



## **Economic and Social Council**

Distr.: General  
22 December 2011

Original: English

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### **Committee on Economic, Social and Cultural Rights**

## **Implementation of the International Covenant on Economic, Social and Cultural Rights**

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

**Denmark\***

[25 January 2010]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

## Contents

	<i>Paragraphs</i>	<i>Page</i>
Introduction .....	1-5	3
Article 1 .....	6-7	3
Article 2 .....	8-67	3
Article 3 .....	68-90	11
Article 4 .....	91	14
Article 5 .....	92	14
Article 6 .....	93-109	14
Article 7 .....	110-23	17
Article 8 .....	124-125	20
Article 9 .....	126-137	21
Article 10 .....	138-199	23
Article 11 .....	200-244	32
Article 12 .....	245-278	38
Article 13 .....	279-298	42
Article 14 .....	299	44
Article 15 .....	300-325	44
 <i>Annexes</i>		
I. Reporting on Greenland .....		48
II: Reporting on the Faroe Islands .....		53

## I. Introduction

### The report

1. This is the fifth periodic report submitted by the Government of Denmark in pursuance of articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights. The report deals with developments since the submission of the fourth periodic report of Denmark (E/C.12/4/Add.12) on 28 April 2003 and through to December 2009.
2. The report also deals with plans for new legislation in certain fields. The report is based on and structured in accordance with the general guidelines regarding the form and content of the reports to be submitted by State parties under article 16 and 17. Reference is made to relevant paragraphs of Denmark's fourth periodic report and to the concluding observations of the Committee on Economic, Social and Cultural Rights on that report (E/C.12/1/Add.102) as well as to some of the questions raised during the examination of the fourth report, held on 10 and 11 November 2004.
3. To the extent that no changes have occurred in legislation and legal practice since Denmark's last reporting to the Committee on Economic, Social and Cultural Rights reference will be made to the fourth periodic report submitted by the Government of Denmark.
4. The report has been compiled by the Ministry of Foreign Affairs on the basis of contributions from the relevant departments and ministries of the Government of Denmark and the Home Rule of Greenland as well as the Faroe Islands.
5. Specific reports on the situations in Greenland and the Faroe Islands are set out in Annex I and II respectively.

### Article 1

6. In 2009 the Danish Government and the Government of Greenland agreed to modernise the legislation concerning Greenland's Home Rule. For a general description of the Greenland Self-Government arrangement, reference is made to the report from Denmark and Greenland to the United Nations Permanent Forum on Indigenous Issues, Eighth Session (E/C.19/2009/4/Add.4). The Act on Greenland Self-Government entered into force on 21 June 2009.
7. In 2005 the Danish Government and the Government of the Faroes agreed to modernise the legislation concerning Faroese Home Rule. For a general description of the modernisation and the Faroese Home Rule arrangement, reference is made to the Danish Government's contribution to Denmark's fifth periodic report the International Covenant on Civil and Political Rights (CCPR/C/DNK/5.add.paras 29–55) concerning the Faroe Islands.

### Article 2

8. The International Covenant on Economic, Social and Cultural Rights is a relevant source of law in Denmark and the Covenant is applied by the Danish courts and other law-applying authorities, see *inter alia* fourth State Party report, para. 50. Although the Covenant has not been incorporated into Danish law, Denmark thus fully respects the provisions of the Convention. Please also see Denmark's latest periodic report on the

International Covenant on Civil and Political Rights (CCPR/C/DNK/5) and on Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT/C/81/Add.2).

9. Referring to paragraph 13, 14, 24, and 25 of the concluding observations concerning Denmark's fourth periodic report (E/C.12/1/Add.102), it should be noted that the Government gives high priority to the fight against discrimination in any form. Reference is made to article 3 as well as to the 7<sup>th</sup> periodic report on the Implementation of All forms of Discrimination Against Women from May 2008.

