduce the possibilities of that person and his/her family to provide for themselves in the future. Furthermore, foreigners who are covered by the Integration Act will - according to section 34 of this Act - to a certain extent have a right to have certain specific expenses covered in connection with their participation in the introduction programme.

226. It should be noted that the rules apply to all foreigners and Danish citizens irrespective of the person's race, colour or national or ethnic origin. Furthermore, the rules serve the purpose of increasing employment in the group of persons on public support by ensuring that it will pay to work. In this way the rules will promote the labour market integration of foreigners and thus their general integration into Danish society.

227. The changed rules on reimbursement and subsidies were adopted by the Danish Government as Act No. 361 of 6 June 2002 and came into operation on 1 July 2002.

**Paragraph 33 of the guidelines: International assistance**

228. Denmark does not receive international assistance.

**Article 10. The family, mothers and children**

**Paragraph 34 of the guidelines: Party to other relevant conventions**

229. Denmark is a party to the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Convention on the Elimination of all Forms of Discrimination against Women and the ILO Minimum Age Convention (No. 138).

**Paragraph 35 of the guidelines: The family, mothers and children**

230. There is no legal definition of "family". The term is used in Danish legislation alongside the concepts of "individual" and "parents".

231. The concept of "family" is generally perceived in Danish social legislation in the very broad sense: any relationship in which two generations are registered at the same address in the National Register and in which the people involved have a financial and emotional relationship with each other. This means that married couples, registered partnerships, couples living together, and single mothers or fathers with children are all considered families.

232. An Act, of 2 June 1999, amending the Act on Same-Sex Registered Partnership lays down that a same-sex registered partner may now adopt the other partner's child unless the child is an adopted child from another country. The amending Act entered into force on 1 July 1999.

233. In statistics, two basic factors determine whether or not two or more people are considered a family: the people in a family must live at the same National Registry address, and a family consists of a maximum of two generations. Statistics operate with the following types of families: single men and women and four different types of couples, i.e. married couples, registered partnerships, cohabitants registered at two separate addresses and cohabitants registered as living at the same address. These types of families may be with or without children living at home. There is also one last type of family: a child under the age of 18 living away from home.

**Paragraph 36 of the guidelines: Age of majority**

234. In Denmark, persons under the age of 18 are described as minors, as they do not have the right to vote and do not have full legal capacity to decide personal and property matters.

235. Children and young persons under the age of 18 are subject to the custody of their parents unless they are married. The person holding custody has the obligation to take care of the minor and make decisions in matters relating to the minor on the basis of the child's best interest and needs. A minor cannot contract marriage without the consent of parents and the authorities.

236. Every national is liable to maintain himself/herself, his/her spouse and children under the age of 18. A person over the age of 17 has the right to social assistance. Recipients of cash assistance under the age of 25 may be offered an introduction and guidance programme for up to six weeks. Recipients over the age of 25 are entitled to an individual action plan.

**Paragraph 37 (a) and (b) of the guidelines: Entering into marriage and protection of the family**

237. The family is still the foundation upon which the preservation and progress of a society rests. Denmark does not have centralized schemes which directly encourage marriage, etc. If, however, a couple marries or enters into another kind of relationship with each other, and if they have children, then the following options stand open to them:

Maternity leave, paternity leave and parental leave ensure that the mother and to some extent also the father of an infant are able to spend time with their child(ren);

Child-minding leave (and sabbatical leave) allows parents to take leave with wage/salary compensation in order to be able to spend more time with their child(ren).

238. In addition, there are schemes which provide for marriage counselling services, and in the field of social services many local authorities have set up family houses, family workshops, etc. for families in crisis, where counselling, guidance, etc. are being offered.

239. The following facilities are available to parents:

Day-care facilities for all children. Day care is a child-minding arrangement but also a part of the general preventive facilities for children and adults offered by the local authorities. The purpose of day care is to help children develop in a social, democratic and creative way;

After-school centres and clubs for children from the age of about 10 to the age of 16 (18).

### **General family allowance**

240. The allowance for families with children is paid for all children below 18 years of age. This allowance is independent of income and the amount paid out varies with the age of the child in question. The 2001 rates per child are as follows: 0-2 years old DKr 12,010 annually, 3-6 years old DKr 11,000 annually and 7-17 years old DKr 8,600 annually.

### **Parental leave**

241. The mother has the right to four weeks of pregnancy leave before the expected date of birth and to 14 weeks of maternity leave after the birth of her child, the first two weeks of which are obligatory. The father has the right to up to two weeks of paternity leave. This leave must be taken within the first 14 weeks after the birth or the date on which the child moves into the parents' home. Either the mother or the father has the right to up to 32 weeks of parental leave after the 14 weeks of maternity leave (the parents are permitted to make their own decision as to how many weeks each will take).

242. In the case of adoption, there is leave of up to 48 weeks after the child moves into the parents' home. The parents are permitted to make their own decision as to how they will divide the leave between them. They can take two weeks of leave at the same time within the first 14 weeks after the child moves in with them (paternity leave).

243. Wage earners absent from work owing to pregnancy or maternity or adoption leave may receive benefits from their municipality of residence from the first day of absence.

### **Maternity benefits**

244. A pregnant woman who is not entitled to full pay during her maternity leave has the right to benefits starting at the time when her doctor reckons the birth of the child is four weeks away. The mother is also entitled to go on leave and receive benefits (equal to sickness benefits) four weeks before the estimated date of birth of her child when:

The nature of her pregnancy makes it necessary for her to stay home from work during her pregnancy;

The nature of her job poses a risk to the unborn child;

The mother has a job which does not allow her to work at any time during the pregnancy.



245. A pregnant woman, who takes time off work for the purpose of a medical check-up, has the right to receive benefits for the time she is absent. The employer pays this benefit.

246. Parents are entitled to maternity benefits for a total of 48 weeks divided between them after the birth of their child. During the first 14 weeks, normally only the mother may receive the benefit. Parents are permitted to make their own decision as to how they will divide up the last 32 weeks of the time during which they receive maternity benefit (parental leave). Only one parent may receive the benefit at a time. The father is entitled to two weeks of paternity leave within the first 14 weeks.

### **Child allowances**

247. There are different kinds of child allowances payable to certain groups of children under the age of 18. Entitlement to all types of child allowances is based on the condition that the child has not contracted marriage and is not maintained out of public funds. Furthermore, the child or one of its parents must be a Danish national or, if they are not, they must have been residents for the preceding year (in the case of the special child allowance throughout the last three years). The allowances are:

The ordinary child allowance, which is payable to single parents and to parents who are both in receipt of a pension under the Social Pensions Act. As of 1 January 2001, the allowance is DKr 3,812 annually per child;

The extra child allowance, which is payable as a supplement to the ordinary child allowance to singles. The allowance is DKr 3,876 annually, irrespective of the number of children, as of 1 January 2001;

The special child allowance, which is payable to children who have lost one or both parents or whose paternity has not been established. Furthermore, a child may qualify for the special allowance if one or both parents are in receipt of a pension under the Social Pensions Act and in some other cases. The special child allowance is DKr 9,720 annually per child as of 1 January 2001. An orphan, however, receives twice the amount;

The multiple birth allowance is granted in the event of births of more than one child and until the children attain the age of 7. This allowance amounts to DKr 6,272 annually per child as of 1 January 2001;

The adoption allowance is granted to adopters of a foreign child if the child is adopted through the recognized adoption organizations. The allowance is DKr 36,154 as of 1 January 2001 and is payable as a lump sum to cover some of the expenses incurred in connection with the adoption.

### **General conditions**

248. The general family allowance, the special child allowance and the multiple birth allowance are payable automatically without application, but application must be made for the

ordinary and extra child allowances and the adoption allowance. Normally, the mother of the child or the person having custody of the child receives the allowance. If it is deemed best for the child, payment may be made directly to the child itself.

249. The general family and child allowances are as a rule only payable in Denmark, but the conditions on Danish nationality, permanent residence and taxation may be deviated from in accordance with the provisions laid down in the EC Regulations on social security and bilateral social security agreements.

**Paragraph 37 of the guidelines: Measures to counteract shortcomings in the protection of the family**

250. In its concluding observations on the third periodic report submitted by the Government of Denmark, the Committee noted with concern the information received with regard to the relatively high rate of youth suicide in Denmark. In response, the following additional information can be provided. The suicide rate among Danes of 15-24 years of age typically ranges between 12 and 16 per 100,000 males and between 2 and 6 per 100,000 females. The overall trend is that the suicide rate peaked at the beginning of the 1980s and has declined during the 1980s and 1990s. Annual statistics are available till 1997.

251. With regard to males aged 15-24 years the suicide rate peaked at the start of the 1980s: in 1981 and 1982, as many as 17.1 and 21.1 per 100,000 committed suicide. The suicide rate declined from 1981 onwards to a level of 12-13 per 100,000 males in the 1990s (15-24 years of age).

252. As regards suicide among females aged 15-24 years, a similar trend is found. The number of suicides per 100,000 females in this age bracket peaked in 1980 with a rate of 7.7. From 1980 onwards this trend has declined, although the suicide rate in a few years suddenly shows a random single upward trend, i.e. in 1985 and 1987 the suicide rate for females aged 15-24 years rose to 8.1 and 8.3 respectively. From 1987 to 1996 there has been a constant decline to the lowest recorded level of “only” 1.2 per 100,000 females in this age bracket. In 1997, an abnormal increase to 5.8 per 100,000 females was witnessed, which must be assessed in relation to the increase in the absolute number of suicides from “only” 8 to 17 from 1996 to 1997. However, this annual fluctuation does not constitute a trend.

253. In 1998, the Government issued a proposal for a plan of action for the prevention of suicide attempts and suicides in Denmark, listing a number of target areas. A reference group has been established, which is to follow up on the proposals contained in the action plan. A sum of Dkr 10 million annually in the years 1999 up to and including 2003 has been earmarked for this purpose.

254. Among the initiatives directly or indirectly targeted at young people, the following can be mentioned:

Creation of a “pattern model” to map out what is found in terms of suicide-preventive initiatives and how this has been organized for the use of local governments and counties;

Establishment of a homepage with links to relevant offers of aid;

Holding of research scientist seminars with the objective of developing networks between researchers and the people working in this area;

Provision of support for model projects;

Donation of an operating grant to helplines undertaken by NGOs.

**Paragraph 38 of the guidelines: Maternity protection**

255. Reference is made to the fifteenth periodic report submitted by the Government of Denmark to the Committee on the Elimination of Racial Discrimination (CERD/C/408/Add.1).

256. Reference is also made to the fifth periodic report by the Government of Denmark on the implementation of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW/C/DEN/5/Add.1).

**Paragraph 39 (a) of the guidelines: Age limit for paid employment**

257. Children may only perform paid work if they are over 15 years of age and they are not covered by the compulsory schooling duty, but the Working Environment Act permits children above the age of 13 years to perform light work under certain limited conditions.

**Paragraph 39 (b) of the guidelines: Children engaged in paid employment**

258. In Denmark, at least 90 per cent of all children who engage in paid employment attend school and have jobs in their spare time. Only very few young persons have ordinary jobs or apprenticeships. As regards the distribution and the extent of child labour reference is made to sections 6 and 6 (c) of the third periodic report submitted by the Government of Denmark to the Committee on Economic, Social and Cultural Rights (E/1994/104/Add.15), in which this question is answered in detail.

**Paragraph 39 (c) of the guidelines: Children engaged in employment in their family households**

259. There are no statistics available on children engaged in employment in their family household.

**Paragraph 39 (d) of the guidelines: The protection of children's rights in the workplace**

260. The working environment legislation concerning children's work applies to all persons, regardless of socio-economic or cultural background. The overall picture of children's working environment is that the rules are observed in practice in Danish enterprises.

**Paragraph 39 (e) of the guidelines: Information for children about their labour rights**

261. The working environment legislation does not include any special provisions on the provision of information to especially vulnerable or disabled employees on their rights. But the order on the performance of work contains certain provisions, according to which the employer must take the employee's age, level of knowledge, working capacity and other conditions into

consideration in connection with the performance of work. Furthermore, the employer must ensure that each individual employee receives sufficient and proper training and instruction in performing the work in a non-hazardous way. In addition to this, the employer must provide the employees with information on accident and disease hazards, which may be related to their work.

**Paragraph 39 (f) of the guidelines: Potential difficulties or shortcomings**

262. Generally, the working environment of Danish children can be characterized as good, which inter alia is reflected in a low number of notified occupational injuries, in the same way that serious accidents and poisoning rarely occur.

**Paragraph 40 of the guidelines: Significant national legislative changes or court rulings in this regard**

263. Since 1999, no significant amendments have been made to the Danish working environment legislation in relation to children. Administratively, the National Working Environment Authority has carried out control measures in relation to shops, kiosks, service stations, etc., with a view to limiting evening and night work of children.

264. Furthermore, reference is made to the replies to the questions above.

**Occupational accidents**

265. The following three tables pertain to occupational accidents in the years from 1993 to 2000. The tables respectively include statistics on notified occupational accidents in Denmark, broken down on the basis of the seriousness of the injury in actual numbers as well as per 10,000 employees, and on notified work-related ailments, broken down by the main types of diagnosis (cancer, mental illnesses, skin diseases, etc.). Additionally, a table on the number of employed persons for the years in question has been included for comparison.

**Table 7**  
**Number of notified occupational accidents 1993-2000,**  
**by type of injury (3 groups) and year of accident**

| Type of injury         | Year of accident |        |        |        |        |        |        |        |
|------------------------|------------------|--------|--------|--------|--------|--------|--------|--------|
|                        | 1993             | 1994   | 1995   | 1996   | 1997   | 1998   | 1999   | 2000   |
| Fatal injury           | 63               | 76     | 86     | 75     | 82     | 80     | 69     | 64     |
| Other serious injuries | 4 877            | 5 174  | 5 362  | 5 537  | 5 485  | 5 553  | 5 539  | 4 991  |
| Other injuries         | 39 990           | 43 144 | 45 014 | 45 804 | 45 571 | 44 414 | 44 077 | 39 791 |
| Total                  | 44 930           | 48 394 | 50 462 | 51 416 | 51 138 | 50 047 | 49 685 | 44 846 |

*Source:* The National Working Environment Authority.

**Table 8**  
**Annual number of notified occupational accidents per 10,000 employees,  
by type of injury (seriousness) and year of accident**

| Type of injury         | Year of registration |        |        |        |        |        |        |        |
|------------------------|----------------------|--------|--------|--------|--------|--------|--------|--------|
|                        | 1993                 | 1994   | 1995   | 1996   | 1997   | 1998   | 1999   | 2000   |
| Fatal injuries         | 0.24                 | 0.29   | 0.33   | 0.28   | 0.31   | 0.30   | 0.25   | 0.23   |
| Other serious injuries | 19.00                | 20.00  | 20.00  | 21.00  | 21.00  | 21.00  | 20.00  | 18.00  |
| Other injuries         | 153.00               | 167.00 | 172.00 | 173.00 | 171.00 | 165.00 | 161.00 | 144.00 |
| Total                  | 172.00               | 187.00 | 193.00 | 194.00 | 192.00 | 185.00 | 182.00 | 163.00 |

*Source:* The National Working Environment Authority and Statistics Denmark (Safety and Health Data/mbn, 31 May 2001).

**Table 9**  
**Number of notified work-related ailments 1993-2000, by main type  
of diagnosis (10 groups) and year of notification**

| Main type of diagnosis<br>(10 groups)                  | Year of notification |        |        |        |        |        |        |        |
|--|----------------------|--------|--------|--------|--------|--------|--------|--------|
|  | 1993                 | 1994   | 1995   | 1996   | 1997   | 1998   | 1999   | 2000   |
| 01 Cancer diseases                                     | 223                  | 215    | 182    | 171    | 209    | 203    | 189    | 201    |
| 02 Mental illnesses                                    | 562                  | 804    | 809    | 711    | 679    | 644    | 688    | 778    |
| 03 Central nervous system<br>impairments               | 488                  | 430    | 385    | 342    | 275    | 234    | 201    | 193    |
| 04 Hearing impairments                                 | 2 541                | 2 477  | 2 085  | 2 735  | 2 357  | 2 025  | 1 724  | 1 446  |
| 05 Diseases to the respiratory<br>system, non-allergic | 691                  | 613    | 584    | 511    | 548    | 454    | 370    | 397    |
| 06 Diseases to the<br>respiratory system, allergic     | 416                  | 448    | 446    | 418    | 391    | 381    | 343    | 344    |
| 07 Skin diseases                                       | 1 860                | 1 660  | 1 686  | 1 668  | 1 566  | 1 544  | 1 344  | 1 367  |
| 08 Diseases of the motor<br>system                     | 7 267                | 7 277  | 7 044  | 7 513  | 8 027  | 7 365  | 6 375  | 6 478  |
| 09 Ailments not sufficiently<br>defined                | 753                  | 864    | 1 011  | 1 000  | 946    | 978    | 830    | 1 020  |
| 10 Other ailments                                      | 855                  | 848    | 754    | 690    | 883    | 628    | 571    | 633    |
| Total  | 15 656               | 15 636 | 14 986 | 15 759 | 15 820 | 14 456 | 12 635 | 12 857 |

*Source:* The National Working Environment Authority (Safety and Health Data/mbn, 31 May 2001).

