

## 2nd alternative report on the implementation of the UN Convention on the Rights of Persons with Disabilities in Denmark and the Faroe Islands for the 31st session August 2024



DH is the common voice of the Danish disability organisations.

We represent persons with all types of disabilities - from brain injury and arthritis to developmental disabilities and mental illness.

## Table of contents

Table of contents .....	2
<b>Contribution from Denmark.....</b>	<b>4</b>
List of contributors to the alternative report .....	4
Introduction .....	4
Summary.....	4
General obligations (Article 4).....	6
Equality and non-discrimination (Article 5).....	7
Children with disabilities (Article 7) .....	8
Awareness (Article 8).....	9
Accessibility (Article 9).....	9
Risk situations and humanitarian emergencies (Article 11).....	11
Equality before the law (Article 12) .....	12
Access to justice (Article 13) .....	12
Freedom and security of person (Article 14).....	13
Freedom from torture or cruel, inhuman, or degrading treatment or punishment (Article 15).....	13
Freedom from exploitation, violence, and abuse (Article 16).....	14
Right to freedom of movement and citizenship (Article 18) .....	16
The right to an independent life and to be included in society (Article 19) .....	16
Freedom of expression, opinion and access to information (Article 21).....	18
Education (Article 24).....	19
Health (Article 25) .....	20
Habilitation and rehabilitation (Article 26) .....	21
Labour and employment (Article 27) .....	22
Adequate standard of living and social protection (Article 28) .....	23
Participation in political and public life (Article 29) .....	24
Participation in cultural, recreational, leisure and sporting activities (Article 30) .....	24
Statistics and data collection (Article 31).....	25
International co-operation (Article 32).....	26
<b>Contributions from the Faroe Islands.....</b>	<b>28</b>
Introduction .....	28

A. General principles and obligations (Articles 1-4) .....	29
1. General obligations (Article 4): Disability policy action plan .....	29
2. General obligations (Article 4): Incorporation of the Convention .....	29
3. General obligations (Article 4): Lack of consultation .....	30
B. Specific rights (Articles 5-30).....	30
1. Equality and non-discrimination (Article 5).....	30
2. Women with disabilities (Article 6).....	31
3. Children with disabilities (Article 7) .....	31
4. Awareness (Article 8) .....	32
5. Accessibility (Article 9) .....	32
6. Situations of risk and humanitarian emergencies (Article 11) .....	33
7. the right to live independently and to be included in society (Article 19).....	33
8. Freedom of expression, opinion and access to information (Article 21) .....	35
9. Education (Article 24).....	35
10. Health (Article 25).....	35
11. Habilitation and rehabilitation (Article 26) .....	36
12 Labour and employment (Article 27).....	37
C. Specific obligations (Articles 31-33) .....	37
1. Statistics and data collection (Article 31) .....	37
2. National implementation and monitoring (Article 33) .....	38

## **Contribution from Denmark**

### **List of contributors to the alternative report**

DPOD and DPOD's 36 member organisations, Knowledge Centre on Disability, Rare Diseases Denmark, National Association of Current and Former Users of Psychiatry, Better Psychiatry, Amnesty International, DIGNITY, National Association for Flex Jobs, The National Council for Children, The Women's Council Denmark and Danish Refugee Council.

Thank you to all contributors and for the support from the International Disability Alliance and the European Disability Forum.

### **Introduction**

This report is a joint contribution from civil society, coordinated by Disabled Persons Organisations Denmark (DPOD). It is based on input from DPOD's 36 member organisations and other organisations working with human rights issues.

The report contains suggested topics and recommendations for the examination of the Kingdom of Denmark on 23 August at the 31st session and the preparation of the final recommendations of the Committee.

The report focuses on issues where we believe Denmark and the Faroe Islands have not done enough to implement the obligations of the Convention.

A long time has passed since the adoption of the List of issues prior to reporting (LOIPR) in April 2019 and the publication of the government's response in 2020. Our report therefore contains updated information and statistics for the Committee's work. In addition, we point out issues not raised in the LOIPR.

The Faroe Islands contribute independently. For the sake of clarity and at their request, their contribution is placed separately.

### **Summary**

The civil society organisations behind this report acknowledge the progress made since the recommendations of the Committee on the Rights of Persons with Disabilities (the Committee) in 2014. For example, discrimination has been banned and hate crimes against persons with disabilities criminalised.

However, many important articles of the Convention on the Rights of Persons with Disabilities (the Convention) have not been adequately implemented. Governments still propose legislation that is not in accordance with the Convention.

The Convention's definitions, concepts, principles, and rights are not systematically incorporated into legislation and other policy initiatives. Disability organisations are not always involved.

The Anti-Discrimination Act of 2018 does not include a duty of reasonable accommodation in all sectors of society, and accessibility is not included in the act either.

No cross-sectoral action plan has been presented yet. An action plan on employment and education is scheduled but without key areas such as accessibility, health, transportation, housing, etc.

The Convention has not been incorporated into Danish law - the political majority and many officials see it as unnecessary and extremely expensive. Full inclusion and participation in society are seen as a cost rather than a sound investment and a duty to realise.

An official report documents that for several years, persons with disabilities have not received the help they are entitled to under social legislation. Many persons with disabilities and their relatives find it increasingly difficult to get the help they need because municipalities are not receiving enough funding.

There are significant challenges in ensuring the right to self-determination. In psychiatry, the use of deprivation of liberty and coercion has not been reduced. It is also highly problematic that coercion in the social sector is increasingly seen as a solution rather than ensuring better conditions, strengthening professional and pedagogical efforts, and supporting citizens with disabilities in making their own decisions.

Large institution-like residences are still being built instead of strengthening opportunities for independent living. We lack a plan to change this development based on the principles and rights in the Convention.

There are still several accessibility challenges. There is a lack of a cross-sectoral action plan, based on universal design, to make society accessible.

No significant steps have been taken to ensure equal access for persons with disabilities to exercise their legal capacity.

Persons with disabilities are more vulnerable to violence than others and there is a lack of systematic efforts to prevent violence and mitigate its consequences.

The inclusion of children with disabilities in mainstream education in primary schools is heading the wrong way. The education system is not flexible enough to accommodate all pupils and students with disabilities, which means that they receive less education than others. There is a lack of systematic and long-term efforts to include persons with disabilities in the labour market, too.

A long-term action plan is strongly needed to reduce the significant health inequalities faced by persons with disabilities.

Finally, it is deeply concerning that approximately 2.000 citizens under full guardianship have not yet achieved full political rights.

## General obligations (Article 4)

1. In LOIPR no. 2c, the Committee asks about a cross-cutting action plan focused on disability. The government declared in 2022<sup>1</sup> its intent to present an action plan to increase participation for persons with disabilities in the labor market and in education. However, no cross-sectoral action plan ensuring full coverage of all rights and essential areas is on its way.

### Recommendation

Adopt a comprehensive disability policy action plan with goals, indicators and budget that addresses all essential sectors.

2. The Convention has not been incorporated into Danish legislation despite the Committee's 2014 recommendation no. 13 and LOIPR no. 2a. Additionally, many state, regional and municipal authorities still have limited knowledge of the Convention, the rights of persons with disabilities and their obligation to implement them.

### Recommendation

Incorporate the Convention into Danish law. In addition, initiate efforts to inform and train staff in state, regional and municipal authorities about the principles and rights in the Convention and the obligations that come with it.

3. Denmark has an obligation to include a disability perspective in relevant legislation and other government initiatives, cf. Article 4(a)-(c) of the Convention. However, it is often the case that bills, policy proposals, action programmes, etc., have no focus on persons with disabilities and their needs. Nor is there always an active involvement or consultation of persons with disabilities and their organisations.<sup>2</sup>

One of the consequences is that legislation, reports, etc. are based on principles and use concepts that do not reflect the rights-based model of the Convention. For example, outdated terms such as "of unsound mind" appear in the government's report to the Committee.<sup>3</sup>

### Recommendation

Take steps to ensure that all new laws, policies, and programmes include a disability perspective and protect and promote equal opportunities for persons with disabilities. Involve and consult persons with disabilities and their organisations.

Conduct systematic screening of existing legislation to ensure compliance with the principles, rights, definitions, and concepts of the Convention.

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<sup>1</sup> Government programme 2022 (section 6.5)

<https://www.stm.dk/statsministeriet/publikationer/regeringsgrundlag-2022/>

<sup>2</sup> A current example is: The government set up an expert commission with the aim of presenting proposals for a reform of the employment system. The terms of reference do not mention disabilities or the fact that 80% of employment efforts are aimed at persons who have difficulty finding work. Many in this group have one or more diagnoses or other impairments. An advisory group to the expert commission was set up, but no disability organisations were invited to join the group.

<sup>3</sup> Combined second and third periodic reports submitted by Denmark (see no. 114, page 13) [file:///C:/Users/tk\\_dh/Downloads/G2019018.pdf](file:///C:/Users/tk_dh/Downloads/G2019018.pdf)

4. Denmark has a duty of progressive realisation, cf. Article 4(2) of the Convention, as well as ensuring that persons with disabilities receive the benefits they are entitled to according to the legislation. The State Auditors have strongly criticised the administration of disability legislation in the social sector:

- The supervision of municipalities' administration of disability areas has been unsatisfactory.
- In many cases, municipalities' management of disability services and benefits has been in breach of legislation.
- It is worrying that the complaints authority (the National Social Appeals Board) has reversed municipal decisions in more than 1/3 of the complaint cases in the period 2013-2021 due to non-compliance with the law. Especially because it increases the risk of vulnerable citizens with disabilities not receiving the services they are entitled to.<sup>4</sup>
- The state auditors criticise the government's failure to follow up on the problems and that the monitoring was based on inadequate data.<sup>5</sup>

The criticism of the long-standing inadequate administration of the rights of citizens with disabilities is serious. Despite initiatives such as "Together for Disability", where disability organisations are in dialogue with the Ministry of Social Affairs and representatives from the municipalities, the overall picture is worrying. Not least in the context of continued institutionalisation, expanded use of coercive measures, and a squeezed municipal economy.

### Recommendation

Launch a long-term effort in collaboration with disability organisations to address the problems of non-compliance with social legislation in the municipalities. This must include boosting the disability budget in the annual agreements between the government and the municipalities.

## Equality and non-discrimination (Article 5)

1. Denmark introduced a law prohibiting discrimination on the ground of disability in 2018.<sup>6</sup> However, the law did not include reasonable accommodation and accessibility. The revision of the law in 2020 introduced a duty of reasonable accommodation in daycare and primary education. Other sectors are still exempt from the duty of reasonable accommodation.<sup>7</sup> The law is currently being evaluated and is expected to be revised in the second half of 2024.

### Recommendation

Revise the Anti-Discrimination Act and introduce a duty of reasonable accommodation in all sectors of society. Also, introduce a duty to ensure accessibility.

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<sup>4</sup> There are also errors in cases that are not appealed. In 2023, the Appeals Board (Ankestyrelsen) conducted a study of 385 non-appealed cases from all municipalities in the country regarding accompaniment under section 97 of the Social Services Act. It shows that there were errors in 47% of the decisions with significant implications for the correctness of the decision. Ankestyrelsen (2023): <https://ast.dk/nyheder/nyheder/nyheder-2024/handicap-sagsbarometer-der-er-fejl-med-vaesentlig-betydning-for-rigtigheden-i-47-procent-af-sagerne-om-ledsagelse-til-voksne-med-handicap>

<sup>5</sup> The National Audit Office (Rigsrevisionen) has produced a report on the disability sector, and the State Auditors (a control body appointed by the Danish Parliament) have commented on it. "13/2021 Beretning om forvaltning af handicapområdet" (2022) <https://www.rigsrevisionen.dk/Media/637834612053808384/SR1321.pdf>

See also the Danish Institute for Human Rights (2024): <https://menneskeret.dk/udgivelser/25000-fejl-klagesager-paa-handicapomraadet>  
Their analysis found errors in 25,000 complaint cases between 2014 and 2022.