### The Danish Criminal Code

10. In addition to the elements of Denmark's specific anti-racism and non-discrimination legislation as referred to in Denmark's fourth report (para. 62), attention is drawn to section 81(6) of the Danish Criminal Code. According to the said provision it shall, as a rule, be considered a circumstance in aggravation that the offence has its background in other persons' ethnic origin, religious belief, sexual orientation or similar.

### Statistics

11. As mentioned in Denmark's fourth report (paras. 62(i) and 79–81) new guidelines were issued by the Director of Public Prosecutions in 2006 in order to ensure a uniform national practicing respect of raising charges and to supervise the processing of cases concerning section 266b. The guidelines are laid down by Notice No. 9/2006 from the Director of Public Prosecution which replaced Notice No. 4/1995.

12. Accordingly, all cases concerning charges of violation of the said provision have to be submitted to the Director of Public Prosecutions with a view to deciding the question of prosecution. In addition, the Director of Public Prosecutions also has to be notified of reports to the police of violation of section 266b in cases where the Public Prosecutor refuses, at the recommendation of a Commissioner of Police, to commence investigation or stop investigation that has already been commenced. A collection of up-dated case-law is available at the website of the Director of Public Prosecutions in an anonymous form.

Table 1

### Cases concerning charges of violation of section 266b of the Danish Criminal Code previously submitted to the Director of Public Prosecutions

<i>Year</i>	<i>Number of cases where charge has been raised</i>	<i>Number of charged persons</i>	<i>Number of cases where the result is conviction</i>	<i>Number of cases settled with a fine</i>	<i>Number of cases where the result has been acquittal</i>
2004	3*	4	1		1
2005	3	3	3		
2006	6	6	5	1	
2007	8**	9	4	1	1
2008	4***	4		2	
<b>Total</b>	<b>24</b>	<b>26</b>	<b>13</b>	<b>4</b>	<b>2</b>

\* One case resulted in dismissal of all charges (*tiltalefrafald*).

\*\* One case resulted in dismissal of all charges (*tiltalefrafald*).

\*\*\* Two cases have not yet reached a final decision.

Table 2

**Cases submitted to the Director of Public Prosecutions where the Public Prosecutor had refused, at the recommendation of a Commissioner of Police, to commence investigation or stopped investigation that has been commenced. In addition, table 2 includes cases where the Director of Public Prosecution has withdrawn the charge**

<i>Year</i>	<i>Number of cases where it has been refused to commence investigation</i>	<i>Number of cases where investigation, that has been commenced, was stopped</i>	<i>Number of cases that resulted in withdrawal of the charge (påtaleopgivelse)</i>
2004	12	5	4
2005	15	8	3
2006	11	10	6
2007	6	4	10
2008	1	3	1
<b>Total</b>	<b>45</b>	<b>30</b>	<b>24</b>

13. At the request of the Ministry of Justice, the Director of Public Prosecutions also monitor cases where the above-mentioned section 81(6) of the Danish Criminal Code has been applied as well as cases concerning the Act on the Prohibition of Discrimination based on Race etc.

14. According to a report from April 2008 the Director of Public Prosecutions has received information on 10 cases concerning the application of section 81(6) of the Danish Criminal Code. In 8 of these cases the court ruled that the offence was committed — wholly or partly — on the basis of the victim's race, colour, national or ethnic origin, religion or sexual inclination. In 2 of the cases the court dismissed that the offence was committed on the basis of the victim's ethnic origin or sexual inclination. The majority of these rulings concern violence. One case concerns offensive remarks aimed at a police officer with an ethnic origin other than Danish. It is mentioned in the report that in some cases there might be a suspicion that a reported crime is racially motivated but due to a lack of proof of motive, the question is not tried further during the criminal proceedings. Furthermore, in a number of cases the offender cannot be identified, and as a result it is not possible to determine whether the crime in question was racially motivated.

15. In the above-mentioned report it is further stated that the Director of Public Prosecutions has received 6 cases concerning violation of the Act on the Prohibition of Discrimination based on Race, etc. 2 of these cases were not finally decided at the time of the Director of Public Prosecutions' submission of his report. One case was settled with a fine in which case a shopkeeper refused to serve a male transvestite on equal terms with other customers regarding the retail price. In 3 cases, investigations that had been commenced were stopped due to a lack of proof of discrimination.