**Table 10**  
**Number of employed persons, broken down by year**

| Year      |           |           |           |           |           |           |           |
|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 1993      | 1994      | 1995      | 1996      | 1997      | 1998      | 1999      | 2000      |
| 2 609 859 | 2 584 866 | 2 617 096 | 2 648 808 | 2 669 658 | 2 699 314 | 2 742 240 | 2 759 308 |

*Source:* Statistics Denmark, register based labour force survey.

**Paragraph 41 of the guidelines: International assistance**

266. Denmark does not receive international assistance.

**Article 11. The right to an adequate standard of living**

**Paragraph 42 (a) of the guidelines: Current standard of living**

267. The GNP per capita was DKr 243,157 in 2000.

**Table 11**

**The average annual real increase in GNP per capita (percentage)**

| 1995 | 1996 | 1997 | 1998 | 1999 | 2000 |
|------|------|------|------|------|------|
| 2.8  | 2.4  | 2.7  | 2.9  | 2.9  | 2.2  |

268. The average consumption per capita was DKr 117,684 in 2000.

**Table 12**

**The average annual real increase in private consumption per capita (percentage)**

| 1995 | 1996 | 1997 | 1998 | 1999 | 2000 |
|------|------|------|------|------|------|
| 0.8  | 1.8  | 2.4  | 3.2  | 0.2  | -0.5 |

269. Total family income has increased by 45 per cent before taxes and by 44 per cent after taxes from 1990 to 1999.

**Table 13**

**Family income in 1990, 1994 and 1999**

|               | Before taxes                            |       |       | After taxes |       |       |
|---------------|---|-------|-------|-------------|-------|-------|
|               | 1990                                    | 1994  | 1999  | 1990        | 1994  | 1999  |
| Family income | 1 000 DKr                               |       |       |             |       |       |
|               | 201.2                                   | 237.9 | 292.2 | 127.9       | 150.1 | 184.5 |
|               | Percentage share of total family income |       |       |             |       |       |
| Decile 1      | 1.1                                     | 1.3   | 1.7   | 1.4         | 1.5   | 1.8   |
| Decile 2      | 3.4                                     | 3.9   | 3.8   | 4.7         | 4.5   | 4.4   |
| Decile 3      | 4.6                                     | 4.9   | 4.6   | 5.8         | 5.6   | 5.4   |
| Decile 4      | 6.0                                     | 6.0   | 5.8   | 6.9         | 6.7   | 6.5   |
| Decile 5      | 7.5                                     | 7.3   | 7.1   | 8.0         | 7.8   | 7.6   |
| Decile 6      | 9.1                                     | 8.9   | 8.7   | 9.4         | 9.2   | 9.1   |
| Decile 7      | 11.3                                    | 11.1  | 10.9  | 11.5        | 11.4  | 11.2  |
| Decile 8      | 14.1                                    | 13.8  | 13.7  | 14.0        | 13.9  | 13.7  |
| Decile 9      | 17.1                                    | 16.8  | 16.7  | 16.3        | 16.3  | 16.2  |
| Decile 10     | 25.7                                    | 25.8  | 27.0  | 22.0        | 23.0  | 24.1  |

270. No major changes in the distribution of family income are found. Calculated on equivalent<sup>1</sup> disposable family income the Gini-coefficient<sup>2</sup> was 19 in 1994 and 20 in 1999. As mentioned, the average family income after taxes has increased by 44 per cent from 1990 to 1999.

**Table 14**  
**Couples' and singles' income in 1990, 1994 and 1999**

|                  | 1990      | 1994  | 1999  | 1994               | 1999 |
|------------------|-----------|-------|-------|--------------------|------|
|                  | 1 000 DKr |       |       | Index (1990 = 100) |      |
| Couples          | 184.4     | 220.5 | 269.9 | 120                | 146  |
| without children | 168.4     | 203.1 | 249.3 | 121                | 148  |
| with children    | 206.3     | 245.9 | 300.5 | 119                | 146  |
| Singles          | 87.0      | 99.9  | 119.9 | 115                | 138  |
| without children | 84.0      | 96.6  | 116.3 | 115                | 138  |
| with children    | 115.0     | 131.9 | 155.6 | 115                | 135  |
| All              | 127.9     | 150.1 | 184.5 | 117                | 144  |
| without children | 108.9     | 128.4 | 158.4 | 118                | 145  |
| with children    | 189.9     | 224.7 | 274.1 | 118                | 144  |

271. Couples have experienced a larger increase than singles. The development in family income has been nearly the same for families with children as for families without children.

**Table 15**  
**Personal income in 1990, 1994 and 1999**

| Age     | 1990      | 1994  | 1999  | 1994               | 1999 |
|---------|-----------|-------|-------|--------------------|------|
|         | 1 000 DKr |       |       | Index (1990 = 100) |      |
| 15-19   | 29.4      | 30.6  | 34.0  | 104                | 116  |
| 20-24   | 112.4     | 115.2 | 128.2 | 102                | 114  |
| 25-29   | 154.9     | 167.8 | 189.3 | 108                | 122  |
| 30-34   | 177.1     | 196.3 | 231.1 | 111                | 130  |
| 35-39   | 188.6     | 211.9 | 248.9 | 112                | 132  |
| 40-44   | 198.0     | 221.4 | 259.8 | 112                | 131  |
| 45-49   | 197.1     | 226.5 | 262.4 | 115                | 133  |
| 50-54   | 180.5     | 215.5 | 259.2 | 119                | 144  |
| 55-59   | 159.6     | 191.2 | 237.9 | 120                | 149  |
| 60-64   | 132.9     | 154.9 | 187.0 | 117                | 141  |
| 65-69   | 102.5     | 124.6 | 143.5 | 122                | 140  |
| 70-74   | 85.2      | 111.0 | 127.4 | 130                | 150  |
| 74 plus | 69.7      | 100.0 | 118.0 | 143                | 169  |
| All     | 140.5     | 163.6 | 195.4 | 116                | 139  |

272. Personal income has increased by 39 per cent from 1990 to 1999. The increase in personal income is larger for older age groups than for younger age groups.

**Table 16**  
**Average personal income by gender**

|       | 1990      | 1994  | 1999  | 1994               | 1999 |
|-------|-----------|-------|-------|--------------------|------|
|       | 1 000 DKr |       |       | Index (1990 = 100) |      |
| Men   | 171.3     | 194.6 | 231.9 | 114                | 135  |
| Women | 111.0     | 133.9 | 160.4 | 121                | 144  |
| All   | 140.5     | 163.6 | 195.4 | 116                | 139  |

273. Women have a lower personal income than men but they have experienced a larger increase in personal income than men.

**Table 17**  
**The number of recipients of income from compensation schemes**

|                        | 1990  | 1994                   | 1999  |
|------------------------|-------|------------------------|-------|
| Recipients (thousands) | 2 151 | 2 272                  | 2 214 |
|                        |       | Per cent of recipients |       |
| Gender                 |       |                        |       |
| Women                  | 54.5  | 54.4                   | 55.3  |
| Men                    | 45.5  | 45.6                   | 44.7  |
| Age                    |       |                        |       |
| 18-24                  | 10.9  | 10.0                   | 6.4   |
| 25-39                  | 22.8  | 24.0                   | 23.8  |
| 40-59                  | 20.2  | 22.1                   | 24.0  |
| 60-66                  | 11.0  | 10.4                   | 11.7  |
| 67 plus                | 35.1  | 33.5                   | 34.1  |
| Principal benefit      |       |                        |       |
| Temporary              | 48.1  | 49.8                   | 45.8  |
| Permanent              | 51.9  | 50.2                   | 54.2  |

274. The number of recipients of incomes from compensation schemes is quite constant. More women than men receive income from income compensation schemes. The number of youngsters receiving incomes from income compensation schemes has fallen. An increasing part of the receivers are receivers of permanent benefits. This is mainly because of an increase in the number of people on early retirement benefit.

**Paragraph 42 (c) of the guidelines: Poverty**

275. No official poverty line exists in Denmark. Using 50 per cent of the median disposable income as a poverty line gave 3.1 per cent of the Danish population having a disposable income which was below the poverty line in 1998. In 1994 it was 3.4 per cent. There is a large mobility in and out of the low-income group. About 60 per cent leaves the group every year.

**Paragraph 42 (d) of the guidelines: Physical quality of life index**

276. No official physical quality of life index exists in Denmark.



**Table 18**  
**Life expectancy by gender**

|          | Women     |           | Men       |           |
|----------|-----------|-----------|-----------|-----------|
|          | 1989-1990 | 1999-2000 | 1989-1990 | 1999-2000 |
| 0 years  | 77.7      | 79.0      | 72.0      | 74.3      |
| 10 years | 68.4      | 69.4      | 62.8      | 64.8      |
| 20 years | 58.6      | 59.5      | 53.1      | 55.1      |
| 30 years | 48.8      | 49.7      | 43.6      | 45.5      |
| 40 years | 39.2      | 40.0      | 34.3      | 36.0      |
| 50 years | 30.0      | 30.7      | 25.4      | 27.0      |
| 60 years | 21.7      | 22.0      | 17.5      | 18.7      |
| 70 years | 14.3      | 14.6      | 11.1      | 11.8      |
| 80 years | 8.1       | 8.5       | 6.4       | 6.7       |
| 90 years | 3.9       | 4.2       | 3.4       | 3.4       |

277. Mean life expectancy has increased by nearly 2 years over the last 10 years. The mean life expectancy is higher for women than for men, but over the last decade it has increased more for men than for women so that the difference has been reduced by one year.

**Paragraph 43 of the guidelines: The right to adequate food**

278. In Denmark adequate food is provided to all groups of the population in all areas of the country. Today, food security is therefore not an issue in Denmark. Currently, the key issue regarding food policies in Denmark is to ensure a high level of food safety and to encourage the population to consume healthy and diversified food.

**Paragraph 44 of the guidelines: The right to adequate housing**

**The housing situation**

279. Housing standards in Denmark are high. This can be seen by the fact that:

There are *many* dwellings. The 2.5 million dwellings for a population of 5.3 million results in an average of 2.1 persons in each dwelling;

The dwellings are *large*, with an average size of 109 m<sup>2</sup>, or 51 m<sup>2</sup> per occupant. This is one of the highest average m<sup>2</sup> per occupant in the European Union;

The dwellings are of *high quality*. For example, 98 per cent of all dwellings have their own toilet, 94 per cent have their own bathroom and 98 per cent have central heating;

Residential buildings are *highly varied* with regard to type of ownership, size, fittings and price. Almost all population and age groups thus have an opportunity of finding a dwelling that meets their requirements;

The supply of dwellings is relatively *new*. Nearly half of all dwellings were built after 1960. Only about a third were built before the Second World War.

280. The high housing standards reflect three basic circumstances:

The population has traditionally given high priority to housing; housing expenditure currently comprises approximately a quarter of the average consumption;

Because of the high demands the Danish building sector has developed numerous strengths;

The housing market is subject to a high degree of public regulations, the goal of which is to ensure high quality housing for the entire population.

**Table 19**

**Housing stock in 2001 - key figures**

|                                   | No. in thousands | %     |
|-----------------------------------|------------------|-------|
| Dwellings total                   | 2 509            | 100.0 |
| <u>Type of building</u>           |                  |       |
| Farm houses                       | 131              | 5.2   |
| One-family (detached)             | 1 027            | 40.9  |
| One-family (un- or semi-detached) | 321              | 12.8  |
| Multi-family                      | 974              | 38.8  |
| Other                             | 55               | 2.2   |
| <u>Period of construction</u>     |                  |       |
| Pre-1990                          | 257              | 10.3  |
| 1900-1939                         | 639              | 25.5  |
| 1940-1959                         | 385              | 15.4  |
| 1960-1979                         | 829              | 33.0  |
| 1980-                             | 398              | 15.9  |
| <u>Type of tenure</u>             |                  |       |
| Owner-occupied                    | 1 283            | 51.1  |
| Rented                            | 1 123            | 44.8  |
| Unoccupied or unknown             | 103              | 4.1   |
| <u>Dwelling households, total</u> | 2 398            | 100.0 |
| Of which:                         |                  |       |
| With children                     | 644              | 26.9  |
| Singles                           | 973              | 40.6  |
| - with children                   | 100              | 4.2   |
| Couples                           | 1 312            | 54.7  |
| - with children                   | 510              | 21.3  |
| Other                             | 113              | 4.7   |

281. The various residential categories are presented below.

### **Owner-occupied dwellings**

282. The total of 1.3 million owner-occupied dwellings constitute one half of the total housing stock and house 62 per cent of the population.

283. Two thirds of the owner-occupied dwellings are detached houses. The average size is 136 m<sup>2</sup> and a typical detached house property covers 800 m<sup>2</sup>. Only 9 per cent of owner-occupied dwellings are owner-occupied flats. Couples occupy three quarters of owner-occupied dwellings. In addition, households with children are overrepresented in the owner-occupied sector, with a two-thirds share of the total number of households with children.

### **Rented dwellings and cooperative dwellings**

284. 1.1 million dwellings, equivalent to 45 per cent of the housing stock, consist of various forms of rented dwellings (including cooperative dwellings) with the majority being private rented and public housing.

285. Rented dwellings are primarily intended to ensure that housing options are sufficiently varied to cover the housing needs of all groups in the population.

286. Rented housing consists entirely of multi-family dwellings, and while older buildings predominantly provide multi-storey housing, “dense-low” buildings have become increasingly common over the past few decades.

287. As opposed to owner-occupied dwellings, rented dwellings predominantly house single people, who represent two thirds of the households in the rented housing sector.

288. The remaining 4.1 per cent of the housing stock in 2001 is not accounted for here due to the fact that there were no persons registered as resident in the buildings in question at the time of the poll, either because the residents had recently moved or because the home was empty or used as a second home. Around 10 per cent of the housing stock changes hands every year.

289. A brief description of the different types of rented housing follows.

### **Private rented dwellings**

290. Private rented dwellings (448,000 units) are relatively old compared with the rest of the housing stock. Approximately 60 per cent of the buildings predate 1940 and in this sector of the housing stock in particular the need for refurbishment and urban renewal has accumulated.

291. Rent legislation for private rented housing is prescribed in two acts: the Rent Act and the Rent Control Act. As a general rule, the fixing of rents is restricted by law and does not reflect the market conditions.

### **Public housing**

292. The majority of the 487,000 public housing units, equivalent to 19 per cent of the total housing stock, are relatively new, with a mere 5 per cent predating 1940.

293. The dwellings are built by public (non-profit) housing associations (a total of 700 associations) and must be approved by the local authority district in which they are situated. Since this sector receives a government subsidy, the associations themselves are subject to inspection by the local authorities.

294. The public housing sector is responsible for solving a range of social welfare problems, which market forces have been unable to resolve to the extent required by government policy.

295. The public housing sector is characterized by extensive tenant participation (or “tenant democracy” as it is called in Denmark). The majority of the members of the boards of the housing associations is elected by the tenants, and the individual units have an extensive degree of autonomy.

296. The rent is set such that expenditures and revenues in the individual units balance out.

297. There are three different categories of public housing: family housing, housing for the elderly and youth housing.

### **Family housing**

298. The majority of public housing provides family housing. Family housing is not, however, reserved for specific groups in the population. In contrast to the situation in most other countries, Denmark sets no income limit for eligibility for public family housing. Households with children, however, are given priority for larger dwellings, just as the local authorities have the right to use one in four vacant flats to solve urgent social welfare cases.

### **Housing for the elderly**

299. The majority of elderly people reside in the general housing stock and through care services provided by the local authorities are able to receive care and assistance as and when needed.

300. Approximately 35,000 dwellings are government subsidized and purpose-fitted for the elderly and the disabled. The majority of such dwellings post-date the Act on Housing for the Elderly of 1987. The stock of public housing for the elderly fulfils a key objective of policies concerning housing for the elderly in that it enables the elderly to remain living in their own homes for as long as they are able.