<sup>6</sup> Consolidated act no. 1071 of August 10 2023: <https://www.retsinformation.dk/eli/ta/2023/1071>

<sup>7</sup> However, there is a right to reasonable accommodation in the labour market and in vocational education and training under a special law: Act on the Prohibition of Discrimination in the Labour Market etc.: <https://www.retsinformation.dk/eli/ta/2017/1001>

2. Persons with disabilities are faced with insurance refusals or demands for higher premiums or stricter terms and conditions based on their health or impairment, cf. LOIPR no. 3 b.<sup>8</sup> There has been no visible improvement. For example, the latest survey shows that 31% of respondents with severe physical disabilities and 23% of respondents with severe psychosocial disabilities have been refused insurance. This discrimination not only extends to health and life insurance, but also home insurance, travel insurance, etc.

### **Recommendation**

Ensure persons with disabilities have stronger legislative protection of the right to be insured on an equal basis and at the same cost as other citizens.

## **Children with disabilities (Article 7)**

1. With the Child Act on 1 January 2024, children have gained party status upon reaching the age of 10.<sup>9</sup> However, children and young persons whose parents receive disability compensatory benefits due to the child's or young person's functional level are still not considered parties in their own case. In these situations, it is expected that the parents will look after the child's or young person's interests. It is problematic that children and young persons with disabilities in this situation are not entitled to express their views and are placed at a disadvantage in terms of legal protection compared to children and young persons who are socially vulnerable for reasons other than disability.

### **Recommendation**

Revise the Child Act to ensure that children and young persons with disabilities are granted party status on equal footing with other vulnerable children and young persons in cases where their parents receive disability compensation benefits.

2. Children and young persons referred for evaluation in the Child and Adolescent Psychiatry are entitled to a diagnostic assessment within 30 days. A study from The National Audit Office (Rigsrevisionen) shows that:

- In approximately 70% of cases in the Child and Adolescent Psychiatry, patients are not assessed within 30 days. It amounts to more than 27,000 children and adolescents in the period 2019-2022.
- The waiting time for evaluation increased from an average of 76 days to 115 days in the period 2019-2022.
- In 52% of cases, the regions did not provide children and young persons with the assessment plan they are legally entitled to when they are not assessed within 30 days.<sup>10</sup>

The long waiting time for evaluation has significant consequences for children and young persons and their families.

### **Recommendation**

Take initiatives to ensure that children and young persons are assessed within 30 days, including allocating the necessary funds.

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<sup>8</sup> VIVE (2021): "Persons with disabilities. Living conditions and everyday life 2020", chapter 10.4 <https://www.vive.dk/media/pure/16726/6185728>

<sup>9</sup> Consolidated Act no. 83 of 25/01/2024:  
<https://www.retsinformation.dk/eli/ta/2024/83>

<sup>10</sup> Report no. 10/2023 (2024): <https://www.rigsrevisionen.dk/revisionsager-arkiv/2024/feb/beretning-om-overholdelse-af-udredningsretten-for-boern-og-unge-i-psykiatrien>



3. Today, almost all newborn children are screened for hearing loss. If a hearing loss of a certain degree is found, parents are offered for the child to receive a cochlear implant (CI) and a three-year AVT (Auditory-Verbal Therapy) programme. However, children with CI and their families are not offered Danish sign language training. This has negative consequences for the group of children with CI who do not achieve an age-appropriate spoken language level. Language in early childhood is crucial for children's development, cf. LOIPR no. 19a, and we do not have a complete picture of how the group of children with CI develops linguistically and socially.

### **Recommendation**

Provide parents of children with CI with factual and unbiased information about Danish sign language so they can make informed language choices early in the child's life.

Initiate an independent and scientific evaluation of the programme for deaf children.

### **Awareness (Article 8)**

1. in LOIPR 6 a, the Committee asks about awareness-raising strategies. A recent survey conducted among the Danish population by DPOD and the Danish Disability Council shows that only one in five respondents are highly aware of the rights of persons with disabilities. Furthermore, the survey shows that seven out of ten believe that most persons are generally unsure of how to interact with persons with disabilities. And one in three believe that most persons treat persons with disabilities as of lesser value.<sup>11</sup>

### **Recommendation**

Allocate funds for long-term training, awareness raising and dialogue to increase knowledge about visible and invisible disabilities, combat stereotypes and promote respect and equality. Involve disability organisations in the planning.

### **Accessibility (Article 9)**

1. in LOIPR no. 7 b, the Committee asks about the development of an action plan for accessibility. No action plan or strategy with concrete goals, time frame, budget, sanctions and evaluation has been developed to ensure accessibility and compliance with the principles of universal design for buildings, outdoor areas, digitalisation and transport.

Municipal local plans set binding regulations for certain areas. It is voluntary, though, for municipalities to address accessibility and universal design in the local plans, cf. section 7 (a) of the government's report to the Committee.

In addition, recommendations on how to ensure accessible traffic areas for all are not used frequently enough, and steps to ensure access to natural areas on the ground of universal design are rarely taken.

### **Recommendation**

Develop a national strategy for accessibility to buildings, products, services, and environments based on the principles of universal design. It should:

- Oblige municipalities to include accessibility in local plans and architectural plans.
- Include initiatives for legislation on natural areas and traffic areas.
- Include specific initiatives and goals on how to create a more inclusive and accessible society.

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<sup>11</sup> See reference here: <https://handicap.dk/nyheder/hver-tredje-dansker-danmark-behandler-vi-mennesker-med-handicap-mindre-vaerd>

- Ensure access to advice on universal design and accessibility.

2. In LOIPR 7c, the Committee asks about measures to ensure that all train platforms are of standard height. A new political infrastructure agreement from June 2021<sup>12</sup> contains a fund that can in principle be used for this purpose. But it requires a political prioritisation of the funds.

The infrastructure agreement also includes an accessibility fund to increase accessibility at stations across the country. The allocation of this fund presents a historic opportunity to create an ambitious long-term plan to ensure accessibility to train stations for persons with disabilities. Unfortunately, instead of supporting long-term projects, the fund is being used for small stand-alone initiatives that are not linked to other accessibility initiatives.

### **Recommendation**

Use the infrastructure plan's fund for railway renewal and maintenance to ensure that train platforms in Denmark are of standard height.

Develop an ambitious and fully funded long-term rail accessibility plan with close coordination with other accessibility projects in the infrastructure plan, including the fund for railway renewal and maintenance.

3. Individual transportation for severely mobility-impaired and blind and partially sighted persons over the age of 18 is an alternative for persons with disabilities who are unable to use public transport.<sup>13</sup> The scheme is limited to 104 one-way journeys per year, which rarely covers the need and therefore leads to social isolation. In addition, there is a need to include persons with intellectual disabilities in the scheme.

### **Recommendation**

Revise the legislation to include persons with intellectual disabilities and remove the restriction on the number of journeys.

4. The Danish law on the implementation of the EU Web Directive<sup>14</sup> does not require specifying when inaccessible content must be made accessible. Therefore, public authorities often fail to specify a deadline in the accessibility statement for when inaccessible content will be made accessible. Additionally, The National Audit Office finds that the Agency for Digital Government's monitoring of compliance with the Web Accessibility Act is unsatisfactory, and that the Agency has not followed up on whether their commands are complied with.<sup>15</sup>

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<sup>12</sup> Agreement on infrastructure agreement 2035:

<https://www.trm.dk/politiske-aftaler/2021/aftale-om-infrastrukturplan-2035-aftale>

<sup>13</sup> Consolidated Act no. 215 of 01/03/2023

<https://www.retsinformation.dk/eli/ta/2023/215>

<sup>14</sup> Act on the accessibility of websites and mobile applications of public bodies (Web Accessibility Act) (Act no. 692 of 08/06/2018):

<https://www.retsinformation.dk/eli/ta/2018/692>

<sup>15</sup> Rigsrevisionen: Report no. 12/2023 on digital accessibility in the state and regions (2024):

<https://www.rigsrevisionen.dk/revisionssager-arkiv/2024/apr/beretning-om-digital-tilgaengelighed-i-staten-og-regionerne>

Another challenge is that educational materials are actively exempt from the Act on Accessibility Requirements for Products and Services<sup>16</sup>, which can make it impossible for e.g. persons with visual impairments to access digital educational material. See LOIPR no. 7 f.

### **Recommendation**

Introduce deadlines in the Web Accessibility Act to make content accessible and strengthen enforcement by introducing the possibility of sanctions.

Revise the Act on Accessibility Requirements for Products and Services to include educational material.

5. Persons with hearing disabilities need video interpretation (remote interpreting) to be able to contact public authorities and be included in society. It is a serious challenge that the current remote interpreting service is only available between 8am and 3pm on weekdays. This deprives persons with hearing disabilities of the opportunity to contact emergency doctors, childcare centres, etc. outside the opening hours of the remote interpreting service.

Furthermore, remote interpreting can, in practice, only be used to get in touch with a limited number of authorities by phone. This is because each sector is responsible for covering the costs of remote interpreting for their own sector.

### **Recommendation**

Persons with hearing disabilities should have access to remote interpreting 24 hours a day and access to remote interpreting should be required for all relevant authorities regardless of the sector they belong to.

6. Access to public and private services is becoming increasingly digitised. But a study shows that 49% of persons with disabilities have difficulty using digital solutions compared to 15% of persons without disabilities.<sup>17</sup> This makes equal participation in society more difficult. Digital access to public and private services should therefore not be the only option.

### **Recommendation**

Introduce requirements to provide non-digital alternatives such as in-person service and telephone contact.

## **Risk situations and humanitarian emergencies (Article 11)**

1. Persons with disabilities in Denmark are not adequately protected in case of risk or emergency situations. There are no warning systems that are fully accessible to all persons with disabilities, including persons with hearing impairments. Neither do rescue and disaster response and planning systematically consider accessibility for persons with disabilities - evacuation of persons in wheelchairs, accessibility to emergency shelters, disaster information adapted for persons with visual impairments, etc - cf. LOIPR no. 9a.

### **Recommendation**

Take the necessary initiatives to ensure adequate protection for all persons with disabilities in case of risk or emergency situations, including by providing accessible warning systems and ensuring accessibility to emergency shelters.

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<sup>16</sup> Act on accessibility requirements for products and services  
<https://www.retsinformation.dk/eli/ta/2022/801>

<sup>17</sup> DH study (2024): Accessibility of the built environment and the digital world for persons with disabilities  
<https://handicap.dk/analysenotat>

2. Denmark does not have an action plan for the implementation of the Charter on the Inclusion of Persons with Disabilities in Humanitarian Action, which Denmark signed in 2017.<sup>18</sup> The government mentions initiatives in its report that aim to improve the response for persons with disabilities in humanitarian crises, but there is a lack of concrete and easily accessible documentation for such initiatives.

#### **Recommendation**

Adopt an action plan with budget, clear targets and indicators, including for disaster risk reduction, in close consultation with disability organisations and in accordance with the Guidelines on the Inclusion of Persons with Disabilities in Humanitarian Action.<sup>19</sup>

### **Equality before the law (Article 12)**

1. The Danish Guardianship Act contains three types of guardianship. Full guardianship where a person is incapacitated and completely loses his/her legal capacity to act. Partial guardianship which is limited to certain matters and does not result in incapacitation. Joint guardianship where a person chooses to make decisions about his/her finances together with a guardian.<sup>20</sup> See also under Article 29 in our report.

No steps have been taken to ensure supported decision-making in the Danish Guardianship Act or in other legislation. As also stated in the government report (paragraph 10c), information on guardianship (number, reasons for granting guardianship, court practice, etc.) is very incomplete.

#### **Recommendation:**

Revise the Guardianship Act and introduce a right to supported decision-making for citizens who have difficulty exercising their legal capacity. One way to do this is by introducing an ombudsman tasked with supporting citizens in their contact with authorities. In addition, it should be a legal option to extend joint guardianship to cover all personal matters, not just financial ones.

