



## Convention on the Rights of Persons with Disabilities

Distr.: General  
17 April 2019

Original: English  
English, Russian and Spanish only

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### Committee on the Rights of Persons with Disabilities

#### List of issues prior to submission of the combined second and third periodic reports of Denmark\*

1. Where not otherwise stated, the responses to the questions in each part of the present list of issues should include information in respect of the Kingdom of Denmark, as well as in respect of Greenland and the Faroe Islands, as relevant.

#### A. Purpose and general obligations (arts. 1–4)

2. Please provide information about:

(a) Measures to ensure the incorporation of the Convention so that it is applicable as law in the State party, including in Greenland and the Faroe Islands (CRPD/DNK/CO/1, see para. 13), and to raise awareness among public authorities and in society about the human rights model of disability, and the State party's obligations under the Convention;

(b) Measures to revise and repeal discriminatory or retrogressive legislation on the rights of persons with disabilities under the Convention, particularly: the Danish Building regulations, and its amendment of 2017 suppressing accessibility requirements for single-family housing units; the Legal Incapacity and Guardianship Act maintaining restrictions on legal capacity on the basis of impairment; the Law No. 655 of 2017 'Act on the Use of Coercive treatment in Somatic Health Care in persons lacking the Capacity to Consent'; the Act No. 574 of 2014 amending the Act on Social Pensions, which tightens criteria for early retirement pensions; the Danish Psychiatric Act (Act No. 1160 of 2015) authorizing forced admission and treatment in psychiatric hospitals;

(c) Measures taken to prepare and adopt a new cross- sectorial human right-based National Disability Action Plans in Denmark, in Greenland and the Faroe Islands, including information about targets, indicators and budget allocation at all levels, the effective involvement of organizations of persons with disabilities towards the adoption of such plans, and plans to ensure that there is cooperation across sectors in regards to mainstreaming disabilities in legislation, public policies, and practices;

(d) Legally binding frameworks and formal mechanisms to ensure close consultations and active involvement of organizations of persons with disabilities in decision-making processes concerning the implementation and monitoring of the Convention, including in preparatory studies about new legislation, amendment of laws, and public policies.

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\* Adopted by the Committee at its twenty first session (11 March–5 April 2019).

**B. Specific rights (arts. 5–30)****Equality and non-discrimination (art. 5)**

3. Please provide information about:

(a) The scope of application of the Act on Prohibition on Grounds of Disability (Law No. 668 of 2018), and measures taken in Greenland and the Faroe Islands to prohibit disability-based discrimination on all the grounds set forth in the Convention, and to recognise the denial of reasonable accommodation as a form of discrimination in all areas of life, and the lack of accessibility, discrimination by association, perceived disabilities, past and future disabilities, and multiple and intersectional forms of discrimination;

(b) Measures taken to revise current legislation on insurance to repeal discriminatory provisions concerning premiums and coverage of health, life, travel, and house contents insurance for persons with disabilities, and to ensure equal access to disability related entitlements, including compensation to cover additional costs of disability regardless age or eligibility for the national pension scheme;

(c) Available remedies and redress, including the right to lodge complaints and seek reparations and compensation for persons with disabilities in cases of disability-based discrimination in Denmark, Greenland, and the Faroe Islands, and measures to expand the mandate of the Board of Equal Treatment to all forms of multiple and intersectional discrimination faced by persons with disabilities, including lesbian, gay, bisexual and transgender persons in matters other than the labour market. Please also provide statistics on the number and percentage of claims of discrimination on the basis of disability, disaggregated by sex, age, barriers identified and the sector in which discrimination occurred, and on available remedies and redress, including compensation.

**Women with disabilities (art. 6)**

4. Please provide information about:

(a) The progress in efforts to ensure that gender and disability perspectives are included in legislation and policies throughout the State party, in all spheres covered by the Convention, and that they effectively address risk and marginalisation factors specific to women and girls with disabilities. Please also report on measures to ensure that voices of women and girls with disabilities (including any organisations of women with disabilities) are heard and given due consideration in public decision-making;

(b) Measures, including affirmative action, to address intersectional and multiple forms of discrimination against women and girls with disabilities, in particular women and girls with intellectual or psychosocial disabilities in all areas of life, and to ensure full development, advancement and empowerment of women and girls with disabilities in Denmark, Greenland and the Faroe Islands.