301. Dwellings for the elderly are typically provided by new construction projects or conversions of residential properties and former commercial properties. It is a requirement that such housing be self-contained and fitted with its own kitchen/kitchenette, bathroom and lavatory. The Law also requires that each dwelling be covered by a 24-hour emergency help call-out scheme and that the fittings and fixtures and accessibility be particularly adapted to cater for the needs of the elderly and the disabled, including wheelchair users.

302. The remaining stock of housing for the elderly consists of 30,000 places in traditional residential homes for the elderly, 4,000 sheltered dwellings and 3,000 quasi-communal dwellings.

### **Youth housing**

303. Around 25,000 public housing units provide housing for young people. The total stock of youth housing consists of around 55,000 dwellings, of which 34,000 are in halls of residence. The target group for youth housing is made up of young people in education and young people with special needs, e.g. arising from social problems.

### **Cooperative dwellings**

304. The some 163,000 cooperative dwellings constitute an intermediate form of housing between owner-occupied and rented dwellings. Membership of a cooperative housing association does not involve the outright buying of a dwelling but a share of the association's total assets, i.e. the property in question. By buying a share, the member acquires the right to the use of a flat.

305. There are two types of cooperative dwelling. Firstly, there are the new government-subsidized purpose-built dwellings, of which there are approximately 45,000, which have been built using subsidies since 1982. Secondly, there are the cooperative dwellings in the housing for the elderly sector, which have arisen through the pre-emptive right to buy guaranteed by law that enables occupants of private rented properties to buy a share in their dwellings, when they come up for sale. This form of cooperative dwelling is not government-subsidized.

### **Paragraph 44 (b) of the guidelines: The provision of housing for vulnerable groups**

306. The Danish legislation and the Constitution do not recognize a right to housing. But according to national housing legislation, the municipalities are to ensure a sufficient supply of dwellings for the elderly and disabled persons, who have special needs for such dwellings.

### **The number of homeless individuals and families**

307. The Ministry of Social Affairs estimates that the number of homeless people ranges between 4,000 and 5,000 persons. The social legislation demands that all municipalities provide a suitable dwelling for homeless people. If necessary, this obligation can be met by offering a place at a shelter or reception centre.

308. Some categories of persons will for various reasons not be able to obtain access to housing on their own. And some are perceived as likely to have greater difficulty meeting their needs for adequate housing than the majority of households. The categories that are thus vulnerable in the field of housing will vary from country to country, within countries and over time.

309. Some categories, however, seem more likely than others to be at a risk of not obtaining access to adequate housing or to be vulnerable in this particular situation. These categories include abusers, the mentally ill, abused persons, refugees/migrants/internally displaced persons, the physically disabled, those who have been released from institutions (orphanages, prisons or mental hospitals), the unemployed or low waged, the elderly, Roma, single parent households, youth, etc.<sup>3</sup>

310. Homelessness is a phenomenon found in most or all countries. When describing homelessness, several differing definitions are used. Generally those individuals or households living on the street or occupying temporary shelter, whether illegally or as provided by the State or charity, are regarded as “homeless” in all the States of the Council of Europe.

**The number of individuals and families currently inadequately housed**

311. In 1999, 4,348 households lived in overcrowded dwellings, defined as dwellings containing more than two persons per bedroom.

**The number of persons classified as currently living in “illegal” settlements or housing**

312. According to the Danish Forest and Nature Agency, 400 households live illegally in weekend cabins.

**The number of persons evicted**

313. Tenants in non-profit housing as well as private rental housing are protected against eviction. In principle, both groups of tenants have inalienable rights regarding the right to maintain the tenancy. There is no central record concerning evicted persons. In Denmark tenants basically have security of tenure, as long as they comply with the terms of the lease.

314. In turn the terms of the lease are regulated in the Rent Act. The housing association or letter can accordingly only terminate the lease in special circumstance, for example if the tenant violates the property rights of the letter, or if the tenant displays noisy behaviour, physical violence or threat of physical violence. In the event of a dispute between the tenants and the housing association or letter, the tenant can have the case tried before the Residents’ Complaints Board or the Rent Court.

**The number of persons whose housing expenses exceed the government-set limit of affordability**

315. There is no government-set limit of affordability in Denmark. Most rental dwellings are subject to rent regulation set forth in the Rent Act. Any rent set by the letter can hence be disputed before the Rent Court. The Rent Court can exercise the right to reduce the rent if deemed proper. The rent is brought into line with the average rent level of the area, based on the square footage rent in social housing, subject to differences in quality. Furthermore all tenants, depending on income, rent and the composition of the household, have a lawful right to housing benefits as set forth in the law on individual housing benefits. Approximately 500,000 households, corresponding to half of the total number of households living in rental dwellings in Denmark, receive individual housing benefits.

**The number of persons on waiting lists for obtaining accommodation**

316. There is no central record of the total number of persons on the waiting list for non-profit housing. Records are solely administrated by the non-profit housing associations.

317. There is no central record of the waiting time for each non-profit or private housing association's dwellings. The waiting time depends on factors such as location and price and it varies a lot. In the case of very attractive dwellings, the waiting list is long, whereas in certain problem estates it is easier to be allocated a dwelling. In general, however, there are very few vacant dwellings and therefore the waiting time is long, ranging from three months to several years. All tenants have, subject to certain conditions, the right to exchange their dwelling for another private or non-profit dwelling, within the housing association, or to be included on a priority waiting list for another of the housing association's dwellings - ahead of the ordinary waiting list. On 1 February 2000, only 243 non-profit housing units were vacant, equivalent to 0.05 per cent of the total stock of non-profit housing. Over 70 per cent of these dwellings were vacant for a period of between half a month and two and a half months.

### **The number of persons in different types of housing tenure**

**Table 20**

#### **Number of persons and households in different types of housing - 2000**

|                          | Persons<br>(in thousands) | Households<br>(in thousands) |
|--------------------------|---------------------------|------------------------------|
| Owner-occupied           | 3 234                     | 1 272                        |
| Cooperative housing      | 265                       | 156                          |
| Private rental dwellings | 747                       | 440                          |
| Non-profit housing       | 901                       | 473                          |
| Government housing       | 55                        | 34                           |
| Other <sup>a</sup>       | 86                        | 40                           |
| Total                    | 5 288                     | 2 415                        |

*Source:* Statistics Denmark.

<sup>a</sup> Including institutional households, weekend cabins, etc.

### **Paragraph 44 (c) of the guidelines: National legislation affecting the right to housing**

#### **Legislation providing for the definition of the content of the right to housing**

318. There is no Danish legislation laying down the right to housing, but the Rent Act and The Housing Regulation Act can be said to affect the realization of the right to housing.

319. In accordance with the social legislation, the municipalities are expected to provide a suitable dwelling for homeless people, but not necessarily an apartment, and - in the case that nothing else is available - the municipalities can fulfil the obligation by offering a place at a shelter or reception centre. There are different types of reception centres and shelters and the local authorities can also provide temporary stay at institutions.

320. Pursuant to the Integration Act, all newly arrived refugees in Denmark must be offered a permanent dwelling within three months. To promote the refugees' integration into Danish society, the refugees are housed across the entire country.

321. The allocation for housing is made on the basis of a scheme according to which, as a point of departure, quotas determining how many refugees are to be housed in the individual municipalities must be agreed or fixed. Under this scheme, all the municipalities of the country have to assist in procuring housing for refugees.

322. It is noted in this connection that the rules on housing of the Danish Integration Act apply only to refugees, who are granted a residence permit for Denmark. Other aliens, such as persons who are granted a residence permit as a consequence of family reunification, do not fall within the rules on housing.

323. On granting a residence permit to a refugee, the Danish Immigration Service must decide in which municipality the refugee is to be housed on the basis of the agreed or fixed quotas. When so deciding, the Danish immigration service must have particular regard to the individual refugee's personal situation, the situation in general in the municipalities and the municipal quotas for acceptance of refugees. This means that a specific and individual assessment must be made in each case in connection with the decision, in which all the criteria mentioned above must be taken into account to the extent that they are relevant.

324. Examples of personal circumstances to be taken into account in connection with the decision on housing are the refugees' need for special treatment - such as victims of torture - training and education possibilities and family ties. Moreover, the refugees' language and cultural background must be emphasized. To create the best possible conditions for establishing networks, endeavours must be made to house refugees in an area in which persons with a corresponding language and cultural background are already living.

325. Moreover, the Danish immigration service has to take into account the size of the municipality and the composition of its population, as well as its labour market and educational situation. In addition, it may be taken into consideration whether the municipality offers treatment or institutions of relevance to the refugee.

326. When the Danish immigration service has decided in which municipality the refugee is to be housed, the refugee may subsequently choose to move to another municipality. In cases where the refugee is participating in an introduction programme, however, the point of departure is that, in consideration of the continuity of the programme, the refugee must remain in the municipality in which he or she has been housed. If a refugee wants to move to another municipality and thus interrupt the introduction programme, this may affect the refugee's possibilities of receiving the introduction allowance. It is thus only possible for a refugee to continue the introduction programme in another municipality if the local council of the municipality, to which the refugee wants to move, accepts taking over responsibility for the introduction programme. The local council is obliged to take over responsibility for the introduction programme if the removal is of essential importance to the refugee's integration or if particular personal circumstances otherwise make it appropriate. Examples of circumstances of essential importance to the refugee are employment opportunities or enrolment in an educational institution. Illness among close relatives or a spouse's possibilities of integration, work, training or education are also to be considered personal circumstances that may make the other local council obliged to take over responsibility for the introduction programme.



327. If a refugee moves without the agreement of the receiving local council to take over responsibility for the introduction programme, the introduction allowance may be reduced or may cease. In this connection, it is decisive that the introduction allowance is part of the aggregate offer of assistance for integration. It is thus a condition for receiving the allowance that the statutory requirements are complied with. Moreover, in the specific decision to reduce the allowance, the local council has to take into consideration the reason why the refugee moved, as well as the refugee's need for continuation of the allowance.

### **Legislation on housing, homeless persons, municipal corporation etc.**

328. The Danish legislation for private rental housing is formulated in two acts, the Rent Act and the Housing Regulation act, which are described below.

#### **The Rent Act**

329. The rules set forth in the Rent Act are valid for all leases for privately rented houses or flats and are only limited when a lease is subject to certain rules under other legislation.

#### **The Housing Regulation Act**

330. This act replaces or supplements the rules in the Rent Act. It is especially directed towards the large urban municipalities, in which there are many rental housing units, and where there have been periods of housing shortages. The local authority can decide to enforce the Housing Regulation Act in the municipality. The Housing Regulation Act gives the local authorities jurisdiction to assure the best possible usage of the existing housing units with regard to local conditions.

331. Furthermore, the municipalities are entitled to allocate up to 25 per cent of the dwellings in a non-profit housing estate to solve housing-social tasks in the municipality. A higher entitlement can be agreed with the housing association. The municipality allocates these dwellings in the light of social criteria/needs.

332. On the other hand, requirements are made concerning persons in non-profit housing for older persons and disabled and youth housing. In some cases, single parents/families with children are given priority with respect to large flats in non-profit housing for families, and in some cases priority is given to older people and disabled persons. As regards non-profit housing designed specifically for the elderly, the municipality allocates all dwellings.

333. Finally, in June 2000, the Ministry of Social Affairs and the Ministry of Housing and Urban Affairs implemented a national programme that financially supports the effort to prevent homelessness and secondly, on an experimental basis, provides financial support for alternative housing for homeless people and other vulnerable groups of persons.

### **Legislation on the rights of tenants**

334. The basis for the relationship between landlord and tenant is mutual agreement. The Rent Act contains a number of provisions which cannot be deviated from to the tenant's disadvantage. The rental agreement must remain within the framework of the Rent Act.

In principle the Rent Act assumes that the owner cannot terminate a rental agreement as long as the tenant fulfils the terms of the lease. In general the rent cannot exceed the rent level that can be obtained in dwellings of the same size and quality in the neighbourhood.

335. The Housing Regulation Act stipulates a method for determining rent as a cost fixed rent, including the establishment of the owner's yield. The Act also includes provisions for giving notice of rent increases and about the owner's obligation to set aside a fixed amount for exterior maintenance.

336. The Danish Act on Individual Housing Benefits governs continuous aid for payment of housing expenses. The aim of individual housing benefits is to ensure that households on low incomes are able to obtain sound and fit dwellings. The Act prescribes objective rules for calculating lawful individual housing benefits. Rent allowance is granted to tenants, owners and members of private housing cooperatives. Rent allowance to tenants is paid as subsidies. Rent allowance to owners is paid as loans secured on the property. Rent allowance to members of private housing cooperatives and similar ownership structures is paid 40 per cent as subsidies and 60 per cent as loans.

337. The calculation is based on the total income of a household, the housing expenses, the size of the dwelling and the composition of the household, including the number of household members, the number of children and the retirement status of the household members. To receive individual housing benefits, the recipient must have a permanent residence in Denmark and use a dwelling in Denmark for residence all the year round.

338. Furthermore loans are available for payment of deposit in tenancies in modern, non-profit (subsidized) housing (brought into use after 1 April 1964) and in subsidized dwellings for the elderly. The loans are available to low-income households, which are defined as households whose annual income does not exceed by more than 5 per cent the total pension for a couple receiving the old-age pension. For each child in the household the income limit for being granted these types of loans is increased by DKr 25,000.

339. Tenancy deposit loans are available to both pensioners and non-pensioners. Tenancy deposit loans are free of interest and repayments for 5 years and are then repaid over 10 years. The tenant has to repay the loan on vacating the property. Local authorities may also grant a loan or furnish a guarantee for a loan to householders with a higher income. In the case of refugees, a loan for a deposit, etc. can also be made for tenancies in private rental property within the first three years of their receiving a residence permit.

### **Legislation concerning building codes**

340. The building legislation consists of a Building Act and two building regulations - the Building Regulation of 1995 and the Building Regulation for Small Dwellings of 1998, the purpose of which is to ensure that new buildings are constructed in such a fashion that they can be used by as many households as possible.

341. Chapter 4 of the Building Regulation of 1995 sets out a number of specific requirements on accessible housing arrangements for disabled persons. With regard to access, there is, for example, a requirement regarding level access. In buildings with two and more storeys at least one lift is to be installed. Access facilities are thus to be provided in order to ensure that disabled persons and persons with a reduced sense of locality are taken into consideration.

342. Requirements are also laid down to ensure access to footbridges and slopes and to make space for walking-impaired persons. Footbridges and slopes, etc, must be secured with banisters, which must be easy to grab and hold on to. Equally, there is a requirement for the creation of doorways and corridors that provide sufficient room for walking-impaired persons.

343. Moreover, there are requirements for lavatories, bathrooms and kitchens that are appropriately organized for disabled persons. Requirements are not only laid down as to the construction of the building, but there are also provisions regarding parking for disabled persons. As regards chapter 2 of the Building Act of 1995, access and driveways must be built in a way that makes the area usable for walking-impaired persons and persons with a reduced sense of locality.

344. With the change of the Building Act of 1 April 2001, the Ministry of Housing and Urban Affairs are to ensure that new opportunities are made available for disabled persons. By an amendment, it is ensured that technical means of aid are available and installed, for example wire loops in public assembly houses and level access to information and information technology equipment, credit card machines, etc.

#### **Legislation prohibiting all forms of discrimination in the housing sector**

345. Danish housing legislation does not directly provide protection against discrimination in the housing sector. However, Denmark is bound by a number of international conventions which prohibit different types of discrimination. It is therefore a clear requirement for agreements on tenancy that there must be no discrimination against ethnic or national minorities or people with social problems, which would conflict with Denmark's international obligations.

#### **Legislation prohibiting any form of eviction**

346. Reference is made to the information provided above in the section on legislation on the rights of the tenants.

#### **Legislation detracting from the fulfilment of the right to housing**

347. There is no legislation detracting from the fulfilment of the right to housing.

#### **Legislation restricting speculation on housing or property**

348. Reference is made to the information provided above in the section on legislation on the rights of the tenants with regard to restriction on the rent level.

#### **Legislative measures conferring legal title to those living in the "illegal" sector**

349. There is no legislation conferring legal title to those living in the "illegal" sector.

## **Legislation concerning environmental planning and health in housing and human settlements**

350. The Danish building legislation is drafted in such a way as to ensure that newly built buildings meet certain fire, safety and health conditions.

351. Section 4 of the Building Act requires the Building Regulation to lay down provisions on workmanship and the arrangement of housing with regard to safety, fire and health conditions.