Take steps to ensure better data on guardianship.

### **Access to justice (Article 13)**

1. Persons with disabilities are particularly vulnerable to violence, including sexual violence. It is therefore worrying that studies document that victims with psychosocial and intellectual disabilities are at a great disadvantage when dealing with the legal system.<sup>21</sup> Staff in the police, courts and the legal profession lack knowledge about the requirements of victims. There is no systematic identification of what support and assistance they need when they are questioned, give evidence or act as a witness in court. There is also insufficient support for seeking the compensation that victims are entitled to.

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<sup>18</sup> <http://humanitariandisabilitycharter.org/>

<sup>19</sup> Published by the Inter-Agency Standing Committee: <https://interagencystandingcommittee.org/iasc-guidelines-on-inclusion-of-persons-with-disabilities-in-humanitarian-action-2019>

<sup>20</sup> Consolidated Act no. 1122 of 28/05/2021 <https://www.retsinformation.dk/eli/lta/2021/1122>

<sup>21</sup> The reports are produced by the Danish Institute for Human Rights: <https://menneskeret.dk/udgivelser/voldsofre-psykiske-kognitive-handicap-under-soegelse-barrierer-straffesager> Link to the main report (2020): [https://menneskeret.dk/files/media/document/Hovedrapport\\_WEB\\_Vold-sofre%20med%20handicap\\_tilg%C3%A6ngelig.pdf](https://menneskeret.dk/files/media/document/Hovedrapport_WEB_Vold-sofre%20med%20handicap_tilg%C3%A6ngelig.pdf)

### **Recommendation:**

Present an action plan to ensure equal access to justice for victims with disabilities, especially psychosocial and intellectual disabilities, and take steps to:

- Train staff to ensure knowledge about victims with disabilities and their special requirements.
- Introduce an initial age and gender-appropriate screening to determine if a victim has requirements related to disability.
- Ensure that the judicial process, including interrogations, accommodates the requirements of the victims.
- Enable lawyers to specialise in representing citizens with disabilities.
- Provide the necessary support for victims of violence to seek compensation.

### **Freedom and security of person (Article 14)**

1. Act No. 655 of 2017 allows for the detention and compulsory treatment of somatic patients. The target group is primarily persons with intellectual and psychosocial disabilities who resist treatment and are deemed incapable of giving informed consent.<sup>22</sup> In its report, the government has not answered the Committee's question in LOIPR no. 12 a on monitoring and prevention of coercion.

#### **Recommendation**

Take steps to ensure easily accessible public monitoring of the use of coercion in somatic health care.

Take steps to prevent, and ultimately end, the use of coercion to ensure patient autonomy.

2. In 2014, the Committee on the Rights of Persons with Disabilities recommended amending the Psychiatry Act and ending the forced hospitalisation of citizens (No. 36). The UN Committee against Torture has also made critical recommendations.<sup>23</sup> The Danish Health Authority states that in 2011-2013, 2,871 adults were forcibly hospitalised, and 2,344 adults were forcibly detained. In 2022, 3,052 adults were forcibly hospitalised, and 2,332 adults were detained. Despite years of effort, Danish governments have not succeeded in reducing the use of deprivation of liberty and coercion.<sup>24</sup>

#### **Recommendation**

Strengthen efforts in treatment, including disseminating experiences from psychiatric wards that do not use coercion, to prevent deprivation of liberty and reduce, and ultimately end, all forms of coercion.

### **Freedom from torture or cruel, inhuman, or degrading treatment or punishment (Article 15)**

1. Over the years, there has been a decrease in the total number of belt restraints. But at the same time, the use of other types of restraint and acute sedative medication have increased. In total, the three forms of non-consensual measures were used 19,987 times in 2022, corresponding to an increase of approximately 22% compared to 2011 - 2013.<sup>25</sup>

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<sup>22</sup> Act no. 655 of 08/06/2017. <https://www.retsinformation.dk/eli/ta/2019/126>

<sup>23</sup> [file:///C:/Users/tk\\_dh/Downloads/G2324443-1.pdf](file:///C:/Users/tk_dh/Downloads/G2324443-1.pdf)

<sup>24</sup> Coercion in psychiatry. Report for the period 1 January 2022 - 31 December 2022 (2023), section 2.2: [https://sundhedsstyrelsen.dk/-/media/Udgivelser/2023/Psykiatri/Sundhedsstyrelsens-monitorering-af-tvang-2022.ashx?sc\\_lang=da&hash=DEAC444601446738E288FFFE1FC0773](https://sundhedsstyrelsen.dk/-/media/Udgivelser/2023/Psykiatri/Sundhedsstyrelsens-monitorering-af-tvang-2022.ashx?sc_lang=da&hash=DEAC444601446738E288FFFE1FC0773)

<sup>25</sup> Same source, section 2.3

There are examples of deaf patients who have been repeatedly restrained - and forcibly hospitalised for long periods of time - without having access to communicate through a sign language interpreter.

The overall use of coercion against children and adolescents under the age of 18 has increased since 2015. In 2022, a total of 359 children and young persons were subjected to coercion in psychiatry. There has been a particular increase in recent years. The Danish National Board of Health finds the development very worrying and states that the reasons for the increase have not been systematically investigated, and there is a need for more knowledge about causes and effective interventions.<sup>26</sup>

The government has reached a political agreement on a 10-year plan to improve psychiatry and promote mental health.<sup>27</sup> The plan focuses on reducing the use of coercion, including coercion against children and young persons. Our assessment is that there is a need for increased efforts to promote mental health and prevent the use of coercion.

### **Recommendation**

Allocate more funds for research and development of methods to prevent coercion. Also, allocate funds to provide physical, organisational and staffing environments that scientific evidence suggests reduce the use of coercion.

Strengthen early and preventive intervention and disseminate methods to ensure that psychiatric treatment is based on informed consent.

Introduce stricter legal requirements for justification and documentation of the use of force.

Allocate extra resources for psychiatric services for deaf patients and prevent, and ultimately end, the use of non-consensual measures on deaf sign language users.

Prioritise ending the use of coercion against children and adolescents and give children under the age of 15 the same legal guarantees in mental health legislation as persons above this age.

## **Freedom from exploitation, violence, and abuse (Article 16)**

1. A VIVE study shows that 40% of respondents with significant psychosocial disabilities and 28% of respondents with significant physical disabilities have been the victims of some form of violence (physical, sexual, etc.) in the past year (compared to 17 % of the respondents without disabilities).<sup>28</sup>

### **Recommendation**

Spread knowledge about what help persons with disabilities can get and are entitled to if they are victims of violence - before the violence escalates. Train relevant staff, strengthen support services, hotlines etc. and make them accessible to persons with disabilities.

Increase safety of persons in residential units through the introduction of prevention initiatives and initiatives to improve sexual education and sexual health.

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<sup>26</sup> Same source, section 2.5

<sup>27</sup> <https://www.regeringen.dk/nyheder/2022/bred-aftale-om-en-10-aarsplan-for-psykiatrien-og-mental-sundhed/>

<sup>28</sup> "Living Conditions and Everyday Life for Persons with Disabilities 2020", section 10.5, VIVE (2021): <https://www.vive.dk/media/pure/mxjnljv4/6185728>

Improve the quality of residential units for persons with disabilities by providing more resources and better training for staff.<sup>29</sup>

2. Shelters provide protection to persons exposed to violence or threats. But few shelters are accessible to persons with disabilities, including women, and often the focus is solely on physical accessibility. There is also a lack of clear procedures for enabling victims with disabilities to bring personal assistance with them to the shelters.

### **Recommendation**

Take steps to make shelters accessible to all persons with disabilities and provide the necessary funding.

Ensure access to violence exposure support and treatment for persons with disabilities in shelters and provide the necessary training of the staff.

3. There is a lack of systematic knowledge about violence against persons with disabilities, including physical, psychological, economic, and sexual violence. This also applies to knowledge about the extent of intimate partner violence where the victim has a disability, especially violence against women. Victim studies lack a disability focus, and there is little knowledge about the causes of violence against persons with disabilities.

### **Recommendation**

Allocate funds to do research on violence against persons with disabilities, especially girls and women. Ensure that statistics on violence include data on persons with disabilities.

4. In 2021, the Criminal Code was amended so that sections 81(6) (on hate crimes) and 266b (on hate speech) now include 'disability' as a protected target group in line with race, ethnicity, sexual orientation, gender identity, etc. This is positive. However, in general, there is a large number of unreported cases and relatively few cases are registered by the police as hate crime cases (487 in 2022).<sup>30</sup> When it comes to hate speech, 8 cases were convicted in 2022, according to Amnesty. This is a small number compared to the 5,000-7,000 persons who report being subjected to hate speech on the internet alone in the period 2020-2022.<sup>31</sup>

### **Recommendation**

Create an action plan to combat hate crimes, including hate speech. Police must improve the registration of possible hate crimes. Take steps to investigate the reasons for the considerable number of unreported hate crimes. Finally, define hate crimes less restrictively in the Criminal Code to enable more convictions.

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<sup>29</sup> An analysis from Lev (organisation for persons with intellectual disabilities and their relatives) indicates that conflicts and violence are associated with deteriorating conditions in residential homes. <https://www.lev.dk/media/nseaz5f/analysenotat-boligunders%C3%B8gelse-2022.pdf>

<sup>30</sup> Danish National Police: "Hate Crimes 2022". The figure 487 covers all types of cases (both hate speech and other hate crimes) and all hate motives (ethnicity, religion, LGBTI+, disability, etc.) <https://politi.dk/-/media/mediefiler/landsdaekkende-dokumenter/statistikker/hadforbrydelser/hadforbrydelse-2022.pdf>

<sup>31</sup> Victim studies 2005-2022, chapter 10.3: [https://www.justitsministeriet.dk/wp-content/uploads/2023/12/08-12-2023-Offerrapport-2005-2022\\_webtilgaengelig-revideret.pdf](https://www.justitsministeriet.dk/wp-content/uploads/2023/12/08-12-2023-Offerrapport-2005-2022_webtilgaengelig-revideret.pdf) The total number of hate speech is estimated to be 18,000-24,000 in 2020-2022. Of these, 5,000-7,000 are cases that could potentially be covered by the hate speech provisions of the Danish Criminal Code.

## **Right to freedom of movement and citizenship (Article 18)**

1. There is no systematic screening in the asylum process to identify disabilities. This is worrying because of the risk of indirect discrimination against asylum seekers with disabilities who need support and reasonable accommodation when participating in demanding interrogations, appearing as a witness, etc.

### **Recommendation**

Introduce systematic age and gender-appropriate disability screening and provide reasonable accommodation and support to ensure a level playing field in the asylum process.

2. Danish legislation does not ensure sufficient support for asylum seekers who, due to psychosocial or intellectual disabilities, have difficulties exercising their legal capacity during the asylum process. Immigration authorities often refuse to process an application submitted by a party representative on the grounds that the asylum seeker is unable to understand and sign a power of attorney due to disability. However, not only the right to legal capacity is not respected but also no alternative ways are offered to support the person in representing their interests. This issue applies at all stages of the asylum process and includes rejected asylum seekers who are unable to apply for humanitarian residence themselves due to their disability.

### **Recommendation**

Amend the Aliens Act to support asylum seekers with disabilities in exercising their legal capacity, including creating a legal basis for a person or organisation to assist them in safeguarding their interests.<sup>32</sup>

3. Refugees and migrants with disabilities often find it difficult to fulfil the criteria for Danish citizenship. For example, they are required to pass knowledge and language tests, which are difficult for persons with intellectual and psychosocial disabilities to take. In addition, persons with sensory disabilities may be excluded from applying for citizenship because the tests are not accessible. Dispensations are possible, but they are granted to a decreasing extent (in around 10% of the cases in 2022, dropping from 97% in 2014).<sup>33</sup> Decisions on citizenship are made by a parliamentary committee of politicians, which means that normal legal safeguards and case processing requirements - such as the requirement for an objective justification - do not apply.