**Children with disabilities (art. 7)**

5. Please provide information about:

(a) General legislation, public policies and programmes in Denmark, Greenland and the Faroe Islands to ensure all rights of children with disabilities, including about programmes for early development, and support for inclusion in their communities, regardless of impairment, ensuring cross-sectorial coordination.

(b) Disaggregated information by age, sex, ethnic background, nationality, asylum-seeker or refugee status of children with disabilities taking part in national strategies for the protection of rights of children in the State party, with explicit reference to the situation in Greenland and the Faroe Islands;

(c) The progress to support and facilitate family-based care and efforts to strengthen the foster care system for children with disabilities who cannot stay with their families as a measure to prevent their institutionalisation;

(d) Measures taken to ensure that all children with disabilities have support to express their views, and that their views are given due weight in accordance with their age

and maturity, in decision-making processes that affect them, and on measures to promote the establishment of organizations of children with disabilities and mechanisms ensuring their participation in public decision-making processes.

#### **Awareness-raising (art. 8)**

6. Please provide information on:

(a) Awareness raising strategies undertaken by the Danish Disability Council to combat stereotypes, stigmatization and counteract discrimination against persons with disabilities, in particular against persons requiring high levels of support and the extent to which organisations of persons with disabilities across the State party are involved in the design, implementation, monitoring and evaluation processes of the awareness raising programmes;

(b) Measures taken to conduct periodic, regular and continuous campaigns targeted to public officials and private actors about the rights of persons with disabilities under the Convention, including in mass media, and the Internet.

#### **Accessibility (art. 9)**

7. Please provide information about:

(a) Municipalities and local authorities' local legislation and policies, aligned with article 9 of the Convention;

(b) Comprehensive plans to ensure accessibility to physical infrastructure, roads, transportation, outdoor areas and information and communication technologies their goals, timeframes, budget and sanctions in cases of non-compliance. Please indicate measures to ensure standardization of all train station platforms with reference to the Commission Regulation (EU) No 1300/2014 of 18 November 2014 on the technical specifications for interoperability relating to accessibility of the Union's rail system for persons with disabilities and persons with reduced mobility;

(c) Accessibility to all forms of transportation, including by sea and air, and digital accessibility of public services in Greenland, and measures to monitor accessibility to the physical environment, transportation, information and communications in Greenland and the Faroe Islands;

(d) Accessibility requirements in all public procurement agreements;

(e) Funding and guidance to guarantee full accessibility to schools, including public and private buildings such as residences, restaurants and bars, bathing beaches, promote research and education in accessibility and universal design for all persons with disabilities, and ensure accessibility to alternative means of communications by children with disabilities;

(f) Accessibility of websites and digital communications, including mobile applications used by the municipalities, compliance with the Web Content Accessibility Guidelines, and complaint mechanisms to ensure enforcement of the accessibility standards.

#### **Right to life (art. 10)**

8. Please report about measures to protect the right to life of persons with disabilities, in particular to prevent situations of destitution of children and persons with disabilities institutionalized, and to ensure that all decisions regarding medical treatment in life-threatening situations are based on informed consent.

#### **Situations of risk and humanitarian emergencies (art. 11)**

9. Please provide information on:

(a) Measures taken to ensure that disaster risk reduction measures, especially the alert systems and protocols are fully inclusive, and take into consideration the situation and requirements of persons with hearing impairments, and are in line with the Sendai Framework for Disaster Risk Reduction 2015–2030;

(b) Steps taken to ensure that persons with disabilities and their representative organisations are meaningfully informed of, consulted and actively participate at all stages during the development, implementation and monitoring of strategies, plans, and protocols in disaster risk reduction and emergencies.