352. It emerges from the 1995 Building Regulation and the Building Regulation for small dwellings of 1998, that a number of requirements concerning acoustics, heat insulation, damp proofing and indoor climate are to ensure the attainment of satisfactory health conditions. Regarding indoor climate, it is, for example, a requirement that building materials giving off the lowest level of contamination are used. Thus, under normal usage, the buildings will have an indoor climate that meets the health and safety standards. Building materials thus may not give off gases, steam, particles or ionized radiation, that can cause unsatisfactory indoor climate conditions which could negatively affect the health of the tenants or owners.

### **Paragraph 44 (d) of the guidelines: Measures taken to fulfil the right to housing**

#### **Measures taken by the State to build affordable housing units**

353. The principal aim of current central government housing policy in Denmark is to secure good and sound dwellings for everybody. An important element in this is the creation of a housing sector with a wide range of dwellings in order to give all population groups access to a type of dwelling which meets their needs.

354. The increased awareness in recent years of resource consumption and ecology has made itself clearly felt in the housing sector and has now become a top priority of the housing policy. The most important area of commitment in housing and building policy is publicly subsidized urban renewal, governed by the act on urban renewal. The act has three principal elements:

Quality standards for planned housing and requirements for satisfactory open space for residents;

A financing system that includes public subsidies;

Rules for planning and implementation of urban renewal projects by the municipalities.

355. In general, the urban renewal strategy has developed from concentration on limited areas to more widespread work, in which publicly subsidized urban renewal is used as a catalyst and locomotive in a larger urban policy effort. Here the affected owners and tenants are given a major say in the result. On the basis of the requirements in the individual municipalities for renovation of obsolete properties, which are defined in accordance with objective criteria, the Business and Housing Board under the Ministry of Economic and Business Affairs allocates the total annual appropriation among the individual municipalities. Under the Act on Urban Renewal the individual municipality is responsible for initiating, planning and implementing urban renewal at the local level.

356. Since 1992, a trial scheme has existed as a supplement to subsidized urban renewal that allows for the possibility of obtaining subsidies for the implementation of private urban renewal projects. The investment framework for urban renewal expanded up to the mid-1990s, when it constituted DKr 3.6 billion, but in the last years it has steadied to about DKr 2 billion.

#### **Financial measures taken by the State**

357. The Danish national budget was DKr 409,955.6 million for the year 2001. Of this the Ministry of Economic and Business Affairs was allocated 2.2 per cent to undertake measures relating to housing. The main subjects considered are building legislation, building regulation, urban renewal, housing benefits and the Rent Act, subsidized housing, coordination of data on property and research and information.

#### **International assistance to fulfil the right to housing**

358. Denmark does not receive international assistance. Reference is also made to the section above on the answer to paragraph 44 (c) of the guidelines pertaining to legislation prohibiting all forms of discrimination in the housing sector.

#### **Measures taken to encourage the development of small and intermediate urban centres**

359. The Ministry of Economic and Business Affairs is in many ways engaged in the advancement and subsidization of villages in the country. This is partly done through the Urban Fund, through which it is possible to obtain subsidies for local projects with broad citizen participation. The Ministry has held and will continue to hold conferences on villages. The Act on Urban Renewal affords possibilities for the individual municipality to subsidize renovation of buildings in the country through interest- and amortization-free loans.

360. Finally, a larger experiment with urban renewal of villages has just now been completed. These projects dealt with the revitalization of the town, dwellings and business conditions and also the architectural restoration of town centres.

#### **Rehousing measures during urban renewal programmes, etc.**

361. In Denmark, rehousing of the affected residents must be in place before urban renewal projects can be carried out. The residents are always offered an alternative dwelling during the execution of the project. The residents can to a certain extent oppose a proposed urban renewal and they must be consulted with regard to the arrangement of apartments, shared grounds, etc.

#### **Paragraph 44 (e) of the guidelines: Changes in national policies during the reporting period negatively affecting the right to adequate housing**

362. There have been no changes in national policies during the reporting period which negatively affect the right to adequate housing.

#### **Paragraph 45 of the guidelines: Difficulties and shortcomings with regard to article 11**

363. No difficulties or shortcomings exist with regard to the implementation of article 11 of the covenant.

**Paragraph 46 of the guidelines: International assistance**

364. Denmark does not receive international assistance.

**Article 12. The highest attainable standard of health**

**Paragraph 47 of the guidelines: Information on the physical and mental health of the Danish population**

365. The health status is measured by a self-rated health condition. In 2000, as many as 78 per cent of the Danes surveyed responded that they rated their individual health status as “good” or “very good”. Surveys carried out in 1987, 1991 and 1994 showed a similar trend: between 78 and 80 per cent of the respondents stated that they ranged their health status as being “good” or “very good”.

366. No apparent difference is found between rural and urban areas. About 5 per cent more men than women responded that they had “good” or “very good” health. A pronounced difference was found between citizens according to their educational background: 60 per cent of the Danes with a formal education of less than 10 years responded that they had “good” or “very good” health, while 86 per cent of the Danes with 13 or more years of formal education responded that they had a “positive health status”.

367. About one in five Danes reports to have experienced emotional problems adversely affecting their day-to-day routines on the job or in their leisure time during a four-week monitoring period. More information is available in Denmark’s triennial report submitted to the WHO Regional Office (WHO/EURO).

**Paragraph 48 of the guidelines: The Danish national health policy**

368. The State takes initiatives, coordinates and advises in the field of health. One of the main tasks is to establish goals for the National Health Policy. The responsibility for running the service is decentralized. In order to improve the coordination and efficiency of the different administrative levels involved in health care, the counties and the local authorities formulate a health-care plan every fourth year.

369. With regard to the commitment to the WHO primary health-care approach, the Danish Government published the Danish Government Programme on Public Health and Health Promotion 1999-2008, in May 1999. It is a 10-year cross-sectional programme based on cooperation between nine ministries.

370. The programme has 17 target objectives falling under three so-called “perspectives”, which are: risk factors, age groups and settings. The programme furthermore includes three structural objectives relating to the well-defined organization of the cooperation between the State and the local level. It emphasizes a need for further health promotion research and finally an intensified introduction of health promotion ideas in the graduate and postgraduate training of health personnel and related staff groups.

371. The wide range of initiatives under these targets confronts, first of all, smoking, physical inactivity, traffic accidents, nutrition and the use of drugs. The methods of intervention at primary school level is first of all based on the school as setting, i.e. including a bill on banning tobacco, supported by a programme on attitudes to tobacco and health. Health education is also a subject for planned activities on a formal basis in all schools.

372. The following ministries participate in the intersectoral programme: Ministry of Interior and Health, Ministry of Social Affairs, Ministry of Employment, Ministry of Education, Ministry of Economic and Business Affairs, Ministry of Environment, Ministry of Transport, Ministry of Culture and Ministry of Food, Agriculture and Fisheries. In January 2000, the Minister of Health made a statement in the Danish Parliament, concerning the programme.

**Paragraph 49 of the guidelines: Percentage of GNP spent on health**

373. Denmark spent 8.4 per cent of its GNP on health in 1999. Public expenditure on health constituted 12.8 per cent of total public expenditure in 1999. In 1994, the expenditure was 11.5 per cent of total public expenditure and in 1989 the corresponding figure was 12.7 per cent. Expenditure on primary health care constituted 38.0 per cent of public expenditure on health in 1999. In 1994, expenditure was 37.6 per cent of public expenditure on health and in 1989 the corresponding figure was 40.4 per cent.

**Paragraph 50 (a) of the guidelines: Infant mortality rate**

374. The infant mortality rate has declined considerably during the last 10 years. The number of deaths per 1,000 live male births decreased from 9.15 in 1989 and 6.14 in 1994 to 4.99 in 1999, while the corresponding infant mortality rate for females declined from 6.83 and 4.73 to 3.46. The 1999 figure is an official estimate. No difference in the infant mortality rate was found between rural and urban areas. However, an analysis of the 1991-1992 births has documented a significant correlation between the infant mortality rate and the educational status of the mother. The infant mortality rate was twice as high for infants with mothers with less than 8 years of formal education compared to mothers with a formal education of 13 years or more.

**Paragraph 50 (b) of the guidelines: Access to safe water**

375. With respect to the access of the population to safe water, it should be noted that the Danish water supply system generally is extremely decentralized to the benefit of, inter alia, the aquatic environment, streams and lakes. Thus, the entire population has access to clean, safe drinking water through a system of approximately 3,000 larger public water works and 90,000 smaller private water supply installations (drilled and dug water abstraction wells). Water supply is almost solely (about 99 per cent) based on groundwater. The difference between urban and rural areas in this respect mostly has to do with the ratio of public water works to private water supply. Water supply in urban areas largely is from public water works and in the rural areas largely from the smaller private wells.

**Paragraph 50 (c) of the guidelines: Access to adequate excreta disposal facilities**

376. Approximately 85 per cent of the Danish population has access to adequate excreta disposal facilities through a connection to municipal sewage systems. The remaining 15 per cent of the population discharge their sewage into the ground through sedimentation ponds, infiltration installations or other types of mechanical/biological treatment. These latter means of sewage disposal are largely found in rural areas, whereas the population in urban areas in Denmark all have access to municipal sewage systems.

**Paragraph 50 (d) of the guidelines: Immunization of children**

377. Children immunized against diphtheria, pertussis, tetanus, measles, poliomyelitis and tuberculosis: the coverage of immunization has been found not to differ between sexes or rural-urban areas. The vaccination coverage is typically high and no socio-economic patterns are discerned among the relatively few parents who prefer not to have their child vaccinated. Preferences for alternative medicines and different conceptions of the risks for possible side effects are found to be the explaining factors.

**Table 21****Coverage of the child health vaccination programme, 1994-1996-1999 (%)**

|   | 1994 | 1996 | 1999 |
|---|------|------|------|
| Pertussis 1 (5 weeks)   | 96   | 94   | -    |
| Pertussis 2 (9 weeks/3 months) <sup>a</sup>                             | 91   | 86   | -    |
| Pertussis 3 (10 months/12 months) <sup>a</sup>                          | 89   | 77   | -    |
| Diphtheria/tetanus/polio 1 (5 months)                                   | 99   | 98   | -    |
| Diphtheria/tetanus/polio 2 (6 months)                                   | 95   | 95   | -    |
| Diphtheria/tetanus/polio 3 (15 months/12 months) <sup>a</sup>           | 100  | 119  | -    |
| Diphtheria/tetanus/pertussis/polio 1 (3 months)                         | -    | -    | 96   |
| Diphtheria/tetanus/pertussis/polio 2 (5 months)                         | -    | -    | 99   |
| Diphtheria/tetanus/pertussis/polio 3 (12 months)                        | -    | -    | 99   |
| Haemophilus influenzae b 1 (5 months/3 months) <sup>b</sup>             | 98   | 95   | 94   |
| Haemophilus influenzae b 2 (6 months/5 months) <sup>b</sup>             | 90   | 92   | 97   |
| Haemophilus influenzae b 3 (16 months/15 months/12 months) <sup>b</sup> | 88   | 93   | 95   |
| Oral polio vaccine 1 (2 years)  | 101  | 94   | 94   |
| Oral polio vaccine 2 (3 years)  | 93   | 93   | 90   |
| Oral polio vaccine 3 (4 years)  | 95   | 92   | 88   |
| Diphtheria/tetanus revaccination (5 years)                              | -    | 87   | 83   |
| Measles, mumps, rubella 1 (15 months)                                   | 88   | 85   | 92   |
| Measles, mumps, rubella 2 (12 years)                                    | 78   | 91   | 87   |

<sup>a</sup> Vaccination age by 1996.

<sup>b</sup> Vaccination age by 1997 onwards.



**Paragraph 50 (e) of the guidelines: Life expectancy**

378. Life expectancy in Denmark increased modestly from 1980 to 1995 in comparison with other EU countries. The average life expectancy increased by 0.7 years for women and 1.4 years for men. However, from 1995 onwards the life expectancy of Danes increased significantly in comparison with the EU average. Thus, the life expectancy of Danish women increased by 1.0 year to 78.8 years in 1999. For men the increase was as much as 1.4 years to 74.0 years in 1999. Thus, the increase in life expectancy from 1995 to 1999 was the same or higher than that experienced during the previous 15 years.

379. No apparent gap in life expectancy exists between rural and urban areas. The differences are rather found in different city districts with different socio-economic characteristics such as lifestyle, living conditions, income and employment. Thus, a comprehensive study of life expectancy in the 15 districts in the Danish capital (Copenhagen) was undertaken in the period of 1983-1995 and found that the average life expectancy differed by six to seven years according to district. A similar trend is expected in the rural areas.

**Paragraph 50 (f) of the guidelines: Access to common medical treatment within one hour's travel**

380. An estimated 99.9 per cent of the population has access to trained personnel for the treatment of common diseases and injuries within one hour's walk or travel. These medical centres are regularly supplied with 20 essential drugs.

**Paragraph 50 (g) of the guidelines: Pregnant women's access to trained personnel**

381. The proportion of pregnant women with access to trained personnel during pregnancy is estimated at 99.9 per cent and the proportion attended by such personnel for delivery is also estimated at 99.9 per cent. In 1996 the maternal mortality rate constituted 7.39 per 100,000.

**Paragraph 50 (h) of the guidelines: Children's access to trained personnel**

382. The proportion of children with access to trained personnel for care is estimated at 99.9 per cent.

383. Statistics with regard to breakdowns by urban/rural and socio-economic groups for indicators mentioned in paragraph 50 (f)-(h) are not available.

**Paragraph 51 of the guidelines: Variation in the health situation of various groups**

384. The health situation of different groups in Denmark is outlined above as regards life expectancy, infant mortality rate and self-rated health condition. Additional and important information on health status, i.e. general mortality rate and expected number of years without illness, is described below. The survey data highlight the fact that disadvantaged groups are in relatively poorer health condition than average.

385. The high proportion of smokers is the main cause of the relatively high mortality rate and thus low life expectancy. The proportion of female smokers is substantially higher than in most other EU countries. The female lung cancer ratio in Denmark is the highest in Europe and more than twice as high as the EU average. The other main cause of death is cardiovascular diseases caused by an unhealthy lifestyle of smoking, excessive drinking and too little physical exercise.

386. The mortality rate from lung cancer and cardiovascular diseases is highest among the unskilled blue-collar workers and unemployed in poor housing conditions. The lowest social groups in particular have adopted an unhealthy lifestyle, and they also have the least favourable living and working conditions.

387. A comprehensive national study on mortality rates - and thus lower life expectancy - during the period 1987-1998 found that Danes with no vocational training had a mortality rate that was almost 80 per cent higher than that of Danes with higher education. If the unhealthy lifestyle of smoking, drinking and lack of physical exercise were not taken into consideration, the Danes with no vocational training still had a higher mortality risk of slightly more than 50 per cent in comparison with Danes with higher education. The higher mortality risk is due to less favourable living conditions, more unhealthy working environments and, especially, profoundly higher mortality for the permanently unemployed.

388. Surveys on the expected number of years without chronic illness reveal a similar pattern, but provide information on the occupational status rather than the educational status. A comprehensive survey of the illness pattern of Danes between 30 and 64 years of age was conducted during the period 1986-1991. Among women, managerial employees - typically office staff in higher positions - can expect to be free from chronic illness for as much as 83 per cent of their working life. Salaried female employees, white-collar workers, self-employed and unskilled workers can all expect that they will have no chronic illness from 72 to 74 per cent of their working life. Unemployed women will be free from chronic illness only 45 per cent of the time between 30 and 64 years of age.

389. For men, the socio-economic trend described above is more striking. Males in managerial positions can expect to be without chronic illness 76 per cent of their working life. The figure for salaried and white-collar workers ranges between 72 and 74 per cent. Skilled and unskilled workers can expect to be without chronic illness 62 per cent of their working life, while the figure for the unemployed is as low as 39 per cent. Thus, the number of years with or without chronic illness varies significantly according to socio-economic group; and within each socio-economic group women typically enjoy good health longer than their male colleagues.

**Paragraph 51 (a) of the guidelines: Changes in national policies during the reporting period**

390. The Danish Government introduced a 10-year programme on public health and health promotion in 1999, as mentioned above under paragraph 48. The programme contains 17 targets, divided into groups that focus on risk factors, age groups, structure and

health promoting environments. The overall target is to increase life expectancy and the quality of life together with equity in health. Equity in health is primarily due to the following risk factors: smoking, excessive consumption of alcohol, inappropriate nutrition and lack of exercise. In Denmark women live about five years longer than men. The lowest life expectancy in Denmark is in Copenhagen for both men and women. The effect of the programme has not yet been assessed.