### **Recommendation**

Change procedures to ensure refugees and migrants have a fair opportunity to get exemptions from requirements they cannot fulfil due to their disability.

Ensure that tests are accessible to all applicants with disabilities.

## **The right to an independent life and to be included in society (Article 19)**

1. Persons with significant disabilities can receive a Personal Assistant Scheme (Borgerstyret Personlig Assistance (BPA)) after an individual assessment. BPA is provided as personal and practical help inside and outside the home as needed, typically for several hours a day. It has become significantly more difficult to be granted BPA in recent years, especially for young persons. At the same time, many BPA recipients, after a reassessment, have their BPA withdrawn in favour of a few hours of personal and practical help at home and up to 15 hours of assistance outside the home per month. This severely restricts the individual's ability to live independently and ties them to their homes.

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<sup>32</sup> Danish Aliens Act LBK no. 1079 of 10/08/2023: <https://www.retsinformation.dk/eli/ta/2023/1079>

<sup>33</sup> See Danish Institute of Human Rights: <https://menneskeret.dk/status/statsborgerskab-statsloeshed>



Some persons with multiple disabilities - such as visually impaired wheelchair users - do not receive BPA because each disability assessed separately does not qualify for BPA. The consequence is limited participation in society.

### **Recommendation**

Revise the BPA regulations to clarify the target group for BPA, strengthen the assessment process and remove the requirement for an annual reassessment of the individual's need for BPA.

Clarify that the combination of disabilities should be emphasised so that persons with multiple disabilities can be granted BPA.

Transfer the assessment and funding responsibilities from municipalities to specialised nationwide units.

2. The government has recently revised the legislation on the use of coercion in social services.<sup>34</sup> In the adult sector, this will make it easier to move persons with disabilities to a residential facility without their consent if they exhibit threatening and harassing behaviour. It will be possible to lock doors to kitchens, public areas, garden gates, etc.

In the children's sector, staff are given extended authority to confiscate mobile phones, access to alcohol and drugs, and the ability to search visitors at secure institutions.

We find the relaxed rules on the use of force to be extremely intrusive and highly objectionable. They promote the use of coercion over a pedagogical approach and lead to an increased risk of brutalization and institutionalization.

### **Recommendation**

Withdraw the amendments easing the rules for moving individuals without consent. Additionally, transfer the decision-making authority regarding the locking of garden gates, access to kitchens, and common areas from the municipalities to an independent social professional board to ensure that decisions are not made based on economic considerations.

3. In LOIPR no. 18 a and b, the Committee asks about the government's measures to support independent living and avoid the establishment of large institution-like residences for persons with disabilities. No steps have been taken to reverse this development and ensure that support due to disability is provided regardless of the choice of living arrangement.<sup>35</sup>

### **Recommendation**

Introduce a clear right in social and housing legislation for all persons with disabilities to choose their own residence. Specify that the granting of support must not be conditional on the choice of residence.

Present an action plan with a deadline for phasing out institution-like residences.

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<sup>34</sup> Act no. 680 of 11 June 2024: <https://www.retsinformation.dk/eli/ta/2024/680>

<sup>35</sup> See analysis from the Danish Institute for Human Rights (2021): "Housing choice and the right to an independent life for persons with disabilities". The analysis shows that free choice of housing is far from being fully realised. <https://menneskeret.dk/udgivelser/boligvalg-mennesker-handicap>

4. Deafblind persons have the right under the Social Services Act § 98 to receive assistance in the form of a contact person who can act as the deafblind person's "eyes and ears."<sup>36</sup> Each municipality assesses whether a person is deafblind and how many hours of assistance can be granted. This results in significant differences in the help.

Deafblind persons sometimes experience a very limited daily life where they rarely can leave their homes and cannot receive assistance to do anything within their homes. This excludes deafblind persons from participating in both planned and spontaneous activities on an equal footing with others.

#### **Recommendation**

Transfer the task of assessing deafblindness and allocating and funding accompaniment and other help from the municipalities to specialised units.

Clarify that deafblind persons have an extended need for support due to their combined disabilities.

### **Freedom of expression, opinion and access to information (Article 21)**

1. A report from the European Blind Union states that learning Braille and tactile skills should be practised from an early age so that Braille becomes a natural tool for the individual.<sup>37</sup> However, the Danish education sector lacks the necessary resources to ensure that Braille is taught to a sufficient extent and quality, cf. LOIPR no. 19a.

#### **Recommendation**

Officially recognise Braille as a written language.

Make it a governmental obligation to fund and develop Braille, introduce common teaching methods across the country and for all age groups, and raise awareness of Braille.

2. Persons with hearing impairments currently face challenges in participating in society because there is no right to a sign language interpreter in all situations when needed. Additionally, there is a shortage of sign language interpreters, which means that it is often impossible to get an interpreter - even for the situations for which the person has a legal right to one. Furthermore, the organisation of the interpreting sector is impractical, and it is confusing for citizens to understand when they can get an interpreter and, if so, which authority to apply to.

#### **Recommendation**

Ensure the right to sign language interpreters in all areas - preferably through a sign language law - to ensure easy access to booking and granting of interpreters. Ensure that there are enough interpreters available.

3. Persons with hearing disabilities in nursing homes or residential facilities often find that staff have little or no ability to communicate in sign language. This limits their ability to express themselves and participate in everyday activities.

#### **Recommendation**

Take steps to train staff at nursing homes, residential facilities, etc. in the use of sign language.

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<sup>36</sup> Consolidated Act no. 67 of 22/01/2024: <https://www.retsinformation.dk/eli/ta/2024/67>

<sup>37</sup> Braille Teaching and Literacy (2018): [https://www.icevi-europe.org/files/2018/braille\\_report\\_final\\_version.pdf](https://www.icevi-europe.org/files/2018/braille_report_final_version.pdf)

## Education (Article 24)

1. The number of children attending school in either a special class or a special school (segregated special education) has increased over the past 10 years, cf. LOIPR no. 22 a. In the 2022/2023 school year, 5.1% of primary school students (corresponding to 32,500 students) received segregated special education. This is the highest percentage seen over a 10-year period.<sup>38</sup> However, it is possible to include more children with disabilities in mainstream education. At the same time, it is still necessary to ensure some children - such as deaf children who need to be in a sign language environment - a specialised high-quality education.

### Recommendation

Allocate resources to ensure the support and framework needed to include more children with disabilities in mainstream education.

Strengthen the quality of segregated special education and provide the necessary resources to municipalities for this purpose.

2. Many children with disabilities suffer to such an extent that they are absent from school for lengthy periods of time. According to the Autism Association, there is a significant increase in involuntary school absence among children with autism.<sup>39</sup> This is partly because children with autism do not receive the necessary support in school. The same applies to children with anxiety, ADHD and OCD.

If a child has more than 15 days of sick leave, the child is entitled to home instruction. Despite this, many children with high sickness absence are not offered home instruction, including children with disabilities<sup>40</sup>.

### Recommendation

Take steps to ensure that all municipalities meet the obligation to offer home instruction to all, including children with disabilities.

3. When a child with disability is included (with less than nine hours of support) in mainstream education, parents do not have the right to complain to an independent body about the child's school provision. The Committee recommended in 2014 (no. 55) to abolish this restriction to complaint access. This has not happened.

### Recommendation

Revise legislation to ensure parents of children included in mainstream education with less than nine hours of support have the right to complain about their child's school provision.

4. In practice, persons with disabilities do not have equal access to education. Looking at persons aged 30-40, 70% of persons with disabilities have completed a vocational qualification compared to 88% of persons without disabilities<sup>41</sup>, cf. LOIPR no. 22 c. For persons with severe disabilities, the figures are significantly lower than 70%.

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<sup>38</sup> Ministry of the Interior and Health Benchmark Unit: Proportion of students in segregated special education  
<https://benchmark.dk/analyser/dagtilbud-skole-og-uddannelse/andel-elever-i-segregeret-specialundervisning>

<sup>39</sup> Autism Association Inclusion Survey 2023  
<https://www.autismeforeningen.dk/media/4965/inklusionsundersogelsen-rapport-2023.pdf>

<sup>40</sup> <https://www.folkeskolen.dk/fravaer-specialpaedagogik-trivsel/skolers-sygeundervisning-kommer-nu-under-ministeriets-lup/4711781>

<sup>41</sup> Handicapbarometer, <https://handicapbarometer.dk/>

**Recommendation:**

Launch initiatives to increase the proportion of persons with disabilities completing vocational education and training. This includes the possibility of taking longer to complete the education (with financial support), requirements to ensure inclusive study environments and better access to necessary assistive technology.

5. Approximately 43,000 young persons aged 15-24 are neither in education nor in employment after primary school.<sup>42</sup> A study shows that at least 40% of them have a disability.<sup>43</sup> Evidence suggests that disability-related barriers to completing an education or getting a job do exist. This applies, for example, to vocational education where the dropout rate is significantly higher among young persons with disabilities.<sup>44</sup>

**Recommendation:**

Launch initiatives to ensure equal access to education by making education, including vocational training, more flexible and adapted to the needs of young persons with disabilities.

6. Persons with disabilities can receive disability compensation in the form of special pedagogical support (SPS) for secondary and higher education programmes. However, it is not possible to receive SPS for general adult education (AVU) or preparatory adult education (FVU), nor is it possible to receive SPS for master programmes. This leaves persons with disabilities dependent on having an employer who will pay for the necessary compensation, which fundamentally puts persons with disabilities at a disadvantage.

**Recommendation:**

Make it possible to receive SPS for adult and continuing education programmes such as master's degrees, AVU and FVU to ensure equal access to lifelong learning for persons with disabilities.

**Health (Article 25)**

1. In LOIPR no. 23 a, the Committee has asked the government about measures to reduce excess mortality among persons with psychosocial disabilities.

A new scientific report confirms the excess mortality rate among persons with intellectual disabilities. This applies to all causes of death. The report focuses on potentially preventable or treatable diseases and accidents.<sup>45</sup>

Through an agreement with the general practitioners, an outreach programme for persons with mental illness and health checks for vulnerable citizens in residential facilities have been introduced in 2022. However, we lack knowledge about how the implementation of outreach programmes and health checks is progressing in practice. We also lack systematic efforts to prevent illnesses and accidents (e.g. caused by incorrect swallowing).

**Recommendation:**

Take steps to monitor the uptake of outreach programmes and health checks and evaluate if there is a need for increased efforts.

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<sup>42</sup> <https://www.uvm.dk/aktuelt/nyheder/uvm/2023/aug/230817-43-000-unge-er-hverken-i-uddannelse-eller-beskaeftigelse>

<sup>43</sup> <https://handicap.dk/nyheder/analyse-40-pct-unge-uden-job-uddannelse-har-handicap>

<sup>44</sup> Danish Institute for Human Rights - <https://menneskeret.dk/udgivelser/ligehandling-elever-handicap-paa-erhvervsskoler>

<sup>45</sup> "Mortality among 18-74-year-olds with intellectual disabilities", SDU (2024): [https://www.sdu.dk/da/sif/rapporter/2024/doedelighed\\_blandt\\_personer\\_med\\_udviklingshandicap](https://www.sdu.dk/da/sif/rapporter/2024/doedelighed_blandt_personer_med_udviklingshandicap)

Present a plan to prevent illness and accidents among persons with intellectual and psychosocial disabilities, including those living in residential facilities.

2. Denmark offers national screenings for cervical cancer, breast cancer and bowel cancer. Persons with disabilities do not participate in these preventive health programmes on an equal footing with others. A 2022 study on breast cancer screenings confirms this picture.<sup>46</sup> While 62-64% of women without disabilities fully participate in screenings, the figures for women with disabilities are significantly lower. Women with dementia, developmental disorders, schizophrenia, and psychosis are the lowest among the disability groups surveyed. Here, 23-27% participate fully. Among women with mobility impairment, visual impairment, anxiety, depression, and other affective disorders, 42-44% participate fully.