16. Since the report of April 2008, the Director of Public Prosecutions has raised charges against a manager and a doorman, who refused five Brazilians admission to a restaurant.

17. In one of the cases mentioned above, which was not finally decided, two doormen were sentenced to a fine of DKK 1.000. The doormen refused to admit guests to a discotheque because of the ethnic origins of the guests.

*Reports to the Danish Security and Intelligence Service on racially motivated offences*

18. From 1 January 2009 the reporting system from the police districts to the Danish Security and Intelligence Service on possible hate crimes has changed. The police districts are now required to register in the police's electronic case handling system any criminal offences and incidents that may be believed to have an extremist background. This includes all criminal acts presumably motivated by extremist opinions concerning political, racial, national, ethnic or religious issues or the victim's sexual orientation etc. directed at foreigners or Danish nationals. This procedure gives the Danish Security and Intelligence Service access to exact statistics on hate crimes. The purpose of this procedure is to enable the Danish Security and Intelligence Service to assess if any signs may be detected of the commitment of more organized and systematic criminal activity rooted in racism, xenophobia etc.

*Attitudes towards foreigners*

19. The Government is pleased to inform the Committee that a number of new statistical and research findings suggest that immigrants and refugees arriving in Denmark over the last years have *not* experienced increased negative and hostile attitudes. On the contrary, the development seems to be going towards a more positive attitude and less outright hostility and xenophobia.

20. In general, Danish society and Danish law ensure equal treatment, equal opportunities and equal rights for all inhabitants and groups. Notwithstanding this, surveys show that there are individuals and groups in Denmark that feel discriminated against.

21. A report made by the Ministry of Refugee, Immigration and Integration affairs in 2007 showed that 11 pct. of the immigrants experienced discrimination on the street while 9 pct. often felt discriminated against in public transportation.

22. In 2001, 37 pct. of approximately 1.000 immigrants and descendants reported that they experience discrimination. This dropped to 27 pct. in 2008.<sup>1</sup>

23. Another way of gauging the level and development of actual discrimination in Denmark is by looking at the recommendations of The Complaints Committee for Ethnic Equal Treatment. The Committee investigated and handled individual complaints of differential treatment on the basis of race or ethnic origin up until December 31<sup>st</sup> 2008, where the Committee ceased operation. In 2005, the Committee made 11 recommendations of which 3 concluded that there had been a violation of equal treatment legislation. In 2008, the Committee made 7 recommendations and found 3 cases of violations.

*Xenophobic incidents*

24. The Government shares the Committee's view on the importance of a constant prevention of xenophobic incidents.

25. In January 2009 the Government presented its Action Plan for prevention of radicalisation and extremist views among young people. In this connection xenophobic incidents such as racism are considered part of the phenomenon of extremism.

26. The Action Plan for prevention of radicalisation and extremist views among young people contains 22 initiatives framed within 7 focus areas: Direct contact with young people, Inclusion based on the rights and obligations, Dialogue and information,

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<sup>1</sup> Catinét Research, "Integrations Status 2008".

Democratic cohesion, Efforts in vulnerable residential areas, Special initiatives in prisons, and Knowledge, Co-operation and partnerships.

27. On the 1<sup>st</sup> of April 2008, a Division for democratic cohesion and prevention of radicalisation was established within the Ministry of Refugee, Immigration and Integration Affairs. The division plays a central role in coordinating the implementation of the initiatives in the Action Plan for prevention of radicalisation and extremist views among young people. The division also aims at gathering theoretical as well as practical knowledge on civic citizenship and prevention of extremist views in order to share this knowledge with local communities as well as with other ministries and relevant actors.

#### *General measures to eliminate racial discrimination*

28. Since Denmark's fourth periodic report (E/C.12/4/Add.12), the Danish Government has promoted a wide range of initiatives intended to contribute to the elimination of racial discrimination. Some of the more general initiatives are mentioned immediately below.