**Paragraph 51 (b) of the guidelines: Governmental measures needed to improve the physical and mental health of vulnerable groups**

391. Life expectancy, quality adjusted life years (QALY), physical functional ability, mental functional ability, morbidity, mortality, smoking, excessive alcohol consumption, eating habits, exercise habits, body mass index (BMI), deaths resulting from traffic accidents, education, age and association with the labour market are taken into account by the Government in determining health measures.

**Paragraph 51 (c) of the guidelines: Governmental measures to maximize available resources**

392. Evaluation of the governmental programmes aimed at maximizing the available resources to improve the physical and mental health of vulnerable groups will primarily be carried out at macro level. The indicators mentioned above in the response to paragraph 51 (b) of the guidelines are analysed in the evaluation. Furthermore, public knowledge of the messages entailed in each of the subprogrammes is examined.

**Paragraph 51 (d) of the guidelines: Evaluation of the effect of the Government's health programme**

393. At the time of reporting the evaluation of the Danish Government's programme on health and health promotion had not yet been completed.

**Paragraph 51 (e) of the guidelines: Governmental measures to reduce the stillbirth rate and infant mortality**

394. Initiatives regarding the prevention of drug and alcohol abuse and psychosocial problems among pregnant women to reduce the stillbirth rate and infant mortality as well as initiatives to provide a healthy development of the child have been implemented.

**Paragraph 50 (f)-(h) of the guidelines: Governmental measures to treat epidemic diseases**

395. Along with the introduction of the Government's health and health promotion programme, greater importance has been attached to the prevention of epidemic diseases. The treatment of epidemic, endemic and occupational diseases is managed by hospitals and general practitioners.

**Paragraph 51 (i) of the guidelines: Effect of governmental measures on the health of vulnerable groups**

396. The evaluation of the Danish Government's programme on health and health promotion had not been completed at the time of reporting.

**Paragraph 52 of the guidelines: Health care for the elderly**

397. On 1 March 2001, the rules concerning health allowance entered into force. The health allowance implies that fixed rules are introduced as regards the payment of pensioners' expenses for medicine, dental treatment, physiotherapy, chiropractic treatment, chiropody and psychological aid. The health allowance covers up to 85 per cent of the pensioner's own payment of the above-mentioned expenses. The prerequisite for receiving the health allowance is that the total liquid assets of the pensioner and any spouse/cohabitant do not exceed Dkr 50,100, and that annual income beyond the social pension does not exceed Dkr 47,900 for single people and Dkr 96,200 for married people/cohabitants.

**Paragraph 53 of the guidelines: Community participation in health care**

398. Reference is made to the information provided under paragraph 48 of the guidelines regarding the Danish National Health Policy.

**Paragraph 54 of the guidelines: The general Danish policy on information campaigns**

399. Two of the 17 targets of the Danish Government Programme on Public Health and Health Promotion 1999-2008, described above under paragraph 48, are dedicated to health education, target 11 concerning primary education and target 17 concerning education and training of health personnel. Target 17 emphasizes the subject of health education, including teacher training, and, at the academic level, training of health personnel including doctors of medicine.

400. The evaluation of the Danish Government's programme on health and health promotion had not yet been completed at the time of reporting.

401. Denmark has been inspired by the efforts by other countries in developing their health-care systems. Denmark is also inspired by other countries' efforts in preventing diseases and promoting health and by the work of the European Union as well as the World Health Organization with which the Danish Ministry of Health has been discussing the Danish Government Programme on Public Health and Health Promotion.

**Paragraph 55 of the guidelines: International assistance**

402. Denmark does not receive international aid.

## **Article 13. The right to education**

### **Paragraph 56 (a) of the guidelines: Primary education for all**

403. In Denmark education - not schooling - is compulsory. Compulsory education means an obligation to participate in the teaching provided in the Folkeskole (primary and lower secondary public school) or in teaching that is comparable to what is generally required in the Folkeskole. Education is compulsory for children normally between 7 and 16 years of age, i.e. nine years of compulsory education. In addition there is an optional one-year pre-school class and an optional tenth school year. In the third periodic report it was stated that 96 per cent of children attend the optional one-year pre-school class and 60 per cent the optional tenth school year. In the school year 1998/99 the respective rates were 99.4 per cent and 68 per cent.

404. Persons who have custody of children of school age must see to it that the children meet the compulsory education requirement and must not obstruct this. It is the responsibility of the head teacher to make sure that the children enrolled in the school attend the lessons. An attendance register is kept on a daily basis, in which absences are recorded. If a child fails to attend the lessons, the parents shall - personally or in writing - inform the school of the cause of the child's absence. The headmaster decides on the sanctions which are to be initiated in the case of non-compliance with the obligation of compulsory education.

405. Education in the Folkeskole is free of charge and textbooks and teaching aids and materials are free as well. In private independent schools, attended by 11.87 per cent of pupils, about 85 per cent of the expenditure is publicly subsidized.

### **Paragraph 56 (b) of the guidelines: Upper secondary education**

406. Upper secondary education (for the age group 16-19) includes vocational education and is generally available and accessible to all. Vocational upper secondary education and training courses are open to all students who have fulfilled the compulsory education obligation according to the Act on the Folkeskole. Since the third periodic report admission to general or vocational upper secondary education has been changed. Today all students are admitted unless their previous school has stated that they are not qualified. Others may have access through admission tests. Education at secondary level is free of charge.

### **Paragraph 56 (c) of the guidelines: Higher education**

407. There is general access to higher education for students holding an upper secondary school leaving examination. There is no tuition fee, but students must themselves undertake the expenses for education materials. For this purpose, among others, they have access to student loans and grants.

408. In 2000 public expenditure on higher education was DKr 18.6 billion. The amount includes DKr 7.5 billion spent on student grants.

### **Adult higher education**

409. Since the third periodic report, the Danish Parliament has adopted a number of bills which will tie continuing training and further education programmes together into a single coherent and transparent adult education system (May 2000). One of the main objectives of the reform is to provide relevant adult education and continuing training offers to all adults at all levels, from the low skilled to university graduates.

410. It is a condition for starting in adult education at advanced levels that the participants have a relevant educational background and at least two years of relevant work experience. As it should be possible for the individual to participate in advanced education while still performing daily work, teaching mainly takes place outside working hours, i.e. evenings, weekends, etc.

411. State educational support for adults (SESA) aims to ensure that adults who participate in advanced education at short-, medium- or long-term higher education levels may receive financial support to do so. The special allowance is given as compensation for loss of earnings or loss of a job opportunity.

412. As regards adult education at advanced levels, participants' fees supplement the financing of the State.

### **Paragraph 56 (d) of the guidelines: Fundamental education**

413. In principle, everybody growing up in Denmark receives and completes the entire period of primary education, as primary and lower secondary education are both compulsory and free. However, in special cases the school may, at the parents' request, permit partial or total completion of compulsory education by allowing a pupil to enter trainee service for work. Such an arrangement may only be made after at least seven years of education, and when a pupil leaves school in this way, the school is required to offer advice and guidance regarding the opportunities for further education. If the occasion arises, the pupil may return to school. Pupils who leave primary school after grade 7 are entitled to a Leaving Certificate.

414. Reference is also made to the information given under paragraph 60 of the guidelines.

### **Paragraph 57 of the guidelines: Difficulties, goals and benchmarks**

#### **Shortage of teachers**

415. Denmark may - in the near future - face a shortage of formally qualified teachers at the primary and secondary education levels. At present the Ministry of Education is assessing the situation in order to prepare the necessary countermeasures.

#### **Transition to secondary education and the drop-out problem**

416. The Government is very aware of the drop-out problem. Since 1993 it has been the primary objective of Danish educational policy to give all (i.e. 95 per cent) young people a

broad-based youth education after compulsory schooling. The so-called UTA programme (Education and Training for All) forms the basis of very comprehensive and extensive adjustments to the education system with a view to promoting the objective of the programme: that all young people should be given the real possibility of completing a so-called youth education course, i.e. a course of education for 16 to 19-year-olds in continuation of compulsory education.

417. As for new initiatives taken since the third periodic report, attention is drawn to the reform of the Danish vocational education and training system (VET) which came into force on 1 January 2001. The reform seeks to support the UTA objectives by creating dynamic and attractive education programmes which are more transparent, flexible and open to the students' backgrounds and wishes, inter alia by granting more freedom to the individual learner and opening up wider possibilities to compose his or her own education. Thus, the VET reform provides for a system that offers students of all types specific individualized training. Another objective of the reform is to combine an easier transition from education to work with the option of qualifying for admission to higher education.

418. It is still too early to draw any conclusions as to the effect of this particular initiative. However, results from a number of other initiatives indicate that flexibility and individually tailored education programmes meet the special educational needs of important groups of young people. Based on the latest available data it is calculated that 86 per cent of a cohort will complete secondary education (1992: 80 per cent).

419. Another problem is the procurement of a sufficient number of practical placement positions, despite the fact that more young people have had the chance to be admitted to a school-based practical training placement. At the moment the Government and the labour market parties are negotiating an agreement to increase the number of practical training placements.

### **Paragraph 58 of the guidelines: Literacy and enrolment in basic education**

#### **Literacy - statistics and measures**

420. Illiteracy has been registered only among the immigrant population. Of a total of 43,595 immigrants participating in courses in Danish as second language in 1999, 12.32 per cent took literacy courses. However, the number might be higher as the literacy of 1,234 persons had not been assessed at the time of data collection.

421. Reference is also made to the information provided under paragraph 60 of the guidelines.

422. As mentioned in the third periodic report, it has become sadly evident that many Danish adults - particularly those with a short training record - do not read well enough. A recent study revealed that 300,000 adult citizens have difficulties, e.g. in reading and understanding a timetable or the instructions on a medicine bottle. As a result, an amendment in 1995 to the Act on Special Education for Adults opened possibilities of establishing reading courses for adults.

The aim of the courses was, inter alia, to enable the participants to take advantage of offers of supplementary and further training at the basic level. The courses were open to all and free of charge. In recent years the number of participants in reading courses was 5,000-6,000 per year.

423. In the context of the overall reform of the adult education system mentioned earlier, a new act was passed to further strengthen adult basic skills such as reading, writing and mathematics (the Preparatory Adult Education Act, May 2000). In comparison with previous initiatives the Preparatory Adult Education reform (PAE) is a more intensive and targeted measure. Also, the teaching in PAE programmes is organized so that it is in interplay with the daily life of the participants. This means that many of the activities take place at the daily workplace rather than in educational establishments. It is too early to assess the effect of the reform.

424. Participation in PAE is free and individuals who have a short formal education and who are in employment receive State Educational Support for Adults (SESA).

#### **Statistics on the enrolment in basic education**

425. As stated under paragraph 56 (a) of the guidelines, every child (including children of immigrants and refugees) must take part in compulsory education. Enrolment in fundamental education is therefore 100 per cent throughout the country.

#### **Statistics on adult education and continuing training**

426. The most important parts of adult education are the labour market training courses; the open education system; formal, general adult education; the leisure-time education; and the folk high school.

427. The number of persons who have commenced a course can be converted into full-time equivalents. Excluding leisure-time education, a total of 112,804 student full-time equivalents were enrolled in public adult education in 1999 (1993: 87,772). The number of student full-time equivalents in leisure-time education was 30,000.

428. In 1999, 17,419 student full-time equivalents started one or several labour market training courses (1993: 12,697). Including continuing training of teachers and day-care pedagogues, 31,798 student full-time equivalents commenced one or several courses under the Act on Open Education (1993: 23,825); 28,485 student full-time equivalents started on a formal, general adult education course (1993: 26,391) and 5,449 student full-time equivalents were enrolled in folk high schools (1993: 7,369). The number of student full-time equivalents in day folk high schools was 9,456 (1993: 5,600), whereas student full-time equivalents in Danish as a second language numbered 17,223 (1993: 11,890), 628 in PAE reading courses (1996: 234) and 1,738 in adult remedial instruction and special education (1996: 1,153).



## Completion rates

429. A total of 96 per cent of the young people - men as well as women - who left primary and lower secondary school at the end of the school year 1997/98 were expected to continue in the education system.

**Table 22**

**Percentage of students completing a programme they have started,  
by level of education (1998)**

|   |    |
|---|----|
| General and upper secondary education:      |    |
| Gymnasium and HF programmes                 | 84 |
| HHX and HTX programmes                      | 80 |
| Vocational upper secondary education, etc.: |    |
| Technical preparation courses               | 79 |
| VET school periods, etc. <sup>a</sup>       | 85 |
| VET main courses, etc. <sup>b</sup>         | 86 |
| Higher education:                           |    |
| Short cycle                                 | 73 |
| Medium cycle                                | 73 |
| Bachelor programmes                         | 54 |
| Basic courses at universities               | 83 |
| All graduate programmes <sup>c</sup>        | 70 |
| Separate graduate programmes                | 77 |
| Research fellow (PhD) <sup>d</sup>          | 48 |

<sup>a</sup> Also comprises short vocational basic courses such as the agricultural preparation course, etc.

<sup>b</sup> Also comprises social and health education, agricultural programmes, the basic educator programme (PGU) and other longer vocational upper secondary programmes, etc.

<sup>c</sup> Engineering, medicine, dentistry, theology, music/art and architecture, etc.

<sup>d</sup> Due to registration problems, the PhD figure is probably underestimated.

430. However, not completing does not mean that the student has removed himself from education. The student might very well embark on another education course. Accordingly, the table below is brought to your attention. It is a calculation of the education profile of a cohort based on the latest available data:

**Table 23**

**Expected profile of an educational cohort in 1998 (percentages)**

|                                      | Boys   | Girls  | Total  |
|--------------------------------------|--------|--------|--------|
| Compulsory education only            | 17     | 12     | 14     |
| With qualification for further study | 9      | 8      | 9      |
| With occupational qualification      | 74     | 80     | 77     |
| Higher education                     | 34     | 47     | 40     |
| Other                                | 40     | 33     | 37     |
| Total                                | 100    | 100    | 100    |
| Size of the cohort                   | 27 900 | 27 100 | 55 000 |

**Paragraph 59 of the guidelines: Education expenditures, systems of schools, etc.**

431. In 1998 total public expenditure on education was DKr 88.3 billion, corresponding to 7.6 per cent of our gross national product.

432. Reference is made to annex III as well as to the following Internet address with regard to the Danish educational system: <http://www.eng.uvm.dk//education/General/diagram.htm>.

433. The Danish Folkeskole is a comprehensive school which includes the entire period of compulsory schooling, i.e. both primary and lower secondary education. It is a unified school in which there is no streaming at any level. Within the framework of the Folkeskole Law, the Ministry of Education issues the principal regulations and orders for the Folkeskole. The supervision and administration of the municipal schools, mainly the Folkeskole, rests with the municipal council. Together with the individual school, the municipal council decides on the implementation of the general aims and curriculum guidelines laid down by the Ministry of Education. The municipal council has the overall responsibility for the school system of the municipality.

434. Private schools catering for children of compulsory school age may offer the entire form range of the Folkeskole, i.e. the first to ninth/tenth year, thus both primary and lower secondary education. All that is demanded of private education is that it measures up to the teaching offered in the municipal school. The Ministry of Education confers on a private school the right to use the municipal school's tests and thereby exercises a kind of indirect quality control. But in principle it is not up to any government authority but to the parents of children at the individual private school to check that its performance measures up to the standards of the municipal school.

435. In 1998 the number of schools offering primary and secondary compulsory education amounted to 2,364. The number of gymnasia, higher preparatory exam schools, etc. was 150. The number of vocational schools, etc. was 252, whereas the number of institutions of higher education was 194.

436. As the size of the cohorts has begun to increase again, so has the need to build schools. Accordingly, in 2000, the Government and the National Association of Local Authorities in Denmark agreed to increase the financing of school building: in 2001 and 2002 the local authorities have the possibility of investing about DKr 3.5 billion each year for this purpose.

437. Due to the small size of the country, the geographical accessibility to schools causes no problems. It should, however, be underlined that Denmark is a country with a considerable number of small inhabited islands. But as the distance to the mainland is usually rather short, and as transport by boat to and from these islands is fairly good during normal working hours, it usually does not cause any great problems. Provisions are made in the Act on the Folkeskole for the existence of small schools, which makes it possible to avoid sending the smallest children to the mainland to go to school.

438. To further enhance the preservation of small schools in rural areas an exemption paragraph allowing these schools to be co-managed and/or integrated with day-care facilities has recently been instituted.

**Paragraph 60 (a) of the guidelines: Ratio of men and women with different levels of education**

439. Reference is made to the reply given under question 58.

440. Except for some adult education at higher levels, there are no tuition fees at Danish educational institutions. Student support, which is available from the student's eighteenth birthday, is granted by the State in the form of State education grants and loans and it is the only source of support of any importance. The support is intended mainly to cover the cost of living and the purchase of books and other teaching materials. The support scheme is based on a principle of equality of opportunity. Everybody should have the opportunity to follow a course of study regardless of his/her social background.