#### **Recommendation:**

Take steps - including outreach and accessibility measures - to increase participation in cancer screenings for persons with disabilities.

3. Persons with disabilities experience significant health inequality. They have poorer health than persons without disabilities on all parameters. They have more chronic pain, more sleep problems and headaches, lower self-rated health, and poorer mental health. They are lonelier than persons without disabilities, too.<sup>47</sup>

Persons with mental illness are less likely to receive optimal treatment for somatic diseases and have lower survival than patients without mental illness.<sup>48</sup> One of many reasons is that illness goes undetected because healthcare professionals misinterpret physical symptoms as manifestations of the mental illness.

The main problem is that there is a lack of focus on the health inequality experienced by persons with disabilities. As a result, there is no comprehensive political strategy to solve the problems of inequality.

#### **Recommendation**

Present a plan to reduce health inequalities for persons with physical, psychosocial, intellectual, and sensory disabilities with clear goals, effective measures, continuous monitoring and a budget. The plan must include an unconditional right for deaf persons to interpretation during assessment and treatment in hospitals.

### **Habilitation and rehabilitation (Article 26)**

1. Many persons with disabilities experience insufficient access to rehabilitation. The quality of rehabilitation varies considerably and is not necessarily organised and provided by persons with knowledge of specific disabilities (e.g. visual impairment). Rehabilitation services are not always sufficiently adapted to the specific needs and situation of the individual which lowers the chance of achieving maximum independence.

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<sup>46</sup> "Breast cancer screening among women with disabilities", SDU (2022) <https://www.sdu.dk/da/sif/rapporter/2022/brystkraeftscreening-blandt-kvinder-med-funktionsnedsaettelse>

<sup>47</sup> "Health profile for adults with health-related activity limitation, physical disability and mental illness" SIF/SDU (2022) [https://www.sdu.dk/da/sif/rapporter/2022/sundhedsprofil\\_aktivitetsbegransning](https://www.sdu.dk/da/sif/rapporter/2022/sundhedsprofil_aktivitetsbegransning)

<sup>48</sup> See reference to a report from the Treatment Council (2023): <https://behandlingsraadet.dk/nyheder/2023/ny-analyse-mennesker-med-psykisk-lidelse-har-storre-risiko-for-at-do-nar-de-bliver-syge-og-modtager-ofte-mindre-optimal-behandling-i-sundhedsvaesenet>

Persons with complex and rare disabilities, where good co-operation between different agencies is particularly necessary, experience problems with lack of coordination and interdisciplinarity in assessment and rehabilitation.<sup>49</sup>

In some areas, such as hearing care, there are long waiting times, which means that services are not provided in a timely manner.

### **Recommendation**

Clarify the right to rehabilitation in legislation and set requirements for quality, inclusion of specialised disability knowledge and adaptation to the individual's needs.

Take steps to strengthen coordination and collaboration between the health, social and education sectors to promote a holistic and multidisciplinary approach to rehabilitation.

Provide the necessary funds to expand the rehabilitation capacity and reduce waiting times. Also, revise the Health Act to extend the treatment guarantee to hearing aid treatment.

2. Persons with disabilities risk serious health complications when they are granted a standardised product rather than the assistive device that is right for them. Especially when it comes to body-worn assistive devices or wheelchairs, personalised assessment and customisation is essential.

### **Recommendation**

Revise the legislation to make it clear that the citizen is entitled to the most suitable assistive device based on an individual assessment.

## **Labour and employment (Article 27)**

1. 60% of persons with disabilities are employed on average, while the corresponding figure is 86% for persons without disabilities. Among persons with severe disabilities, the employment rate is only 35%.<sup>50</sup> There are many reasons: Fewer persons with disabilities get an education, workplaces do not focus on inclusion, and there is a lack of knowledge about disability in employment programmes. New research shows that discrimination also plays a role.<sup>51</sup>

### **Recommendation**

Present a long-term and cross-sectoral action plan with targets to increase the proportion of persons with disabilities in employment. It must include measures to promote inclusion in the labour market and combat prejudices and negative images of persons with disabilities and be funded.

Present a reform that ensures that employment system staff have specialised knowledge of disability and that unemployed persons with disabilities are supported to get a job or become entrepreneurs.

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<sup>49</sup> See also the resolution adopted by the UN General Assembly on 16 December 2021 to address the challenges faced by persons with rare diseases and their families: <https://www.rarediseasesinternational.org/wp-content/uploads/2022/01/Final-UN-Text-UN-Resolution-on-Persons-Living-with-a-Rare-Disease-and-their-Families.pdf>

<sup>50</sup> VIVE: "Handicap og beskæftigelse" 2022 (2023): <https://www.vive.dk/da/udgivelser/handicap-og-beskaeftigelse-2022-yz21gq0v/> See especially table 3.2

<sup>51</sup> Cecilie Krogh and Thomas Bredgaard: "Unequal? A Field Experiment of Recruitment Practises Towards Wheelchair Users in Denmark" (2022): <https://sjdr.se/articles/10.16993/sjdr.944>

2. The state pension age and the effective retirement age are increasing. It is becoming more common for seniors who wish to do so to stay in the workforce even after the state pension age. But seniors with disabilities are not included in this development.

For example, the flex job scheme for persons with reduced working capacity ends when they reach state pension age. The same applies to the scheme for disability pensioners working in a subsidised job.

There is a lack of a concerted effort to ensure a more inclusive labour market for seniors with disabilities in the time leading up to and after retirement age. Some of them may need extra flexibility, customisation, and support.

### **Recommendation**

Present an action plan for a more inclusive labour market for seniors with reduced working capacity.

Revise legislation to make it possible to continue in flex jobs and subsidised jobs as a disability pensioner after the state pension age.<sup>52</sup>

## **Adequate standard of living and social protection (Article 28)**

1. Section 100 of the Social Services Act provides the opportunity to receive a financial benefit to cover additional expenses resulting from a disability.<sup>53</sup> It has become more difficult to get subsidies for additional expenses. In ten years, the number of recipients of the additional expenses benefit has decreased from around 40.000 in 2012 to 20.000 in 2022.<sup>54</sup>

Furthermore, the possibility of receiving an additional expense allowance ceases at the state pension age. This is widely considered age discrimination and a violation of the obligation to ensure access to public assistance to cover disability-related expenses, cf. Article 28 c) of the Convention.

### **Recommendation**

Revise the rules in the Social Services Act regarding additional expenses. Specifically, the rules need to be simplified and the target group clarified to ensure that all citizens in need are covered for additional expenses due to their disability. In addition, the target group should be expanded to include persons who have reached the stage pension age.

2. The Social Services Act allows for 15 hours of accompaniment per month to be granted for activities outside the home. Elderly persons with disabilities can keep their accompaniment if it was granted before the age of sixty-seven. If the need for accompaniment arises after the age of sixty-seven, it is not possible to be granted it. An experimental programme with accompaniment for blind and partially sighted persons over the age of sixty-seven has shown that the need is there. The trial programme will end in 2026.

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<sup>52</sup> Consolidated Act no. 280 of 01/03/2024 (Active Employment Act): <https://www.retsinformation.dk/eli/ta/2024/280>

<sup>53</sup> Consolidated Act no. 67 of 22/01/2024: <https://www.retsinformation.dk/eli/ta/2024/67>

<sup>54</sup> Statistics Denmark, data extract table KY05: <https://www.statistikbanken.dk/KY051>

### Recommendation

Revise the Social Services Act to ensure access to accompaniment for all persons with disabilities regardless of age.

4. Persons in flex jobs typically work a smaller number of hours per week. Often at a lower salary than regular employees, because they are considered to have lower productivity due to reduced working capacity.<sup>55</sup>

Due to the lower number of hours and often also lower hourly pay, persons in flex jobs receive lower employer-paid pension contributions than regular employees.

Persons in flex jobs receive a wage subsidy from the government to compensate for the lower labour income. A form of pension contribution is paid on the wage subsidy. In 2023, this amounted to 1.2 %, which is more than 10 times lower than the normal labour market pension contribution. The overall picture is that persons in flex jobs have a much poorer labour market pension than employees on ordinary terms when they reach retirement age.

### Recommendation

Take measures to ensure better pay conditions for persons in flex jobs and greater financial equality in terms of pensions.

## Participation in political and public life (Article 29)

1. Since the Committee's recommendation (no. 60) in 2014, an amendment to the Guardianship Act has introduced partial guardianship, which does not result in incapacitation and loss of the right to stand and vote in general elections and referendums. However, there are still approximately 2,000 persons under full guardianship, and they continue to be deprived of essential political rights. See also article 12 in this report.

### Recommendation

Abolish incapacitation (full guardianship) in the Guardianship Act. Until this is done, authorities should reach out to persons under full guardianship and their guardians, families, etc., to inform about and facilitate transition to partial guardianship.

2. Persons with disabilities are less likely to vote than others.<sup>56</sup> There are still challenges with access to polling stations, ballots, voter meetings and election materials for persons with disabilities in terms of inaccessible buildings, lack of induction loop, inaccessible ballots, lack of secret ballots and inaccessible election materials, see LOIPR no. 27.

### Recommendation

Take the necessary steps, covering all types of disabilities, to increase accessibility of elections.

## Participation in cultural, recreational, leisure and sporting activities (Article 30)

1. Many cinemas, theatres and museums and other cultural institutions are not accessible to persons with disabilities. This concerns both physical accessibility (e.g. access to and inside buildings) and accessibility services to the content (e.g. sign language interpretation, induction loop, audio description, audio guides and visual guides). See LOIPR, no. 28.

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<sup>55</sup> Information about the flex job scheme can be found here: <https://star.dk/indsatser/indsatser-ved-sygdom-nedslidning-mv/fleksjob/>

<sup>56</sup> Danish Institute for Human Rights (2021): "Persons with disabilities and participation in elections - making democracy accessible" <https://menneskeret.dk/udgivelser/mennesker-handicap-valgdeltagelse-goer-demokratiet-tilgaengeligt>



### Recommendation

Cultural organisations should be included in the national strategy for accessibility and universal design, both in terms of the physical environment and content (see also the recommendation above under article 9).

2. Many persons with intellectual disabilities are prevented from participating in cultural life, recreational activities, leisure activities and sports because they cannot go on their own without assistance. Studies show that accompaniment is provided to a very insufficient extent, especially for persons with extensive and complex disabilities.<sup>57</sup>

### Recommendation

Launch initiatives to strengthen legislation and practice in relation to the granting of accompaniment according to sections 85 and 97 of the Social Services Act.

3. Persons with disabilities do not have access to media from private TV providers because, unlike public service providers, they do not offer accessibility services such as sign language interpretation, audio description, subtitling, closed captioning, and news in plain language.

### Recommendation

Require private TV providers to ensure accessibility for persons with disabilities to their media.

4. Adult education promotes lifelong learning, cultural participation, recreation, and leisure activities for persons with disabilities. For some, participation in adult education programmes requires compensatory measures such as transport, sign language interpretation, accessible teaching materials and teaching support.

According to the Danish Adult Education Act, funding is provided to ensure access to non-formal adult education activities for persons with disabilities.<sup>58</sup> The funding has been reduced from DKK 7.5 million to DKK 4 million, which is far from covering the need. The consequence is a significant increase in co-payments of several thousand kroner. This excludes many persons from participating, including sign language users.

### Recommendation:

Increase the financial framework for disability compensation to ensure equal access to activities under the Public Information Act.