#### **Equal recognition before the law (art. 12)**

10. Please provide information about:

(a) Measures taken to repeal restrictions on legal capacity on the basis of actual or perceived impairment in the Danish Legal Incapacity and Guardianship Act, and promote supported decision-making mechanisms in all areas of life;

(b) Measures to ensure that persons with disabilities have access to individualized support in decision-making, respecting their individual autonomy, will and preferences;

(c) The total number of guardianships issued and the total number of persons with disabilities who have regained legal capacity since the ratification of the Convention.

#### **Access to justice (art. 13)**

11. Please provide information about:

(a) Measures taken in the justice system to provide persons with disabilities with procedural and age-appropriate accommodations including as witnesses in all legal proceedings;

(b) Measures to ensure access to legal aid and representation of persons with disabilities in all areas of law, including the application of anti-discrimination law, civil law, criminal law, administrative proceedings, complaints concerning social security entitlements;

(c) Awareness-raising and capacity building activities in the justice sector, in relation to the rights of persons with disabilities under the Convention. Please also explain how persons with disabilities and their representative organisations are involved in the planning and conducting of the trainings on disability rights for police and prisons officers.

#### **Liberty and security of the person (art. 14)**

12. Please report on:

(a) Measures taken to prevent deprivation of liberty and involuntary treatment on the basis of impairment, in particular of persons with psychosocial disabilities under ‘somatic health care’;

(b) Measures to review the Danish Psychiatric Act to repeal the use of forced admission to hospitals and forced treatment for all persons with disabilities, particularly children below the age of 15 who do not enjoy the procedural safeguards provided for in the same Act to those who are older than 15 years of age;

(c) Measures to repeal provisions in the Danish Penal Code and the Greenlandic Criminal Code declaring persons with disabilities unfit to plea and depriving them of their liberty in the context of criminal procedure, and ensure that persons with disabilities in criminal proceedings are provided with procedural guarantees on equal basis with others, and promptly released from forensic psychiatric wards;

(d) Statistics disaggregated by sex and age of persons with disabilities under coercive treatment and sentenced to forensic psychiatric treatment, and measures to halt cases of forensic psychiatric treatment.

13. Please provide information about measures taken to oppose the adoption of the Additional Protocol to the Council of Europe Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine (ETS No 164) (Oviedo Convention).

**Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

14. Please provide information on:

(a) Measures taken to completely abolish and prohibit use of coercion, physical restraints with belts and forced medication of persons with disabilities, including children with disabilities in mental health care settings and psychiatric institutions. Please inform about efforts to ensure availability of data and information regarding treatment of children in such institutions to enable monitoring and evaluation so as to address violations of their rights as a consequence of coercion;

(b) Disaggregated data by age and sex of persons with disabilities subject to coercion in psychiatric treatment, and involuntary ambulatory treatment of persons with psychosocial disabilities since 2014, and measures to improve data collection on the use of coercive measures in the psychiatric system in Greenland;

(c) Measures to prevent the use of involuntary treatment of persons with psychosocial disabilities, including ambulatory treatment, and measures taken to provide training to medical and non-medical staff on non-violent and non-coercive methods of treatment.

**Freedom from exploitation, violence and abuse (art. 16)**

15. Please provide information about:

(a) Measures taken to prevent and protect persons with disabilities, in particular women and girls with disabilities from all forms of exploitation, violence and abuse, as well as measures taken to ensure that persons with disabilities who are victims of violence have access to effective recovery, rehabilitation and social integration services and programmes;

(b) Measures to ensure equal protection in the law for persons with disabilities in cases of rape in the form of intercourse and eliminate differences in criminal sanctions for such crime;

(c) The number of complaints that have been received and relevant decisions that have been adopted concerning violence against and exploitation or abuse of persons with disabilities, disaggregated by age and gender.

**Protecting the integrity of the person (art. 17)**

16. Please provide information on the measures to review and amend citizen-controlled personal assistance system, especially in the area of home based supervision that is perceived to be 'exceedingly intrusive and intimidating' due to its round the clock supervision. Please also provide information about the legislative framework to prevent forced sterilization and forced abortions, and any reported cases about these practices.

**Liberty of movement and nationality (art. 18)**

17. Please provide information about the legislative framework of family reunification for refugees and indicate whether disability is recognised among the criteria for family reunification beyond the family unit.