441. The following table shows the extent to which equal access to the different levels of education is enjoyed in practice:

**Table 24**

**Distribution of the population (15-69 years) by gender and level of education, 1999 (%)**

|                                      | Men   | Women | Total |
|--------------------------------------|-------|-------|-------|
| Total                                | 100.0 | 100.0 | 100.0 |
| Compulsory education only            | 29.7  | 35.7  | 32.7  |
| With qualification for further study | 4.9   | 6.0   | 5.4   |
| With occupational qualification      | 59.5  | 52.7  | 56.1  |
| Higher education                     | 18.9  | 20.6  | 19.7  |
| Other                                | 40.6  | 32.1  | 36.4  |
| Unknown                              | 6.0   | 5.7   | 5.8   |

**Paragraph 60 (b)-(c) of the guidelines: Disadvantaged groups and action to guarantee equal access**

**Remedial instruction and special education**

442. Children with reading and spelling problems receive special education integrated in the normal school. Children with severe physical or psychological disorders attend special schools. For adults the local authorities are obliged to provide them with reading courses.

**Fundamental education targeted at immigrants and refugees**

443. All immigrants and refugee with legal residence in Denmark are offered an introduction programme comprised of courses in the Danish language and basic knowledge about Danish society in interplay with job training. The programme is based on an individual action plan.

444. The objective of the instruction in Danish as a second language is to provide the participants with opportunities to acquire basic prerequisites for further education and common skills and knowledge which are relevant in relation to working life, and which enhance participants' active participation in Danish society.

445. The offer is extended to persons who hold residence permits, persons who under current legislation have right of residence in Denmark for an indefinite period and Danish citizens who for special reasons do not have sufficient mastery of the Danish language to function in Danish society.

446. The instruction is free of charge.

**Statistics on participation in Danish as a second language course**

447. In 1999 a total of 43,595 participated in the programme, corresponding to 17,223 full-time student equivalents. The participants receive an average of 300 lessons of instruction.

**Examples of pre-school measures**

448. According to Act 486 of 1 July 1998, bilingual children in day-care facilities are offered extraordinary support if it is assessed that their linguistic development cannot be sufficiently stimulated within the framework of the institution. Also, bilingual children who are not attending day-care facilities have the right of up to 15 hours a week of linguistic stimulation. The municipalities are responsible for the training, and the Ministry of Education has taken several initiatives to motivate, guide and inspire them in this work.

**Examples of primary and lower secondary school measures**

449. In 1996 Dkr 100 million were allocated to enhance integration - including in schools. The results of this programme are now disseminated to all schools and municipalities.

450. This August the colleges of education have the possibility of offering Danish as a second language as a main subject.

### **Secondary and higher education of immigrants<sup>4</sup> and descendants of immigrants from third countries<sup>5</sup>**

451. Ninety per cent of the descendants of immigrants from third countries continue in education after compulsory education compared with 95 per cent of the total population (1998). The ratio of descendants from immigrants from third countries who continue education after secondary general education is also approximately the same as that of the total population, 87 per cent and 95 per cent respectively.

452. However, drop-out rates<sup>6</sup> are a little higher for these groups. While 86 per cent of all students who take up a vocational education finish it, only 76 per cent of third-country immigrants and 77 per cent of the descendants of immigrants complete the education. And in higher education, e.g. medium-term higher education, 67 per cent of third-country immigrants and 53 per cent<sup>7</sup> of their descendants complete compared to 74 per cent of the total population.

453. These figures were published in September 2000. They are now analysed to find out why immigrants and descendants of immigrants do not perform quite as well as other groups. However, a number of measures have already been taken to ensure that the level of education of various immigrant groups measures up to that of the population in general.

#### **Examples of measures targeted at immigrants in secondary and higher education**

454. At the upper secondary level bilingual pupils are a highly prioritized theme in development and research programmes, and a number of reports to form the basis of supplementary teacher training have been published.

455. In 1999 the Ministry of Education held a seminar for upper secondary schools with a large number of bilingual students. The aim was to give these schools better tools to develop their quality of training and the quality of life in general at their school.

456. Specific bridge-building courses have been established in various sectors within the health education system and specifically tailored courses have been developed for training of bilingual professionals in day-care institutions. At the moment, measures targeted at immigrants with an IT or IT-related education are deliberated. So are measures targeted at immigrants aged 16-25 years on their arrival and therefore lacking a Danish primary education, i.e. the basis on which the succeeding educational levels build.

#### **Paragraph 60 (d) of the guidelines: Language facilities**

457. The municipal councils offer mother tongue training to bilingual primary and lower secondary school pupils. This spring the Ministry of Education issued a new executive order to further enhance the quality of this training.

458. According to the Primary and Lower Secondary Public School Act any pupil can choose immigrant languages as an optional subject. The aim is to enhance the bilingual and intercultural competencies of young immigrants and refugees.

**Paragraph 61 of the guidelines: Conditions of teaching staff**

459. Most teachers are employed on a group contract basis. However, some - primarily at the primary and lower secondary education level - are employed on civil servant-like conditions, and as civil servants. Since 1993 all teachers at this level have been employed on a group contract basis. Today (June 2001) the number of civil servants and teachers employed on a group contract basis is 32,406 (including headmasters and pre-school pedagogues) and 24,092 respectively.

460. The teachers' salaries depend on the collective agreements according to which they are employed. The salaries stated below include basic salary, fixed bonuses, the teacher's (5 per cent) pension contribution and a (1.5 per cent) holiday bonus (2000/01):

**Table 25****Teachers' salaries, primary and lower secondary education (DKr. est.)**

|                                   |         |
|-----------------------------------|---------|
| Lowest seniority (annual income)  | 245 000 |
| Highest seniority (annual income) | 285 000 |

**Table 26****Teachers' salaries, general upper secondary education**

|                                   |         |
|-----------------------------------|---------|
| Lowest seniority (annual income)  | 260 000 |
| Highest seniority (annual income) | 350 000 |

**Table 27****Teachers' salaries, vocational secondary education**

|                                   |         |
|-----------------------------------|---------|
| Lowest seniority (annual income)  | 240 000 |
| Highest seniority (annual income) | 290 000 |

461. The highest seniority pay for university teachers will amount to approximately DKr 450,000.

462. Teachers' salaries are generally on the level of those of other civil servants. Therefore, no special measures are envisaged to improve their living conditions.

**Paragraph 62 of the guidelines: Private schools**

463. Private education at primary, lower and upper secondary levels is traditionally subsidized substantially by the Government (approximately 85 per cent).

464. At the primary and lower secondary level this education caters for 11.87 per cent of pupils. At the general upper secondary level, it caters for 4.6 per cent of pupils.

465. There are no difficulties when it comes to establishing or getting access to such private education. The total number of private schools is 452. Roughly, they may be divided into the following categories: small *Grundtvigian* independent schools in rural districts; academically oriented lower secondary schools; religious or congregational schools; progressive free schools; schools with a particular pedagogical aim, such as the Rudolf Steiner schools; German minority schools and immigrant schools.

**Paragraph 63 of the guidelines: Changes in national education policies during the reporting period**

466. The Government is not aware of negative changes affecting the rights enshrined in article 13. The objective is to constantly enhance the right and promote the enjoyment in practice of equal access to education, thereby raising the educational level of the population in general.

**Paragraph 64 of the guidelines: International assistance**

467. Denmark does not receive development aid.

**Article 14. Compulsory education**

**Paragraph 65 of the guidelines: Actions planned if compulsory and free primary education does not exist**

468. This provision does not apply to Denmark.

**Article 15. Culture and science**

**Paragraph 66 of the guidelines: Governmental measures to ensure everyone's right to participate in culture and science**

469. These measures are described in detail in Denmark's third periodic report (paras. 357-379). The basic background, purpose and means for the Danish cultural policy are still the same. Therefore, the following remarks are based on short summaries from the third periodic report and some few remarks on developments since then.

470. The legislation in the cultural field is based on the principle of freedom of expression. It aims at offering and encouraging everyone living in or visiting Denmark to take an active part in cultural life in its broadest sense. The framework legislation in the cultural field is based on the "arms-length principle" which, among other things, implies decentralization and autonomous boards of experts. The aim of the cultural policy and legislation is to encourage and support initiatives, whether public or private, and whether done by individuals, groups, institutions, organizations, regions, etc.

471. The aim is furthermore to encourage and support activities to promote cultural identities and cooperation between various cultural identities.

**Paragraph 66 (a) of the guidelines: Availability of funds**

472. See the introduction above. The funding for cultural development, participation and activity comes from the State, the counties, the municipalities and private funds/sponsors.

**Paragraph 66 (b) of the guidelines: Institutional infrastructure**

473. See the introduction above and descriptions in the third periodic report.

**Paragraph 66 (c) of the guidelines: Promotion of cultural identity**

474. See the introduction above and descriptions in the third periodic report.

**Paragraph 66 (d) of the guidelines: Enjoyment of cultural heritage**

475. Incentives in the cultural field cover - as mentioned above in the introduction and in the third periodic report - all cultures in Denmark and the cooperation with cultures elsewhere. A number of initiatives have been initiated within the last years by cultural institutions and organizations in order to focus on the multicultural society. Public libraries and the Immigration Library have made specific efforts to serve ethnic minorities with foreign literature, music, etc. Moreover, a network of libraries run an Internet-based service addressing minorities with the purpose of strengthening their access to information on rights, obligations and possibilities in the Danish society. The Danish sports organizations, unions and clubs are conscious of efforts to strengthen integration through the local sports life.

**Paragraph 66 (e) of the guidelines: The role of the mass media**

476. As described in the third periodic report, mass media communications, including the two public service radio and television-stations in Denmark, play an important role in accordance with the legislation and in practice in promoting participation in cultural life.

**Paragraph 66 (f) of the guidelines: Preservation and presentation of cultural heritage**

477. The situation is described in the third periodic report. Denmark is - nationally and internationally - working hard to achieve the digitalization of relevant parts of the cultural heritage in order to preserve it for the future and to make it accessible to the public.

**Paragraph 66 (g) of the guidelines: Protecting the freedom of artistic creation**

478. As described above in the introduction and in the third periodic report, freedom of expression is the basic element in the cultural policy in Denmark, which is based on the Constitution of the Kingdom of Denmark (Act No. 169 of 5 June 1953). Therefore, the cultural legislation and its implementation do not restrict or limit this freedom. Restrictions or guidelines



may, however, in specific matters follow from general legislation such as the Penal Code, which, for example, contains measures against incitement to and the commission of acts of violence and racism.

**Paragraph 66 (h) of the guidelines: Professional education in culture and art**

479. As described in the third periodic report, professional education in Denmark in the cultural field covers fine arts, architecture, design, arts and crafts, music, theatre (ballet, opera, plays), film and libraries.

**Paragraph 66 (i) of the guidelines: Other measures to conserve, develop and disseminate culture**

480. Denmark is currently adjusting the framework conditions for cultural life in order to cover the changing developments, including especially the new technology, media, digitalization, etc.

**Paragraph 67 of the guidelines: Measures taken to realize the right of everyone to enjoy the benefits of scientific progress**

481. The provisions of the Danish constitution on civil rights also serve to safeguard the right of everyone to enjoy the benefits of scientific progress and its applications.

**Paragraph 67 (a) of the guidelines: Measures taken to ensure the application of scientific progress for the benefit of everyone**

482. The Danish public scientific system has an obligation to present the results of its research to the society for use in the public sector as well as the private sector. The Danish Government has since 1993 augmented the appropriations for research and development, especially through specific programmes to solve problems in specific areas.

483. A new act of 1999 on inventions at the public research institutions should facilitate the application of scientific inventions for the benefit of society and industry.

484. The use of research results in both the public and private sectors will create progress for the benefit of the individual, for example in medical care and treatment or in the creation of new products presented to the market.

**Paragraph 67 (b) of the guidelines: Measures taken to promote the dissemination of information on scientific progress**

485. In recent years the Danish Government has concluded contracts with Danish universities and other governmental research institutes. These contracts have underlined the obligation of the institutions to promote the dissemination of information on scientific progress, e.g. by increasing the number of scientific publications.

486. The Danish Research Network is being updated to support close cooperation between scientists nationally and internationally.

**Paragraph 67 (c) of the guidelines: Measures taken to prevent the use of scientific progress for purposes contrary to human rights**

487. The purpose of the Danish Act on Scientific Ethical Committees and Biomedical Research Projects is to safeguard the physical and psychological well-being of individuals by specifying clear conditions for research undertaken on human beings.

488. An administrative regulation of 2000 concerning informed consent by individuals taking part in biomedical research projects has integrated and clarified, in a legally binding form, the totality of rules regarding informed consent by trial subjects in biomedical research projects.

489. Also in 2000, an information folder targeted at potential participants in biomedical research projects, and highlighting the rights of the trial subject, was issued.

490. Research on reproductive cloning, which involves the creation of identical individuals, is prohibited. This follows from the Danish Act on Medically Assisted Procreation in connection with medical treatment, diagnosis and research (sect. 28). It should be noted that according to section 2 of the same law medically assisted procreation may not take place unless it is performed for the purpose of fertilizing a genetically unchanged (unmodified) ovum with a genetically unchanged (unmodified) sperm cell. Furthermore, according to section 21, new methods of treatment and diagnostics, etc. shall not be employed in medically assisted procreation until the Minister for Health has approved them in terms of ethics and medical practice. The Minister for Health shall lay down rules for the registration and approval of new methods of treatment and diagnostics, etc. in relation to medically assisted procreation.

491. In 2001 a new governmental committee was established to describe new technologies in health research: gene diagnostics, gene therapy, the use of human stem cells and xenotransplantation.

492. The committee was expected to present its report to the Minister of Information Technology and Research in late 2002. The report will include recommendations for the future, based on literature studies and discussions with researchers in possession of cutting-edge knowledge on these new technologies.

**Paragraph 67 (d) of the guidelines: Restrictions upon the exercise of this right by the individual**

493. There are no restrictions on the right of the individual to enjoy the benefits of scientific progress.

**Paragraph 68 of the guidelines: Protection of the moral and material interests resulting from scientific work**

494. A new Danish Act on Public Research IPR (Intellectual property rights) was adopted by the Danish Parliament in 1999. The act aims to ensure that research results produced by means of public funds should be utilized for the Danish society and industry. According to the new act universities are entitled to claim IPR for inventions by their own employees. Revenue from IPR contracts should be divided between the inventing researchers and the institution, thereby offering an incentive for all parties to generate and exploit scientific inventions.

495. A particular article states that special consideration should be given to ethical issues, should this be requested either by the institution or the individual researcher.

**Paragraph 69 (a) of the guidelines: Steps taken for the conservation, development and dissemination of science**

**Measures at the constitutional level**

496. There has been no change at the constitutional level.

**Within the educational system**

497. By an act of May 2000, the institutions offering medium-cycle higher education programmes will be organized in centres for higher education (CVUs). The purpose of this new form of organization is to strengthen and develop the medium-cycle programmes by spreading the research-based knowledge of the universities and other centres of higher education.

**By means of communications media**

498. The Danish Research Network, "Forskningsnettet", is a high-speed Internet supplier designed for Danish universities and research institutions. At present Forskningsnettet has approximately 110 subscribers. The Danish Ministry of Information Technology and Research financially supports Forskningsnettet. Forskningsnettet has always been a front-runner in applying the newest Internet technology. Starting in autumn 2000, Forskningsnettet offers its subscribers a new high-speed backbone and dark fibres for test and development, connecting Lyngby and Copenhagen with Odense, Århus and Ålborg.

499. Compared to commercial Internet suppliers, Forskningsnettet offers its subscribers in the academic world a whole range of advanced features, focusing on high-speed international connection, severe IT-security and a very reliable service. Furthermore, subscribers to Forskningsnettet have the opportunity to influence the future through various working groups.

**Paragraph 69 (b) of the guidelines: Other practical steps**

500. In order to promote the development and dissemination of scientific research, libraries have been established at all universities and institutions of higher education.

501. The Danish National Research Database presents an overall picture of research in progress and published Danish research. The database has been established by the Ministry of Research and Information Technology, and is today a part of Denmark's Electronic Research Library. Since 1988, when collecting and storing information about Danish research results and research in progress began, the database has grown to include more than 150,000 research references. The Danish National Research Database is based on information delivered from universities, institutions of higher education, government research institutes, research councils and other public institutions carrying out research. The number of database suppliers grows continuously.