## Statistics and data collection (Article 31)

1. Since 2012, comprehensive interview surveys have been conducted every four years on the living conditions of persons with disabilities (the so-called SHILD surveys). These are supplemented by less comprehensive inclusion surveys every two years.<sup>59</sup> Annual reports focusing on disability and labour market participation are also produced.<sup>60</sup>

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<sup>57</sup> <https://www.lev.dk/media/wgth3eup/analysenotet-ledsageordning-og-mennesker-med-udviklingshandicap-i-botilbud.pdf>

<sup>58</sup> See section 44(2) of Consolidated Act no. 1115 of 31/08/2018: <https://www.retsinformation.dk/eli/ta/2018/1115>

<sup>59</sup> The surveys are conducted by the research institute VIVE: <https://www.vive.dk/da/undersogelser-i-gang/vive-undersoeget-udviklingen-i-levevilkkaar-for-mennesker-med-handicap-5d9b2017/>

<sup>60</sup> These studies are also conducted by VIVE - the latest report can be found here: <https://www.vive.dk/da/udgivelser/handicap-og-beskaeftigelse-2022-yz21gq0v/>

The Living Conditions and Labour Market Surveys provide a very important picture of the development of conditions for persons with disabilities. Unfortunately, the two surveys lack permanent funding. Furthermore, the surveys are limited to persons aged 16-64.

#### **Recommendation**

Secure permanent funding for SHILD studies on living conditions and labour market participation studies for persons with disabilities, including children, youth, and the elderly.

2. There is a lack of systematic research and development aimed at identifying the conditions of persons with disabilities and promoting inclusion in society.

#### **Recommendation**

Fund an interdisciplinary research programme to increase knowledge about persons with disabilities, including rare diagnoses and disabilities, and develop knowledge-based solutions to promote inclusion in society.

3. Register-based surveys on living conditions and social conditions are rarely disaggregated by disability. This is partly because no disability definition has been developed that can be used to disaggregate data by disability.

#### **Recommendation**

Support the development and implementation of a disability definition to be used in register-based surveys and introduce a systematic disaggregation of data by disability in public statistics.

### **International co-operation (Article 32)**

1. Danish strategies and programmes for international cooperation rarely recognise disability as a cross-cutting issue. There is a lack of a framework for systematic and coordinated implementation of disability inclusion in international co-operation and a lack of a framework for consultation with disability organisations.<sup>61</sup>

#### **Recommendation**

Adopt measures to ensure that the rights of persons with disabilities are integrated into all actions. Ensuring inclusion must be a prerequisite for the approval of projects that are part of international cooperation programmes. This must be done through the full and effective participation of persons with disabilities, including women with disabilities, through their representative organisations in the design, implementation, monitoring and evaluation of all programmes and projects.

2. There is a lack of indicators for progress in achieving the SDGs and Article 32 of the Disability Convention. This includes the effective involvement of disability organisations in partner countries as partners in development cooperation.

#### **Recommendation:**

Make sure to develop targets and indicators with specific requirements for all stakeholders involved in international development co-operation and humanitarian action to collect data disaggregated by disability.

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<sup>61</sup> "Denmark's Development Policy Strategy 2021-2025: Together for the World" mentions persons with disabilities but is non-specific in terms of implementation and concrete activities. <https://um.dk/danida/strategi-og-prioriteter>

3. In 2020, Denmark started reporting on the Disability Inclusion Marker from the Development Assistance Committee of the OECD in its international co-operation activities. However, the reported share of development aid that includes persons with disabilities remains low and is not sufficiently supported by evidence.

### **Recommendation**

Significantly increase the share of development aid that includes persons with disabilities, in line with the SDGs. A separate budget must be provided for this. It must include funding for targeted and disability-specific interventions through the Danish Disability Fund, administered by DPOD.

Initiate a quality assurance process for data reported using the OECD-DAC Policy Marker for the Inclusion of Persons with Disabilities with the aim to:

- Ensure consistency in the use of the marker across humanitarian and development projects.
- Ensure training in its use.
- Ensure that projects labelled as disability-inclusive meet basic criteria for inclusion.

## Contribution from the Faroe Islands

### Introduction

The Faroe Islands are a self-governing nation under the external sovereignty of the Kingdom of Denmark. Faroe Islands have exclusive competence to legislate and govern independently in a wide range of areas, including social security, labour market, culture, education, health, taxation, industrial relations, energy, transport, communications and research. The administration of rights of persons with disabilities are partially divided between the 9 governmental sectors and the 29 local municipalities.

A treaty between the Faroe Islands and Denmark enacted in legislation provides Faroese autonomy in foreign relations. The Faroe Islands have membership in a range of international organisations but are not members of the EU. MEGD (Faroese Disability Organization) is the only national federal organisation for persons with disabilities in the Faroe Islands and it has 24 member organisations. MEGD is an independent organisation that participates in international cooperation together with other national federal organisations for persons with disabilities.

### Summary

On the surface Faroese authorities seem to take matters seriously related to persons with disabilities, but the lived experience and professional analysis of civil society organizations (CSO's) suggests that governmental authorities still fundamentally base their procedures and perspectives on a combination between the old *charity* and *medical* approaches to disability.

Therefore, persons with disabilities on the Faroe Islands are still faced with the vital challenge to ensure that governmental authorities as soon as possible adopt a structured human rights approach, and that related procedures, mindsets and methodologies will be developed to ensure justiciability and implementation of rights of persons with disabilities both formally through legislation and in real life.

Fundamentally there are two main reasons: a lacking national framework for human rights protection on the Faroe Islands and the unclear, and often misleading, communication from the UNCRPD committee to the Kingdom of Denmark, i.e. Faroese governmental authorities and Faroese CSO's.

The lacking national framework which Faroese governmental authorities follow in their daily work, i.e. laws, procedures, mindset, limited resources etc., necessitate the likelihood that new legislation will not respect, protect nor promote the rights of persons with disabilities to a satisfactory degree. The first step of governmental authorities should therefore be to incorporate the Convention of the Rights of Persons with Disabilities (CRPD) into national law.

It is of equal importance, that the cooperation between governmental authorities and CSO's should be fundamentally improved, partially by developing better and more efficient procedures for hearings and participation in law-making and partially by increasing the available human resources for both sides. Furthermore, there is still no long-term national plan of action which is made in cooperation with CSO's. Although some improvements have been made in the last decade, i.e. a new social legislation, the lacking framework has hindered real improvements and there are some cases of rights regressing.

The second main reason that the human rights approach is still not used by Faroese governmental authorities is arguably the format of the communication from the UNCRPD committee to the Kingdom of Denmark. Although the Faroe Islands is *formally* a part of the Kingdom of Denmark, there are immense differences in real life for instance with respect

to legislation, politics, language, culture, geography, economy etc. These differences are most likely the reasons that the Faroese government and Faroese CSO's have not addressed observations from the UNCRPD committee to the Kingdom of Denmark which do not explicitly and directly mention *the Faroe Islands*.

In those cases where the Faroe Islands was mentioned only some matters have been addressed and unfortunately various potentially serious observations have not been addressed. This creates profound gaps and differences between Denmark and the Faroe Islands with respect to how persons with disabilities are protected by rights.

In addition, being a part of the report from the Kingdom of Denmark, both the government and CSO's on the Faroe Islands must significantly limit the word-count in their reports to the UNCRPD committee even though the legislative framework on the Faroes is at least equally broad and complex as that in Denmark. This means that potentially serious human rights challenges on the Faroe Islands are not addressed in the reports and communication with the UNCRPD committee.

Consequences include that Faroese governmental authorities do only to a very limited extent consider potential consequences of institutionalization in for instance their imminent plans to build large institutions and restructure social services for persons with disabilities. With CRPD not incorporated, with no national plan of action, with an insufficient working framework and limited human resources, the rights of persons with disabilities are in danger of being affected negatively in the years to come, for instance by an increasing institutionalization and regression of rights.

## **A. General principles and obligations (Articles 1-4)**

### **1. General obligations (Article 4): National Plan of Action**

15 years after the adoption of the Convention, the Faroe Islands are still without a long-term national plan of action that is funded and binding. Experience shows quite clearly that the result of this is a tendency towards an unfortunate, often arbitrary, slow and sluggish development in the disability field in the Faroe Islands.<sup>62</sup> Without a national action plan that sets goals, policies, indicators and standards for the authorities, it remains difficult to demonstrate with certainty to what extent there is progression or arbitrary regression in violation of the Convention.

*The Government of the Faroe Islands is requested to*

- a) *Develop a long-term national action plan together with civil society.*<sup>63</sup>

### **2. General obligations (Article 4): Incorporation of the Convention**

The rights of persons with disabilities can only be enforced to a very limited extent in existing legislation. The Convention is not incorporated into national legislation and is not part of the applicable law in the Faroe Islands.<sup>64</sup>

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<sup>62</sup> Challenges include the lack of general, cross-cutting anti-discrimination legislation that applies outside the labour market; lack of labour market legislation providing for reasonable accommodation; lack of a monitoring function under Article 33(2); public budget cuts that have worsened the situation of persons with disabilities, e.g. reduced support for the purchase of medication, removal of support for the purchase of a disability car and proposals that worsen student support for persons with disabilities; sudden, extensive and unreasonable housing rent increases; and the lack of an effective monitoring mechanism. For example, reduced support for the purchase of medication, abolishing support for the purchase of a disability car, and proposals that worsen student support for persons with disabilities; sudden, extensive and unreasonable rent increases in sheltered social housing without consulting representative organisations.

<sup>63</sup> for disability, setting concrete objectives, measurable targets, appropriate budgets and indicators to assess progress in the implementation of the Government's policy, in line with the Committee's 2014 recommendations to the State party (No. 9)

<sup>64</sup> Committee recommendation no. 13 from 2014.

The concerns of the Danish government that incorporation would distort the balance of power between the executive and the judiciary<sup>65</sup> seems unlikely and the comments from the Danish government that incorporation is not that important.<sup>66</sup>

Reference is made to the expert committee which in 2014 dealt with the issue of incorporation of several conventions, where the largest single group of experts do not share the concerns of the Danish Government.<sup>67</sup>

*The Government of the Faroe Islands is requested to*

*Contribute to the convention being incorporated into national legislation in the Faroe Islands as soon as possible, in accordance with the committee's recommendations from 2014 (no. 13)*

### **3. General obligations (Article 4): Lack of consultation**

Ever since the Convention was adopted in the Faroe Islands, it has been a recurring problem that the authorities have not sufficiently or in a sufficiently structured manner involved, engaged or consulted the organisations representing persons with disabilities in relation to legislation, policy development and relevant decision-making processes. legislation, policy development and in relevant decision-making processes. This is in violation of Article 4 (3) of the Convention.<sup>68</sup>

*The Government of the Faroe Islands is requested to*

*Ensure and structure the obligation under the Convention to involve and consult representative organisations in the implementation of legislation, policies.*

## **B. Specific rights (Articles 5-30)**

### **1. Equality and non-discrimination (Article 5)**

#### **1.1 General cross-cutting legislation**

Despite the committee's recommendations in 2014 (No. 15), the Faroese government has not yet taken concrete steps to introduce general, cross-cutting legislation against disability discrimination that extends protection beyond the labour market.<sup>69</sup>

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<sup>65</sup> Combined second and third periodic reports submitted by Denmark under article 35 and the Convention, due in 2020, see paragraph 340.

<sup>66</sup> Report on incorporation etc. in the field of human rights, bet. nr. 1546, Ministry of Justice, 2014. See the expert committee's recommendations, page 255.

<sup>67</sup> Ibid. The experts, on the other hand, see great benefits in incorporation, including the signalling effect and increased awareness of the importance of the conventions in society and better legal protection in general, something the Faroe Islands really need, given the sluggish and slow progress in implementing the convention, see A.1 above.