**Living independently and being included in the community (art. 19)**

18. Please provide information on measures adopted to:

(a) Recognise the individual right to independent living and inclusion in the community of persons with disabilities and the building of all types of institutions, including large-scale and close institution-like residences for persons with disabilities;

(b) Repeal sections in the Danish Act on Social Services (2017) that allow forced relocation of persons with disability to assisted living facilities, thus denying them the opportunity to choose place of residence;

(c) Ensure that decisions granting individual support are promptly implemented by the municipalities in Denmark and provide persons with disabilities in Greenland and the Faroe Islands with individualized support for independent living, including disaggregated data about actual access to support, personal assistance, in-kind or in-cash forms of support, including personal budgets;

(d) Adopt strategies and allocate resources to ensure accessible housing for persons with disabilities, in all housing sectors in the Faroe Islands;

(e) Disseminate the Committee's general comment No. 5 (2017) on living independently and being included in the community, in collaboration with persons with disabilities and their representative organisations.

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

19. Please provide information on:

(a) Initiatives being undertaken to ensure that deaf persons have the possibility to learn and communicate in Danish Sign Language, and the efforts towards promoting research whose objectives include further development and promotion of sign language as a communication method for persons with hearing and speech impairments;

(b) Steps taken to recognise Braille as official written script, establish a Braille Council for promoting, preserving and enhancing knowledge and use of Braille and measures taken to provide Easy Read information and other accessible information for persons with learning disabilities;

(c) Measures to recognise and promote the use of augmentative and alternative modes of communication and standards applicable to these forms of communication are known and applied.

### **Respect for privacy (art. 22)**

20. Please report on measures or plans that are being undertaken to amend the Psychiatric Act so as to prohibit the transfer of private and confidential information of persons with disabilities in psychiatric hospitals to third parties without consent of the person concerned.

### **Respect for home and the family (art. 23)**

21. Please provide information about measures taken to provide appropriate support for parents with disabilities in the exercise of their parental responsibilities, ensure that no child is separated from his/her parents because of impairment of either the child or one or both of the parents, and to prohibit discrimination in adoption procedures on the basis of disability. Please also report on measures taken to support parents of children with disabilities when their child turns 18 years of age.

### **Education (art. 24)**

22. Please provide information about:

(a) Measures taken to include all children with disabilities in the inclusive education system including in the compulsory education (folkeskole) and ensure the availability of the required support and accommodation, in particular for autistic children and children requiring high levels of support;

(b) Steps adopted to train and equip teachers and other members of staff in schools with inclusive education skills, methodologies and expertise to facilitate inclusion of pupils with disabilities in inclusive education, and about human, technical and financial support to schools, including in Greenland and the Faroe Islands;

(c) Measures to tackle the low educational outcomes of persons with disabilities, including in vocational training;

(d) The number and percentage of children with disabilities with access to inclusive quality education, disaggregated by age and sex of the child, type of impairment, type of school, and municipality;

(e) Whether the State party has carried out research on the economic, social and cultural benefits of inclusive education and whether the Committee's general comment No. 4 (2016) on the right to inclusive education has been effectively disseminated among professionals and experts in close partnership with representative organizations of persons with disabilities.

### **Health (art. 25)**

23. Please provide information about:

(a) Measures, including national and local strategies to improve access to health facilities and services by persons with disabilities, including access to national cervical cancer screening for women with disabilities, cerebral palsy, women with intellectual disabilities, including information on sexual and reproductive health care;

(b) Measures to reduce the high mortality rates among persons with psychosocial disabilities, including through early detection and health checks;

(c) Measures to ensure coverage of the hearing aid treatment by the health care system;

(d) Measures which have been put in place to solve the transport requirements of persons with disabilities to health care facilities and provision of emergency facilities for persons with psychosocial disabilities in the Faroe Islands.

### **Habilitation and rehabilitation (art. 26)**

24. Please provide information about the efforts to ensure the availability of habilitation and rehabilitation services for persons with disabilities in the Faroe Islands and the improvement of quality of rehabilitation services and specialized staff in Denmark and Greenland.