**Paragraph 70 (a) of the guidelines: Measures to promote enjoyment of this freedom, including creation of all necessary conditions for scientific research**

502. Basic research is mainly performed at the universities and institutions of higher learning. It is largely done from the basic appropriations, for which the institutions have the right of self-determination in accordance with the University Act that governs these institutions.

503. The individual researcher has as a general rule the freedom to choose his own subject matter of research, a free choice of scientific method and a free choice of medium for the publication of research results.

504. Many new research programmes have been initiated and more appropriations provided in recent years. It is the function of the six independent Danish research councils to distribute the funds on the basis of quality criteria alone.

505. A new strategy has been initiated to stimulate further cooperation between different institutions and different subject matters and to highlight quality and competition for new appropriations. The intention is to connect larger research groups in networks of excellence and to promote public-private relations.

**Paragraph 70 (b) of the guidelines: Measures to guarantee the freedom of exchange of scientific information between scientists**

506. As a general rule, the University Act states that the institutions of higher education shall contribute to the dissemination of knowledge of their working methods and research results.

507. In 2000, a set of guidelines was issued for securing publicity about public research financed by a private sponsor. The intention is to give the public the necessary information about the identity of the private sponsor and the extent of the financial involvement.

508. Concerning the management of research cooperation and contracts between universities and private enterprises, a committee produced a report in 2000. The committee issued a number of recommendations to secure openness and transparency and set up a checklist for the formulation of cooperation contracts. It stated that results from this form of research are always to be published.

**Paragraph 70 (c) of the guidelines: Measures to support learned societies, professional associations, etc.**

509. The Government grants financial support to learned societies such as The Royal Danish Academy of Sciences and Letters, The Learned Society and others. The Danish tax system allows employees to deduct contributions to professional associations from their income tax. This constitutes indirect support for the professional associations.

**Paragraph 71 of the guidelines: Measures to develop international contacts and cooperation in the scientific field**

510. The Danish Government strongly encourages international contact and cooperation in the scientific field and also encourages scientists to participate regularly in international conferences, seminars, symposia, etc. Internationalization is a goal of the national policy of research training.

**Paragraph 71 (a) of the guidelines: The fullest utilization of facilities**

511. Denmark is a member of a number of international organizations for research cooperation e.g. the European Organization for Nuclear Research (CERN), the European Space Agency (ESA), the European Southern Observatory (ESO), the European Molecular Biology Laboratory (EMBL), and others. In this way Danish scientists are stationed at the international research centres and able to make full use of the international facilities.

512. Denmark is also strongly engaged in the research cooperation within the European Union as well as the regional cooperation among the Nordic countries.

**Paragraph 71 (b) of the guidelines: Participation by scientists in international conferences, etc.**

513. The universities receive basic funding that enables scientists to take part in international conferences. The research councils also give grants for this purpose. The Danish Research Training Council offers three-year grants for particularly promising PhD students who want to conduct their studies abroad together with the best research groups. Other PhD students are mostly secured financial support for study abroad for a number of months: 49 per cent of Danish PhD students have a stay abroad of at least three months.

**Paragraph 72 of the guidelines: Potential negative effects of national policies in this regard**

514. The Government is not aware of negative changes affecting the rights enshrined in article 15.

**Paragraph 73 of the guidelines: Other relevant recently submitted reports**

515. No other relevant reports have been submitted.

**Paragraph 74 of the guidelines: International assistance**

516. Denmark does not receive international assistance.

## **REPORTING FROM GREENLAND**

### **Article 1. The right to self-determination**

517. Reference is made to article 1 of the third periodic report.

### **Article 2. Implementation of the Covenant and discrimination**

518. Being part of Denmark, Greenland participates in a wide range of forums of international cooperation. Under the Greenland Home Rule system various types of legislation apply to Greenland:

(a) Danish Act (abbreviated as DA) adopted by the Danish Parliament (the Folketing), regulating areas which have not been transferred to the Greenland Home Rule Government;

(b) Act adopted by the Greenland Home Rule Parliament (abbreviated as GA), regulating areas which have been taken over by the Greenland Home Rule Government but in relation to which the economic implications are not covered by the Danish Government's block grants for the Greenland Home Rule Government;

(c) Greenland Parliamentary Regulation (abbreviated as GPR) adopted by the Greenland Home Rule Parliament, regulating areas which have been taken over by the Greenland Home Rule Government. The financing of these areas forms part of the Danish Government's block grants to the Greenland Home Rule Government;

(d) Home Rule Order (abbreviated as HRO) issued by the Greenlandic administration;

(e) Prolongation Order (abbreviated as PO) used for the specific entering into force in Greenland of an existing DA. Some DAs apply to Greenland at the same time as they apply to Denmark;

(f) Danish Order (abbreviated as DO) is a Danish order, which is also in force in Greenland.

519. Greenland is not entitled to pursue an independent foreign policy. In this context, it should be mentioned that, since 1984 and in line with two other home rule areas in the Nordic area, Greenland participates in Nordic cooperation. This participation is carried out on a basis of equality in that the Danish Parliament has given seats in its Nordic Council delegation to two members of the Greenland Home Rule Parliament, and in that the members of the Greenland Home Rule Parliament attend the meetings of the Nordic Council of Ministers, which is the formal forum for intergovernmental cooperation between the five Nordic countries. The representatives of Greenland have no voting rights but are allowed to speak and submit proposals.

520. No legislation implies any kind of discrimination within the borders of Greenland in terms of race, colour, language, religion, political or other opinion, national or social origin, property, birth or other status. However, it should be noted that GA No. 27 of 30 October 1992

on the regulation of the increase in the labour force in Greenland contains provisions ensuring that the local population has a right of priority in relation to jobs where the supply of Greenlandic labour is adequate. An employer must therefore contact the local labour market office to apply for permission to employ non-local manpower in such positions. Such permission will be granted if no Greenlandic manpower or manpower with special affiliation with Greenland can be provided via a job centre. The Act places Greenlandic and other manpower on an equal footing in cases when a non-Greenlandic person has lived in Greenland for at least 7 out of the past 10 years or has a special affiliation with Greenland, for example through family ties.

521. The Act should also be seen in the light of Greenland's special status in the Kingdom of Denmark, where Greenland is regarded as an area which differs from the rest of Denmark in terms of language, culture and, in certain respects, development. Like developing countries Greenland has special needs relating to the education and employment of the native population.

### **Article 3. Equality between men and women**

522. There are no rules and regulations in Greenland which prevent certain groups of people from receiving public benefits or enjoying collective rights on the basis of gender.

### **Article 4. Limitations**

523. It should be noted that many of the rights established by the Convention are rights already laid down in the Danish Constitution, which also applies to Greenland.

### **Article 5. Activities aimed at destruction or limitation of rights**

524. Greenland has no comments in relation to article 5 of the Convention.

### **Article 6. The right to work**

525. In Greenland employment is first and foremost ensured through targeted development of commerce and industry. In recent years the focus has been on the development of the fisheries industry, tourism and, in the long term, the extraction of raw materials. In addition, the public authorities finance initiatives aiming at creating jobs for the unemployed. These initiatives are organized locally in the individual municipalities and are adapted to local conditions and opportunities.

526. The municipalities, partly in the form of collective training, also carry out occupational counselling and occupational counselling of young people in schools, and partly in the form of individual counselling carried out by municipal labour market offices. In addition, counselling is given in relation to labour market training. The legal basis for this is GPR No. 11 of 16 December 1988 on job provision and HRO No. 42 of 28 September 1994 concerning grants for municipal job-creation programmes.

527. Section 15 of GPR No. 2 of 31 May 1999 concerning occupational training stipulates that a committee is established in each municipality with the purpose of ensuring that the occupational training is integrated in the local community.

528. It appears from section 1 of HRO No. 5 of 3 September 1982 concerning occupational and educational counselling that the purpose of such counselling is to assist individuals in choosing and preparing for education or an occupation and to cater for society's need for manpower. In addition, it appears that occupational and educational counselling are available to all citizens in Greenland, that the counselling is free of charge, and that it is provided by municipal labour market offices, municipal or regional vocational guidance officers, institutions of primary and lower secondary education and institutions of vocational training.

529. For use in relation to the counselling activities, the Directorate of Culture, Education, Research and Ecclesiastical Affairs each year publishes *Sunngu* (The Key to Education and Training in Greenland and Denmark). This handbook - available on the Internet - describes all types of education and training for which support is available in Greenland and Denmark respectively.

#### **Article 7. Just and favourable conditions of work**

530. In Greenland fair wages, equal for the same type of work, are ensured through the collective agreements entered into by the public authorities and the labour organizations. However, it should be mentioned that, due to certain historical factors, labour organizations in Denmark have been able to maintain certain wage-related advantages and other advantages defined by collective agreements for those of their members who are not native Greenlanders and whose status is thus that of invited labour. These inequalities have gradually been eliminated in recent collective agreements, so that new employment is carried out on equal terms for work of equal value.

531. Most workplaces in the country are in the public sector or in publicly owned enterprises. The public agreements made on these workplaces have a spin-off effect on the rest of the labour market.

532. Safe and healthy working conditions, rest periods, leisure time and a reasonable limitation of working hours are ensured through provisions in DA No. 295 of 4 June 1986 concerning health and safety at workplaces and related, supplementary provisions. Likewise, Greenlandic legislation provides for holidays with pay or holiday allowances. Allowances for work on non-Sunday holidays are determined in collective agreements.

#### **Article 8. Trade unions**

533. There is nothing in the law which prevents membership of a labour organization, the establishment of a labour organization or joint efforts by labour organizations. Likewise, there is nothing in the law which prevents collective strikes. However, such strikes are not allowed in the case of public servants. The police and armed forces follow Danish legislation.

534. Collective agreements applying to all of Greenland have been made with about 35 organizations, most of which are based in Greenland. The largest organization is Silinermik Inuutissarsiuteqartut Kattuffiat (SIK - The Greenland Labour Organization).

#### **Article 9. Social security**

535. The following social security schemes apply in Greenland.



536. GPR No. 15 of 12 November 1991 concerning tariff-based public benefits regulates sick benefits. However, a large number of employees receive wages or salaries during periods of sickness, in accordance with collective agreements. The legal position of people who do not meet the requirements concerning affiliation to the labour market as laid down in the GPR on tariff-based assistance, or who receive pay during periods of sickness, are covered by GPR No. 10 of 1 November 1982 concerning public assistance (benefits based on individual assessment).

537. If absence from work is due to an industrial injury or a recognized work-induced disease, daily cash benefits will be paid in pursuance of DA No. 943 of 16 October 2000 concerning industrial injury insurance. This scheme is based on the employer taking out insurance.

538. GPR No. 12 of 31 October 1996, GPR No. 12 of 30 October 1998 and GPR No. 6 of 11 November 2000 concern leave and benefits in relation to pregnancy, childbirth and adoption. Some wage earners are entitled to full pay during pregnancy and maternity leave as a result of collective agreements. In order to receive payments, recipients must be active on the labour market.

539. All persons of more than 63 years of age with a permanent address in Greenland are entitled to a pension from the Home Rule Government in pursuance of GPR No. 10 of 30 October 1998, GPR No. 8 of 29 October 1999, and GPR No. 12 of 12 November 2001 concerning public pension. Elderly people may be entitled to accommodation at old-age homes, nursing homes, etc. following a concrete assessment of their needs in pursuance of GPR No. 11 of 30 October 1998 concerning old-age homes, etc. Home help may also be provided.

540. Rules governing benefits to people with physical or mental disabilities are laid down in GPR No. 7 of 3 November 1994, GPR No. 13 of 31 October 1996, and GPR No. 1 of 23 May 2000 concerning assistance to people with severe disabilities. The GPR provides for the provision of auxiliary equipment, support for the employment of care assistants, support for relief facilities, stays at residential care facilities, refurbishment of dwellings, holiday travel, etc. In addition, the pension regulation contains provisions concerning disability pension to people whose disability makes them unfit for work.

541. Provisions concerning allowances to surviving relatives in relation to industrial injuries are contained in the PO concerning DA No. 943 of 16 October 2000 concerning industrial injury insurance.

542. GPR No. 15 of 12 November 2001 concerning tariff-based public benefits covers unemployment benefits. This regulation determines the benefits granted to members of a number of trade unions. Persons who are not covered by this regulation may receive benefits under the regulation concerning public assistance.

543. Income-related child benefits are granted under GPR No. 11 of 31 October 1996 concerning child benefits. Pensioners are entitled to supplementary child benefits under the pension regulation. GPR No. 9 of 30 October 1992 concerning assistance to children and young people contains provisions concerning assistance to minors in cases where special support is required.

544. All the social security benefits and allowances mentioned above - with the exception of industrial injury insurance - are fully financed by public authorities. There is nothing in the law which prevents the establishment of collective schemes. Pension fund schemes have been established by most groups of the public sector labour market by agreement between the employers and the unions. Participation in the schemes by unskilled and skilled workers is still at a rather low level. The Social Reform Commission of 1995-1997 has recommended a renewal of the system of social security benefits and allowances. The renewal of the social legislation is still in progress.

#### **Article 10. The family, mothers and children**

545. To a large extent the Danish Law regulates the legal position of families. PO No. 307 of 14 May 1993 concerning the entering into force in Greenland of the Act on the Contract and Dissolution of Marriage applies. Section 1 of this order contains the following provision: "A person under the age of 18 must not contract marriage without the permission of the National Ombudsman." Section 2 (1) states: "No person under 18 years of age who has not previously been married must contract marriage without the consent of his or her parents." See also article 9 concerning maternity leave.

546. It is noted that child labour is restricted by DA No. 295 of 4 June 1986 on health and safety at the workplace in Greenland. According to this act children under the age of 15 must generally not carry out work in the labour market, with the exception of light work for two hours a day. The Danish Minister for Employment lays down particular rules concerning the execution of work the nature of which may be detrimental to the safety, health or development of young people.

#### **Article 11. Right to an adequate standard of living**

547. The growth rates in Greenland have been very unstable through the 1980s and the 1990s. In the beginning of the 1980s the growth rates have been up and down. From 1985 to 1989 there was a significant growth, calculated as GDP per capita in fixed prices. Then the growth decreased and in 1990-1993, the trend was negative. After 1994 the development was mainly positive. The growth from 1998 to 1999 was 7.2 per cent. However, recently there have been signs that the development in the economy will slow down to a period of stagnation. The background is the reduced incomes in the fisheries and the fishing industry (shrimps and the Greenlandic halibut).

548. The private sector in Greenland can be described in terms of the fisheries, raw materials (mining and oil), tourism and other activities on the coast. The fisheries are the far most important sector. Twenty-five per cent of the labour force is occupied in the fisheries, and 92 per cent of the exports from Greenland are fish products. Economic development is heavily dependent on the prices and amount of fish exported. The price of shrimps has been falling significantly in the last year, and the result may be stagnation in Greenland.

549. The most recent GDP development is mainly a result of a positive employment trend since 1993, combined with a low rate of inflation and rising personal income. However, this trend seems to be at a turning point. The development in the disposable national product per capita follows this pattern, but changes are of minor significance, since block grants from Denmark are included.

550. The unemployment rate in Greenland fell from 8 per cent in 1998 to 7 per cent in 1999, to 6 per cent in 2000 and 2001. It is the expectation that the stagnation in the fisheries will result in a minor increase in unemployment. However, the employment situation in Greenland is still good. It should be added that about 20 per cent of the population living in settlements are not included in the statistics.

551. Inflation: consumer prices rose from 2000 to 2001 by 2.9 per cent. Prices are increasing at a more rapid pace in recent years than before.

552. Most housing facilities constructed in Greenland are partly or fully financed by public funds, i.e. by the Greenland Home Rule Government and the municipalities in Greenland. This applies to rental housing, cooperative housing and single-family houses. The responsibility for housing was transferred from the Danish Government to the Greenland Home Rule Government in 1987. Since then the Home Rule Government has laid down rules in this area. The objective in relation to housing in Greenland is that there should be a dwelling for each cohabitant couple, as well as a dwelling for all single people above the age of 20.

553. The construction of publicly financed housing is governed by DA No. 944 of 23 December 1986 concerning subsidies for the construction of housing and GPR No. 5 of 31 May 2001 concerning cooperative housing. The rental of dwellings is subject to GPR No. 3 of 13 June 1994 concerning the rental of dwellings.

554. From 1 January 2002 housing benefits are granted to low-income families in pursuance of GPR No. 3 of 31 May 2001 concerning housing benefits in rental housing. The size of the benefit is determined on the basis of an assessment of the rent and the size, composition and income of the family.