<sup>68</sup> Both resources and awareness of this convention obligation generally seem to be too limited, both in the departments, subordinate institutions and in the municipalities. For example, it has been a general problem that bills accompanying the government's budget proposals that have a negative impact on persons with disabilities are submitted to the parliament, the Lagting, without consultation with representative organisations in the disability field. There have also been challenges in the social area in terms of lack of involvement, consultation and hearings, e.g. in connection with overall plans for the expansion of homes/institutions for people with disabilities<sup>68</sup>

<sup>69</sup> In Denmark's 2nd and 3rd report to the Committee of 2020<sup>69</sup>, the Danish government indicated that it had no concrete plans to adopt a general anti-discrimination law regarding disability, which is in violation of Article 5, in conjunction with

*The Government of the Faroe Islands is requested to*

- a) *Adopt a general, cross-cutting legal protection against disability discrimination that extends protection beyond the labour market and also specifically provides for reasonable accommodation in line with the 2014 Convention recommendations (No. 15); and*

## **1.2 The law against disability discrimination in the labour market**

The law prohibiting discrimination in the labour market on the basis of disability<sup>70</sup> is not working well. Since the law was passed in 2011, the relevant complaints body, the Equality Board, has only received one complaint.<sup>71</sup> Awareness and use of the law is limited and the law is not very useful, especially due to gaps in the law and a lack of professional knowledge and resources.

*The Government of the Faroe Islands is requested to*

*together with the representative organisations, to evaluate the current law prohibiting discrimination in the labour market.*

## **2. Women with disabilities (Article 6)**

In 2023, the Faroese government drew up a new action plan aimed at preventing violence in relationships and intimate relationships.<sup>72</sup> Although representative organisations for people with disabilities participated in a consultation meeting on the action plan and submitted consultation responses, the master plan does not mention women or people with disabilities.<sup>73</sup>

*The Government of the Faroe Islands is requested to*

*Ensure that the authorities' work to prevent violence in relationships is adapted to include people, especially women, with disabilities.*

## **3. Children with disabilities (Article 7)**

The Faroese government has recently initiated a preparatory project which will lead to drafting a Children's Act in the near future based on the cross-sectoral project Barnaverkætlanin,<sup>74</sup> which will aim to coordinate cross-sectoral welfare services and services for children and young people. So far, organisations for people with disabilities have only

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Article 4. The current government will revise and further develop the current Equality Act, which will hopefully lead to people with disabilities being included, in addition to better legal protection against discrimination, the introduction of a general discrimination law will have great signalling value and create increased awareness among authorities and the public about the importance of implementing the conventions.

<sup>70</sup> See note 13.

<sup>71</sup> The National Board of Equality decision database. [www.javnstoda.fo/avgerdasavn - Accessed 1. July 2024]

<sup>72</sup> Heildarættlanin "Harðskapur í parlagi og nærsambondum", Almanna og Heilsumálaráráððið, 2023 (Helhedsplan om vold i parforhold og nære relationer, Social- og sundhedsministeriet).

<sup>73</sup> This is a very serious problem, as experience, international statistics<sup>73</sup> and research show that women with disabilities, due to their disabilities, are particularly vulnerable to violence in relationships and intimate relationships, and that people with disabilities have the right to customised communication options to be equal and fully included.

<sup>74</sup> Barnaverkætlanin, the Children's Project, a collaboration between the Ministry of Children and Education, the Ministry of Health, the Ministry of Social Affairs and Culture and Kommunufelagið.

participated to a limited extent, and children and young people with disabilities have not been included. Without a national plan of action and relevant human resources which ensure representation and involvement it will be difficult to find good, fair and customised solutions for this social group and their family and relatives.<sup>75</sup>

***The Government of the Faroe Islands is requested to***

*Develop relevant knowledge, capacity and resources to continuously involve representative organisations of people with disabilities in the development and improvement of relevant cross-sectoral services and provisions for children and young people with disabilities.*

## **4. Awareness (Article 8)**

### **4.1. The authorities**

Authorities are not conscious enough to involve, consult and consult with organisations of people with disabilities. This is largely due to limited knowledge, expertise and engagement in the disability field among politicians and government officials in general.<sup>76</sup>

**The Government of the Faroe Islands is requested to**

*To help ensure that relevant authorities and professionals receive the necessary training and education to understand the Convention.*

### **4. 2. The national public service channel, Kringvarp Føroya**

The national public service channel, Kringvarp Føroya, has not yet trained its journalists on disability rights and conditions.<sup>77</sup>

**The Government of the Faroe Islands is requested to**

*Take measures to ensure that KvF journalists receive the necessary training in understanding the Disability Convention and rights in general.*

## **5. Accessibility (Article 9)**

### **5.1 Public transport**

Buses are generally accessible, but there are other challenges with associated facilities such as bus stops, pavements, pedestrian crossings and ramps.

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<sup>75</sup> In April 2023, the umbrella organisation MEGD and the 24 member organisations for persons with disabilities in the Faroe Islands issued a public proclamation stating that the organisations continuously witness that the rights of children with disabilities are too often not protected and enforced.<sup>75</sup> For example, there is a lack of structured efforts to prevent and prevent children from developing psychosocial disabilities; that children have to wait up to 2 years to receive psychosocial treatment; that children's disabilities are diagnosed too late or not at all; that children have to be moved abroad for medical treatment because of their disabilities;<sup>75</sup> and that children with intellectual disabilities do not receive sufficient support to develop cognitive and communication skills, especially because welfare services are not offered to children with specific diagnoses.

<sup>76</sup> In addition to Article 8 on awareness raising, Article 4 and Article 33 (1) on the contact point and the coordinating function of the central administration are also relevant provisions in this context.

<sup>77</sup> In addition to Article 8, Article 4 and Article 21 on freedom of expression and opinion and access to information are relevant Convention provisions in this context.



*The Government of the Faroe Islands is requested,*

*Ensure that all public transport and facilities, including private providers such as Bygdaleiðir (bus routes)<sup>78</sup>, comply with accessibility requirements and that an overall accessibility plan is adopted in accordance with the committee's recommendations from 2014*

## 5.2 Digitalisation and Talgildu Føroyar

There is a lack of knowledge about digital accessibility in the Faroe Islands. Without sufficient resources, knowledge and overall plans for the development of accessibility regarding digital accessibility, this is likely to happen to people with disabilities in the Faroe Islands.

*The Government of the Faroe Islands is requested,*

*Further develop relevant knowledge and develop a plan for making the digital information society accessible to all, based on international standards in the field.<sup>79</sup>*

## 5.3. The national public service channel, KvF

Today, hearing impaired and deaf people have very limited access to live news programmes that are not subtitled until later in the evening. Children who use alternative or easy-to-read communication also need children's TV programmes, and TV broadcasting in general has very limited consideration for blind and visually impaired people, for example when referring to graphics.

*The Government of the Faroe Islands is requested,*

*Ensure that all Faroese TV programmes on KvF are accessible to people who are deaf, hard of hearing, blind or developmentally disabled by amending the relevant legal framework, first and foremost by specifying in the law on broadcast in The Faroes<sup>80</sup> the obligation to secure people with disabilities access to programs in the national public service program.*

## 6. Situations of risk and humanitarian emergencies (Article 11)

There is no national disaster or emergency plan in the Faroe Islands that includes the protection of persons with disabilities.

*The Government of the Faroe Islands is requested to*

*Ensure that national preparedness before, during and after a disaster includes people with disabilities.*

## 7. the right to live independently and to be included in society (Article 19)

### 7.1 Concerns about re-institutionalisation

The report "Í Góðum Hondum"<sup>81</sup> from 2022 describes how Faroese authorities in the upcoming years will be faced with staff shortage and increased expenditures in the welfare area. Social authorities plan on solving these challenges by a row of steps which most likely will lead to increased institutionalization of homes and services to person with disabilities. This will limit their right to independent living and community inclusion which amongst other things is reflected in social

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<sup>78</sup> The public bus network in the Faroe Islands, which is operated on a daily basis by private companies

<sup>79</sup> See about WCAG standards

<sup>80</sup> [Løgtingslóg, law no. 61 from 2006 on Kringvarp \(national broadcast\)](#)

<sup>81</sup> [www.uvmr.fo/fo/kunning/tidindi/framloega-av-fragreidingini-i-godum-hondum](http://www.uvmr.fo/fo/kunning/tidindi/framloega-av-fragreidingini-i-godum-hondum)

authorities' imminent plans to build a row of large institutions for people with disabilities.<sup>82</sup> The underlying economic formula for the report "Í Góðum Hondum" seems only to give a short term picture at best, and does unfortunately not seem to show the long term economic landscape, for instance with respect to advantages relating to health, education, the work-market and social services. Organisations representing people with disabilities have generally not been involved in the report or in the construction plans. In addition, representative organizations have made authorities aware of a lot of research which warns against institutionalisation and building big homes, and while they repeatedly have asked for research which proves that big homes are good for person with disabilities or staff, the authorities have not been able to present any. This suggests that the development of services and homes for people with disabilities is not being carefully planned, with respect for the dignity of persons with disabilities, and which could prohibit institutionalization. This is in direct violation of Article 19 of the Convention.

***The Government of the Faroe Islands is requested to***

- a. *Ensure through legislation that people with disabilities, based on a long-term national plan of action, have the right to a good and independent life, with proportionate and affordable housing and with reasonable personal assistance services, both inside and outside their home.*
- b. *Ensure that relevant professional knowledge in the field of construction and architecture is developed in accordance with a National Disability Action Plan.*
- c. *Ensure that authorities develop an economic formula that can be used to calculate the long-term consequences of institutionalisation, such as continuous and increasing costs for e.g. disability pensions, rehabilitation, habilitation, medicine, communication development or welfare services relevant to the health and well-being of both people with disabilities and their families.*

## 7.2 Housing and municipalities

Although municipalities have been obliged by law<sup>83</sup> since 1 January 2015 to protect and promote the rights of people with disabilities aged 67 and older, there is still a major shortfall in building new homes for this target group. There is a huge shortage of housing for this group and the consequences, both extensive and severe, are growing every day.<sup>84</sup>

***The Government of the Faroe Islands is requested to***

- a. *Agree and clarify as soon as possible, together with municipalities and civil society, the basis for a long-term action plan to build a reasonable number of new homes for people with disabilities aged 67 and older.*<sup>85</sup>
- b. *Start building new homes for people with disabilities aged 67 and older as soon as possible.*

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<sup>82</sup> Ibid. MEGD (*Faroeese Disability Organizations*) has got hold of an internal working paper "Í Góðum Hondum 2" from the authorities which describes in detail these plans for institutionalization. The real and authoritative effect of this working paper was confirmed at a closed meeting with authorities on June 25<sup>th</sup> 2024. Transparency is lacking on this matter and other public sources are therefore difficult to provide in this report.

<sup>83</sup> Løgtingslóg um heimatænastu, eldrarøkt v.m. (Act on home care, elderly care etc.)

<sup>84</sup> Patients cannot be discharged from hospitals because they have no home to move to; people with disabilities living in public housing have to stay in the same place after the age of 67; in addition, waiting lists for housing for those older than 67 are growing and those younger than 67 seem to be in a grey area and may be largely forgotten and disenfranchised; municipalities still have no plans to build housing for people with disabilities, so the future for this group is worrying.

<sup>85</sup> The action plan should be long-term and coordinated between relevant sectors and representative organisations and must be in line with the Convention, in particular Article 19 on independent living and the right to be included in society and Article 4(1)(f) on universal design.

## 8. Freedom of expression, opinion and access to information (Article 21)

There is no overall long-term action plan for how children in schools, their staff and others, and their circumstances, should be developed to ensure that children and youth with disabilities can develop communication skills on an equal footing with others. In addition, several representative organisations have experienced that the advice provided by the national body, Sernám, is poorly coordinated with local schools, kindergartens and day care centres and otherwise provides an inadequate service, including in relation to pupils with Down syndrome, autism and CP.<sup>86</sup> There is still a lack of sign language interpreters, training and systems to ensure sign language reaches the relevant organisations.