### **Work and employment (art. 27)**

25. Please provide information on:

(a) Measures that have been undertaken to significantly increase the percentage of persons with disabilities working in the open labour market, and close the gap in employment for persons with disabilities;

(b) Measures to combat prejudices preventing access of persons with disabilities to the labour market;

(c) Steps taken to support persons with disabilities to exercise their right to freely choose or accept employment in work environments that are open, inclusive and accessible to them, particularly the right to freely choose work in the labour market in Greenland;

(d) Comparative statistics and data on an annual basis and on the status of the persons, with or without disabilities, on unemployment, underemployment and multiple employment, as well as the people not currently involved in any form of education, employment or training, disaggregated by sex, age and ethnicity, urban or rural, and family status, over the previous reporting period.

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

26. Please provide information on:

(a) The early retirement reform that may preclude persons with disabilities under the age of 40 to have access to early retirement pension;

(b) Measures adopted to grant non-contributory pensions to persons with disabilities, including those who require more intensive support;

(c) Assessments concerning the impact on the living conditions of persons with disabilities of the ceiling to the amount of entitlements from the social security system, including information on disproportionate impacts in relation to type of impairment, gender, age;

(d) Disaggregated data on persons with disabilities awarded with early retirement pensions since the entry into force of the early retirement pension regime; level of income of households of persons with disabilities, compared to the general population since 2014; persons with disabilities receiving compensation from the Danish unemployment insurance scheme.

#### **Participation in political and public life (art. 29)**

27. Please also report about measures to ensure effective participation in electoral processes and full accessibility on voting processes, including Easy Read across the State party, particularly in Greenland and the Faroe Islands.

#### **Participation in cultural life, recreation, leisure and sport (art. 30)**

28. Please provide information on the plans to enact a national strategy to promote and protect the right to leisure, sports and cultural activities in an inclusive manner. What measures are in place to make cultural institutions such as theatres, museums, cinema halls, etc. accessible to persons with disabilities?

### **C. Specific obligations (arts. 31–33)**

#### **Statistics and data collection (art. 31)**

29. Please provide information on:

(a) Measures to ensure sufficient and permanent funding for undertaking the Survey of Health, Impairment and Living Conditions and introduce data collection systems concerning the situation of children with disabilities under the age of 16 and older persons with disabilities over the age of 64;

(b) The development of comprehensive data collection tools of the situation of persons with disabilities in all areas of life, in Greenland and the Faroe Islands, and how data collection is undertaken in accordance with the human rights based approach to disability, and the criteria and formula used;

(c) Measures taken to systematically collect, analyse and disseminate data on persons with disabilities, and how dissemination is carried out at all levels of government, including in Greenland and the Faroe Islands.

#### **International cooperation (art. 32)**

30. Please provide information on the measures to include organizations of persons with disabilities in decision-making processes relating to international cooperation both at the international/regional level as well as development policies towards developing countries, and about resources available for organizations of persons with disabilities to become partners themselves in projects in the developing countries, and least developed countries.

31. Please describe measures adopted to include the disability rights-based approach in the 2030 Sustainable Development Agenda and its target indicators in the State party development policy.

#### **National implementation and monitoring (art. 33)**

32. Please provide information on:

(a) The focal point or focal points for the implementation of the Convention and the mandate, public reports, of the State party's Inter-ministerial Committee, and the formal mechanisms to coordinate the implementation of the Convention at the national and local levels;

(b) Measures taken to establish a focal point and a coordination mechanism to implement the Convention, and measures to establish an independent monitoring framework of the Convention in the Faroe Islands;



(c) Legally binding frameworks and formal mechanisms of involvement of persons with disabilities and organizations of persons with disabilities in the independent monitoring framework of the Convention, and support available for organizations of persons with disabilities to foster and bring effective changes in relation to the monitoring of the Convention;

(d) Any measures taken by the State party to implement and/or amend legislation, policies and practices concerning the rights of persons with disabilities following the recommendations and/or findings of the independent monitoring framework;

(e) Measures taken to strengthen the Danish Human Rights Institute to be able to effectively and independently discharge its mandate in full compliance with the Paris Principles.

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