#### **Article 12. The highest attainable standard of health**

555. When Greenland took over the health services from the Danish Government on 1 January 1992, Greenland adopted the objective of the World Health Organization concerning "Health for All by the Year 2000". All citizens of Greenland must therefore be given the best possible opportunities for achieving a good standard of living by having general access to the services offered by the health sector.

556. In general terms the health services in Greenland are structured in accordance with the basic principles outlined in the Convention.

557. As an element to ensure achievement of the objective of "Health for All by the Year 2000" a wide range of health services are offered free of charge. Health education in Greenland is being strengthened on an ongoing basis. The objective is to adapt education to conditions in Greenland, at the same time ensuring a high standard of health services.

558. Greenland is aware that prevention is an important element in the improvement of the health of the population in general. The health services therefore endeavour to make individual citizens aware of their fundamental responsibility for their own health.

559. The services provided by the health authorities in Greenland are regularly assessed and made more efficient and effective. After the takeover of health services, the political objective has resulted in the following legislation:

(a) GPR No. 15 of 6 November 1997 concerning health services, etc. This regulation establishes the overall guidelines for health services in Greenland and describes the services offered to citizens. The legislation also includes rules on the authorization of health sector personnel, rules concerning job areas to be covered by health staff, and rules concerning vaccination, medicine and transport to hospitals;

(b) GPR No. 3 of 23 May 2000 concerning the management and organization of the health sector contains overall guidelines for the organization and structure of the health sector, including parliamentary monitoring of the health sector. This legislation comprises rules on the division of the country into districts and the functions to be carried out by hospitals. In addition, rules have been laid down concerning district health boards, including a number of rules on preventive measures. One such preventive measure has been ensured by the adoption of GPR No. 4 of 23 May 2000 concerning tobacco, smoke-free areas and the labelling of tobacco products;

(c) GPR No. 6 of 31 May 2001 concerning the legal rights of patients ensures that the dignity, integrity and self-determination of the patients are respected. Further, it shall ensure a confidential relationship between patient and the health personnel.

### **Article 13. The right to education**

560. No legislation exists in Greenland which is contrary to the rights established in article 13 (1) of the Convention.

561. It is stated in the Danish Constitution of 5 June 1953 that all children in the age group subject to compulsory education are entitled to free primary and lower secondary education. However, parents or guardians who ensure that their children receive education comparable to the general standards of State school education are not obliged to let their children follow primary and lower secondary State education.

562. The rules concerning primary education in Greenland are deemed to comply with the requirements of the Convention concerning primary education. These rules are fully comparable to those applying to Danish State schools. Primary education in Greenland is governed by GPR No. 1 of 6 June 1997 concerning the public school.

563. It is stated in the GPR that any child living in Greenland is subject to compulsory education as from the year in which the child reaches the age of 6 and for nine years thereafter. In addition, it is stated that the compulsory system implies a duty to participate in the education provided by the primary and lower secondary State education system, or education equivalent to the standards of the primary and secondary State education system. Upon request, a pupil may be exempted from classes of Christian studies if his or her parents declare in writing to the head of the school that they are willing to ensure religious education of the child themselves.

564. The legislation applying in Greenland must be said to comply with the requirements of the Convention, in that:

- (a) Primary education is compulsory and free of charge;
- (b) Parents and guardians are entitled to choose schools other than those established by the public authorities;
- (c) Parents and guardians are entitled to ensure religious and moral education of their children in conformity with their own convictions.

565. In Greenland secondary education mainly means vocational training and education, governed by legislation including GPR No. 2 of 31 May 1999 concerning vocational training and vocational courses which has introduced basic, decentralized vocational training. The requirements for admission to vocational training and education will be met if the student has entered into a work practice agreement and meets the specific admission requirements laid down in the orders concerning the training and education concerned.

566. The order covers basic, decentralized vocational training and education in Greenland in the following main areas: metalworking; construction; commercial and clerical trades; food trades; fisheries; social services; health services; graphic trades; service trades. In addition, training as a sheep farmer and training in tourist trades are offered. Furthermore, vocational and advanced training and education are offered in several of the areas mentioned.

567. It is stated in GPR No. 2 that such training and education are free of charge and that the Home Rule Government decides whether participants are to pay partly or fully for study materials which become the property of the participants.

568. In Greenland higher education means further education. Such education is governed by DA No. 582 of 29 November 1978 concerning vocational training and education.

569. The Greenland Home Rule Government offers upper secondary education in pursuance of DA No. 431 of 13 June 1990 concerning upper secondary education, etc. and GPR No. 108 of 17 February 1992. In addition higher education is offered in the following areas:

- (a) Nursing (GPR No. 7 of 29 October 1999 concerning the education of nurses);
- (b) Journalism (GPR No. 6 of 30 October 1995 concerning the education of journalists);
- (c) Primary and lower secondary school teaching (GPR No. 2 of 2 May 1996 concerning the education of teachers for the public school);
- (d) Social work (GPR No. 10 of 31 October 1996 concerning the education of social workers);
- (e) Social pedagogy (GPR No. 2 of 20 May 1998 concerning the education of teachers for kindergardens, etc.);

(f) University education (GPR No. 16 of 31 October 1996 concerning Ilisimatusafik - University of Greenland).

570. A common feature of all these types of education is that they are free of charge for students and open to everybody meeting the specific admission requirements.

571. At present, the legislation concerning the education of social workers is being revised, one purpose being to make admission requirements more strict in order to bring them into line with the admission requirements applying to other types of higher education. In the future, the general rule will be that students must have passed a number of A-levels to be admitted to the education.

572. As explained in relation to primary, secondary and higher education, the education system in Greenland must be assumed to cover all levels. Students in Greenland may apply for admission at institutions of education both in Denmark and Greenland. In relation to admission to Danish institutions of education, applicants from Greenland apply on equal terms with Danish applicants. As explained below, study grants are provided for students admitted to a Danish institution of education.

573. According to GPR No. 3 of 2 May 1996 October 1993 [*sic*] concerning educational grants and occupational counselling, study grants are provided for lines of education designated by the Home Rule Government. At present study grants are provided for all lines of education listed in *Sunnngu* (The Key to Education and Training in Greenland and Denmark) (cf. sect. 1 of HRO No. 17 of 3 July 1995 concerning study grants). However, the Directorate for Culture, Education and Ecclesiastical Affairs may decide that other lines of education are eligible for study grants as well. In addition, grants may be provided for continuation education, i.e. the general school-leaving examination (FSA), the advanced school-leaving examination (FSUA) and the higher preparatory examination (HF).

574. The following requirements must be met in order to obtain study grants:

- (a) Danish citizenship;
- (b) Permanent address in Greenland in relation to education in Greenland;
- (c) Permanent address in Greenland at the time of application and residence in Greenland for at least 5 years prior to the application, or permanent residence in Greenland for at least 10 years, with no more than 3 years spent outside Greenland.

575. Study grants are provided in the form of a basic monthly sum. In addition, child allowances, grants for necessary textbooks, grants for medication, grants for acute dental treatment, and grants for bus and train transport may be provided. Students are also entitled to free travel, transport in relation to holidays and transport of goods. In addition, they may apply for study loans.

576. In addition, grants may be provided to pupils in the last years of primary and lower secondary education (cf. GPR No. 5 of 28 October 1982 concerning grants for pupils in the last

years of primary and lower secondary education). The purpose of these grants is to ensure that such pupils will be in a financial position enabling them to continue lower secondary education after the ninth year (cf. GPR No. 1 of 6 June 1997 concerning the public school).

577. The legislation in force encourages those who have not received or completed primary and lower secondary education in the following ways.

578. First of all, it is possible to continue basic primary and lower secondary education for one or two years in the tenth and eleventh forms. Such continuation education is supported in accordance with the provisions of GPR No. 5 of 28 October 1982 concerning support for the last years of primary and lower secondary education. In addition, it is possible to follow single-subject courses under Greenland's upper secondary education system (cf. HRO on students under Greenland's upper secondary education system). Grants are offered in relation to such courses (cf. HRO concerning study grants). The courses are free of charge.

579. Moreover, it is possible to follow single-subject courses for adults (cf. HRO on continuation education in preparation for lower secondary general and advanced school-leaving exams). The purpose is to give people who have dropped out of primary and lower secondary education an opportunity to ensure personal development and to acquire skills and knowledge enabling them to comply with requirements in relation to higher education. In pursuance of section 8 a fee is charged for participation in such courses (cf. the provisions concerning participation in adult education). However, books and other study materials are placed at the disposal of the students free of charge.

#### **Article 14. Compulsory education**

580. Since the legislation applying in Greenland is deemed to meet the requirements laid down in article 13 of the Convention, no detailed plan of action for progressive implementation as outlined in article 14 has been formulated.

#### **Article 15. Culture and science**

581. The legislation in force in Greenland does not contain any provisions limiting the right to take part in cultural life. There is freedom of association.

582. Several nationwide artistic and cultural organizations, institutions and associations receive grants provided for by the Finance Act adopted by the Home Rule Parliament under the headings of other leisure activities, culture and general education and public information, including: the Federation of Women's Associations in Greenland, Kalaallit Nunaanni peqatigiinniat kattuffiat, the Inuit Federation, Silamiut, the Nordic Institute, Kalaaleq, local radio and TV stations, Kalaallit Nunaanni Erinarsoqatigiit kattuffiat, local newspapers, Team Greenland, Inuuneq Nakuuneq, Sorlak, Sukorsaq, the Greenland Scouts, the Greenland Sports Association, Kalallit Roede Korsiat and Kattuffik "Utoqqaat Nipaat".

583. The account for "cultural initiatives" is used for grants for all kinds of cultural activities. Grants are typically given to cultural organizations and associations or to individuals for special projects. The account for "support to artists" is used for work grants to artists in the areas of visual art, literature, music, arts and crafts, artistic design and cultural research. The Home Rule

Government also provides grants for meeting facilities and community centres, as well as to Greenland centres in Denmark. Grants are provided to local artistic and cultural organizations in pursuance of GPR No. 5 of 9 April 1992 concerning leisure activities.

584. The institutional infrastructure in Greenland is made up of museums and archives (cf. GPR No. 6 of 30 October 1998 concerning museums and GPR No. 22 of 30 October 1998 on archives). The Greenland Treasury finances the Greenland National Museum and Archives. The National Museum provides grants for local museums. Sixteen out of the 18 municipalities have museums.

585. GPR No. 4 of 15 September 1979 concerning libraries contains provisions about a central National Library and a public library in each municipality, with branches in settlements.

586. A Greenland House of Culture - Katuaq - has been established in the capital, Nuuk. The House of Culture comprises a theatre, a cinema, exhibition facilities and offices. All towns and most settlements have community centres or assembly halls.

587. There is only one professional theatre company in Greenland: *Silamiut*. The community centres and assembly halls mentioned above are also used for local amateur theatre activities.

588. There are several arts and crafts workshops run by municipal authorities. In terms of education the Greenland Art School (*Eqqumiitsuliorfik*) has offered one- or two-year courses in drawing, graphic techniques, logo design, painting, sculpting and relevant theory.

589. Study grants may be provided for education and training outside Greenland in the form of a fixed monthly sum, rent allowances and grants for study materials. In addition, the journey to and from the place of education is paid.

590. Denmark - including Greenland - has ratified the Berne Convention of 1886 (as amended in 1971).

591. Greenland has no independent legislation concerning copyrights. Act No. 158 of 14 June 1995 concerning copyright applies to Greenland.

592. The following legislation relates to measures ensuring the protection, development and dissemination of science and culture, the freedom of scientific research and creative activity:

(a) GPR No. 6 of 30 October 1998 concerning museums and GPR No. 22 of 30 October 1998 on archives. The Greenland National Museum and Archives (NKA) is an institution under the Greenland Home Rule Government. It is financed through government grants and is under an obligation to register, collect, protect, investigate and disseminate Greenland's cultural heritage, including art and ethnography;

(b) GPR No. 4 of 15 September 1979 concerning public libraries. Public libraries in Greenland must promote information, education and cultural activities by placing books and other suitable material at the disposal of all interested parties free of charge and by carrying out information activities. When selecting material, libraries must place emphasis on quality, versatility and topicality. No political or religious censorship is allowed;



(c) GPR No. 326 of 31 October 1996 concerning *Ilisimatusarfik* (University of Greenland). The objective of *Ilisimatusarfik* is to carry out research, provide higher education and disseminate knowledge of scientific research and results;

(d) GPR No. 3 of 17 May 1990 (as amended) concerning radio and television activities;

(e) DO No. 2 of 24 January 1991, statutes for *Kalaallit Nunaata Radioa* (KNR). KNR is an independent public institution, entitled and obliged to broadcast radio and television programmes including news programmes, informative programmes, entertainment programmes and programmes on art. When deciding on the range of programmes to be broadcast, emphasis must be placed on objectivity and impartiality. Special emphasis must be placed on the requirement of freedom of information and speech;

(f) DO No. 4 of 26 November 1991 concerning local radio and television activities.

593. *Atuakkiorfik A/S* is a limited liability company based in Nuuk. The objective of the company is to carry out publishing activities in Greenland and about Greenland, including fiction, specialist literature and teaching material, to carry out information activities and to contribute to the general information of the public and the cultural debate in Greenland, as well as to disseminate knowledge about Greenlandic literature in Greenland and elsewhere.

594. *Katuaq*, the Greenland House of Culture, is located in Nuuk. Its objective is - in collaboration with institutions, organizations, individuals and companies - to stimulate and develop cultural life in Greenland on the basis of free, independent artistic assessment. The institution is to contribute to the dissemination of Nordic art and culture in Greenland and to the dissemination of Greenlandic art and culture in the Nordic countries. In addition, the institution is to ensure cultural cooperation between Greenland and other Inuit areas.

595. The *Silamiut* theatre is an independent institution receiving grants from the Greenland Home Rule Government via the Finance Act. The objective of the theatre is to ensure increased knowledge of Inuit culture and the history of Greenland through theatre activities, and to develop Inuit art and its potentialities through exhibitions, exchange programmes and similar activities.

596. Formal Nordic and international cooperation on culture is ensured through, for example, Greenland's membership of the Nordic Council, the Nordic Council of Ministers and the Inuit Circumpolar Conference (ICC), which represents about 115,000 Inuits living in the Arctic area. ICC achieved consultative status as a non-governmental organization (NGO) with the United Nations Economic and Social Council in 1983.

597. In addition, Greenland has entered into a number of cooperation agreements concerning culture and education, for example with the territorial government of the North West Territories, the provincial government of Quebec and with the government of Nunavut, Canada. In 1993 the Greenland Home Rule Government entered into formal cooperation with the Arctic Winter Games International Committee of 1968 concerning Greenlandic participation in the culturally orientated sports events arranged by the Arctic Winter Games every second year. The Arctic Winter Games of 2002 will be held in Nuuk, the capital of Greenland.

598. As regards cooperation at the institutional level, the formal or statutory objectives of a number of institutions in Greenland involve cooperation with Danish and foreign institutions and/or the dissemination of knowledge of Greenlandic culture in other countries. This applies, for example, to the Greenland National Museum and Archives, the Nordic Institute, the Greenland centres in Denmark, the Greenland House of Culture, *Silamiut* and *Atuakkiorfik A/S*. In addition, extensive cultural cooperation takes place at the institutional and administrative levels.

#### Notes

- <sup>1</sup> An equivalence scale of the following kind has been used: equivalent income = family disposable income/ $s^{1/2}$ , where s is the family size.
- <sup>2</sup> The Gini-coefficient (or index of concentration) is a measure of the income (or some other distributional) inequality in a society. It measures the degree to which two frequency (percentage) distributions correspond. The Gini-coefficient is a number between 0 and 100, where 0 means perfect equality (exact correspondence, e.g. everyone has the same income) and 100 means perfect inequality (one person has all the income, everyone else earns nothing).
- <sup>3</sup> The definition of categories does not mean that all who can be classified in one or more of these groups will require assistance, nor that they will require assistance on a permanent basis. However, many are likely to require assistance at one time or another. The recognition that people in these categories need help to meet their housing needs is usually the basis for considering them “vulnerable”.
- <sup>4</sup> The concept “immigrant” comprises a person born abroad, or whose parents are foreign nationals or just born abroad.
- <sup>5</sup> Third countries are countries outside the EU, the Nordic countries and North America - excluding Australia, Japan, New Zealand and Switzerland. In other words, the concept covers a great variety of countries, and statistics on the individual country are likely to fluctuate considerably.
- <sup>6</sup> Please observe that a drop-out is not equivalent to a “quitter”. A drop-out may take up another education course at a later point in time.
- <sup>7</sup> This figure is based on a very small group and conclusions must be drawn with caution.

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