*The Government of the Faroe Islands is requested to*

- a. *to prepare an overall long-term action plan for how schools, staff and other conditions should be developed and adapted to ensure satisfactory communicative development for all pupils with disabilities in primary and special schools, and*
- b. *Update and adapt relevant laws as soon as possible so that the national advisory body for communication development, Sernám, has a better legal basis, expertise and resources to develop communication tools and cognition in children with disabilities.*
- c. *Train more sign language interpreters and trainers.*

## 9. Education (Article 24)

The goal of including everyone in the education system<sup>87</sup> has not been achieved, partly because the legislation only to a limited extent ensures real inclusion, because there is no long-term action plan and there is a general lack of professional competences and relevant consultation processes to, for example, adapt procedures for teaching, examinations or sick leave.

*The Government of the Faroe Islands is requested to*

- a) *develop more precise legislation for the inclusion of students with disabilities in primary, secondary and tertiary education with adequate support and accommodation, in particular with adequate training for teachers and other education system staff.*

## 10. Health (Article 25)

### 10.1 Diagnostic limitations

Legislative rights in the healthcare sector are often limited to only a few specific and positively defined diagnoses and ages, for example in relation to rehabilitation, habilitation, medicine, development, communication and welfare services. The authorities have several times suggested that they intend to remove such limitations by diagnoses, but so far there are no signs of concrete plans or willingness to do so. In their report to the UNCRPD in 2014, civil society organisations brought this issue to the attention of the CRPD Committee, but unfortunately there was no concrete recommendation from the UNCRPD to the Faroese authorities regarding these serious challenges.

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<sup>86</sup> Cerebral Palsy (CP)

<sup>87</sup> The education system in the Faroe Islands is mainly divided into a compulsory 9-year primary school and secondary education at high school or middle school level, craft education and university.

### The Government of the Faroe Islands is requested to

- a) *Ensure that all persons with disabilities receive necessary multidisciplinary maintenance programmes and services, e.g. for rehabilitation, habilitation, medication, communication development or other welfare services relevant to health and well-being, according to their individual needs and that these programmes and services are not limited to particular positively defined diagnoses.*
- b) *Ensure that health professionals, including community physicians, specialists and civil servants, have relevant and up-to-date professional knowledge to guide and advise on relevant health services and to participate in the development of relevant health rights.*

### 10.2. The psychiatric area

Although the Government of Health published the general report "Heildarættlan fyri sálarliga heilsu" for the development of the psychiatric area in 2018,<sup>88</sup> this report has not nearly received the attention it deserves. There is a wide ranging and profound need to prioritise and further develop the psychiatric area if the Faroe Islands in order to comply with Article 25 of the Convention in the field of psychiatry and health psychology.

### The Government of the Faroe Islands is requested to

- a) *Open an emergency room for people in need of urgent psychological help.*<sup>89</sup>
- b) *Open up easily accessible psychiatric treatments and services, as there are currently too few treatment and psychosocial services for people with mental disorders,*<sup>90</sup>
- c) *To develop adequate geronto-psychiatric services for elderly citizens; special cross-sector challenges arise when citizens turn 67 and move from the provincial government's area of authority to the municipalities and*
- d) *Develop sufficient new preventive services and initiatives, including greater efforts to seek out people with severe conditions at home and help them get out of isolation and have a better life.*

## 11. Habilitation and rehabilitation (Article 26)

On 1 January 2021, a new social law came into force in the Faroe Islands<sup>91</sup>. The law is a framework law and the challenge is that it has not been implemented with sufficient funding. In the Faroe Islands, there is no overall plan for habilitation and rehabilitation. For example, only people with selected diagnoses are offered maintenance training under the Social Act.

According to the Faroese policy on social services, implemented in recommendations from 2017<sup>92</sup>, all services for people with disabilities that fall under the Ministry of Social Affairs must be implemented with habilitation and rehabilitation in mind. This includes services such as support services for children and adults, residential centres and habilitation and rehabilitation services, e.g. for Cochlear Implant (CI).

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<sup>88</sup> [www.hmr.fo/fo/kunning/tidindi/heildaraetlan-fyri-salarliga-heilsu-mugu-seta-okkum-framsoekin-mal](http://www.hmr.fo/fo/kunning/tidindi/heildaraetlan-fyri-salarliga-heilsu-mugu-seta-okkum-framsoekin-mal)

or [https://d3b1dqw2kzxi.cloudfront.net/media/11577/120130-heilsu-og-innlandisma-lara-%C3%B0i%C3%B0-heildar%C3%A6ttlan-innan-psykiatri\\_web.pdf](https://d3b1dqw2kzxi.cloudfront.net/media/11577/120130-heilsu-og-innlandisma-lara-%C3%B0i%C3%B0-heildar%C3%A6ttlan-innan-psykiatri_web.pdf) [Accessed 1. Juli 2024]

<sup>89</sup> Today, they must first see a municipal doctor who can then refer them to the psychiatric ward at the national hospital in Torshavn.

<sup>90</sup> Today, most people have to resort to private psychologists. An expensive option that not everyone can afford and therefore creates uneven accessibility. In addition, public budget cuts in 2023 meant that a free psychological counselling service for young people aged 15-35 years was cut to just the 15-25 age group. This was an unfortunate step backwards as the scheme had proven to work well.

<sup>91</sup> Løgtingslóg um almannatrygd og tænastr.

<sup>92</sup> "Borgarin takast við uppá ráð". Technical note and proposal for a policy on social services for people with disabilities. Almannamálaráðið (Ministry of Social Affairs), 2017.

*The Government of the Faroe Islands is requested to*

- a) *Ensure adequate funding for the new social law*
- b) *To implement a comprehensive multidisciplinary plan with personalised habilitation and rehabilitation services and programmes according to individual needs, enabling all persons with disabilities to achieve and maintain the greatest possible independence, full physical, mental, social and occupational abilities, full inclusion and participation in all aspects of life.*

## **12 Labour and employment (Article 27)**

Again, there are no statistics on how many people with disabilities are in the labour market. The Faroe Islands have a law on labour market measures,<sup>93</sup> which includes a flex job scheme for people with disabilities. However, there has been no evaluation of the scheme.

There are still prejudices in the labour market and society in general about hiring employees with disabilities, and limited knowledge about their differences and the value of their work ability.

The Faroe Islands have a law prohibiting discrimination in the labour market on the basis of disability,<sup>94</sup> but the law contains no provisions obliging employers to provide reasonable accommodations in accordance with the Convention.<sup>95</sup>

*The Government of the Faroe Islands is requested to*

- a. *take initiatives to provide and develop the necessary professional skills, data base and analysis to shed light on the situation of people with disabilities in the labour market; including the extent to which they participate in the labour market and the extent to which new initiatives are needed to promote employment and to develop the skills to adapt work tasks for people with disabilities.*
- b. *under Article 8 of the Convention, to initiate awareness-raising and other actions aimed at breaking down prejudices about persons with disabilities and increasing employers' interest in employing them.*

## **C. Specific obligations (Articles 31-33)**

### **1. Statistics and data collection (Article 31)**

Overall, there is a critical lack of statistics and research in the disability field which can be used in planning, law-making and monitoring. Data and statistics from Denmark do not include conditions on the Faroe Islands, so there is very limited knowledge. Several representative organisations are also witnessing that families and relatives are at increased risk of psychosocial challenges such as stress and depression. Statistics should be gathered as soon as possible for example in accordance with the Washington Group on Disability Statistics.

*The Government of the Faroe Islands is requested to*

- a) *Systematise and fund the collection, analysis and dissemination of data disaggregated by gender, age, socioeconomic status and region, in addition to disability, in accordance with the Washington Group on Disability Statistics and in line with the Committee's 2014 recommendations (No. 65); and*
- b) *To encourage, disseminate and support research and dissemination of research in the field of disability, persons with disabilities and carers of persons with disabilities.*

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<sup>93</sup> Løgtingslóg um arbeiðsfremjandi tiltøk (Act on labour promotion)

<sup>94</sup> Løgtingslóg um at banna mismuni á arbeiðsmarknaðinum orsakað av breki.

<sup>95</sup> See above under B.1.2. and the recommendations. The Government of Greenland is thus not fulfilling the authorities' obligation under Article 5 (3) of the Convention, in conjunction with Article 4, to contribute to the provision of reasonable accommodation in the labour market.

## 2. National implementation and monitoring (Article 33)

In summary, the provisions of Article 33 of the Convention have only been implemented to a very limited extent in the Faroe Islands.

### 2.1 The coordinating function, Article 33 (1)

MEGD assesses that the coordinating function has not been active at all and that the authorities have shown limited interest in activating the function.<sup>96</sup>

#### *The Government of the Faroe Islands is requested to*

*Strengthen efforts in this area so that the Faroe Islands have an effective focal point and coordinating function in accordance with Article 33 (1) of the Convention and the Committee's recommendations from 2014 (No. 67), working to implement the Convention in national law, in cooperation with civil society and ensuring cross-cutting efforts in different sectors and at different levels.*

### 2.2 The monitoring function, Article 33 (2)

Earlier this year, the parliament passed a law establishing an Article 33(2) mechanism under the executive branch to monitor the Convention which is scheduled to start its activities on 1 January 2025.<sup>97</sup>

MEGD (Faroese Disability Organizations) has recommended that the function be placed outside the executive branch in the same way as and in connection with the parliamentary ombudsman to ensure compliance with Article 33(2) and the necessary independence and general respect for the Paris Principles.<sup>98</sup> MEGD is also concerned about the composition of the committee that will be part of the function, where the DPO organisations will only have one out of a total of 7 members,<sup>99</sup> since organisations should be better represented in order to comply with the Paris Principles. The monitoring unit will also have a limited staff, perhaps two people in total, and it is not yet certain whether it will have the necessary expertise and funding required.

The title Brekumboðið (*Disability Representative*) reflects the old way of thinking about people with disabilities and MEGD has therefore recommended a better title, Brekrættindaumboðið (*Disability Rights Representative*), which reflects the Human Rights Approach.

#### *The Faroese Government and Parliament are requested to*

- a) *pursuant to Article 33(2) of the Convention and the Committee's 2014 recommendations (No. 67), ensure that the monitoring function is provided with the necessary independence, funding, professional expertise, cooperation with representative organizations and pluralism, in accordance with the Paris Principles; and*
- b) *take the initiative to change the title of the Article 32(2) mechanism from "Brekumboð" to "Brekrættindaumboð"*

### 2.3 Civil society participation, Article 33 (3)

As the contact point, coordinating function and monitoring function have so far been limited, inactive or non-existent, see above, the Faroe Islands have not complied with Article 33(3) of the Convention on the involvement of the DPOs in the harmonisation of the Convention.

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<sup>96</sup> In Denmark's second and third reports to the Committee in 2020 (see paragraph 381), the Government of Denmark announced that a coordinating function had been established in 2019 with the aim of implementing the Convention and preparing a cross-cutting disability policy action plan to be ready in 2021.

<sup>97</sup> LM-058/2023 Lógaruppskot um Brekumboð (bill on representative in the field of disability).

<sup>98</sup> This is modelled on the human rights institutes in Norway and Finland, among others. The proposal was not accepted and the final localisation has not yet been decided.

<sup>99</sup> The social partners will each have their own representative, while the other four represent different public authorities

In addition, it is important that the authorities provide the representative organisations with the necessary financial support to participate in the monitoring work on a professionally qualified basis in accordance with the Convention and the Committee's general comment.<sup>100</sup>

***The Government of the Faroe Islands is requested to***

*ensure that organisations representing persons with disabilities are systematically involved and enabled to participate fully in the monitoring of the implementation of the Convention, in accordance with Article 33 (3) of the Convention and the Committee's 2014 recommendations (No. 67), and that organisations are provided with the necessary financial benefits and professional staff to fulfil this task.*

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<sup>100</sup> CRPD. General comment No. 7 (2018), see e.g. No. 60 on financing in general and 39 under Article 33(3) in conjunction with Article 4(3)