#### The Action Plan to Promote Equal Treatment and Diversity and Combat Racism

29. As mentioned in the fourth periodic report of Denmark (E/C.12/4/Add.12), para 76, the Government decided to establish a national action plan to promote diversity, tolerance and equal treatment and to combat discrimination as a follow-up to the Durban Declaration and Programme of action. In November 2003, the Government published "Action Plan to Promote Equal Treatment and Diversity and Combat Racism".

30. The Action Plan is being revised at the moment, and a new Action Plan is expected to be ready by the end of 2009.

#### Special funding of initiatives

31. Furthermore, the Danish Government carries out and supports a wide range of initiatives for the promotion of tolerance and diversity and the combat of racism and discrimination.

32. An additional 10 million DKK (app. 1.35 mill. Euro) has been allocated in 2007–2010 to support local activities and projects to promote equal treatment and combat discrimination.

33. In 2008, the Minister of Integration Affairs allocated 8 mio. DKK (app. 1.05 mill. euro) in the period 2008–2011 to strengthen social and language competences, parental responsibility and the like among the socially weakest of the newcomers and non-ethnic Danes, and to enhance the development of the organization competences among newcomers.

#### Legislation

##### *The Act on Prohibition against Discrimination on the Labour Market and the Act on Ethnic Equal Treatment*

34. Discrimination on the labour market on the basis of race, colour, religion or belief, political opinion, sexual orientation, age, disability or national, social or ethnic origin is covered by the Act on Prohibition against Discrimination on the Labour Market etc. from 1996 with subsequent amendments. The latest Consolidation Act is from 2008; cf. Consolidated Act No. 1349 of 16 December 2008. The Act is supplemented by the Act on Ethnic Equal Treatment from 2003. Both Acts are described in the Danish Government's latest report.

35. Act No. 253 of 7 April 2004 inserted the word “belief” as a criterion in the Act on Prohibition against Discrimination on the Labour Market etc. The Act also introduced the principle of the shared burden of proof in cases of discrimination. The Act implements parts of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin and parts of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

36. Act No. 1417 of 22 December 2004 inserted the criteria “age” and “disability” in the Act. The Act implements parts of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation.

37. Act No. 240 of 27 March 2006 implements an exemption for young persons under the age of 18 which means that the Act does not prevent provisions in agreements and collective agreements concerning special rules for remuneration of young persons under the age of 18.

38. Act No. 1542 of 20 December 2006 raises the age limit on when agreements can be made on compulsory dismissal from 65 years to 70 years.

#### *The Act on the Board of Equal Treatment*

39. Act No. 387 of 27 May 2008 (the Act on The Board of Equal Treatment) establishes an administrative appeal board, that may consider complaints on ground of gender, race, colour, religion or belief, disability, political opinion, age or sexual orientation, national, social or ethnic origin. The Board, which came into force on 1 January 2009, covers all fields of discrimination stipulated in the Danish anti-discrimination legislation today.

40. The decisions made by the Board cannot be appealed against to any other administrative authority. Once the Board has made a decision about a complaint, either party may bring the matter before the courts. Where the decisions made by the Board are not observed, the Board shall, at the complainant’s request and on his or her behalf, bring the matter before the courts. The Board may award compensation and set aside dismissals to the extent provided for by the said acts, etc. As a consequence of the establishment of the Board of Equal Treatment (please also see under art. 3), The Gender Equality Board and The Complaints Committee for Ethnic Equal Treatment have been abolished.

41. Referring to paragraph 23 of the concluding observations concerning Denmark’s fourth periodic report (E/C.12/1/Add.102), it should be noted that the Danish Institute for Human Rights after the abolition of the Committee for Ethnic Equal Treatment continues to have a mandate that covers a wide range of activities, including research, advising role of the Parliament and the Government on human rights obligations, education on human rights, promotion of equal treatment regardless of race and ethnic origin, provision of information and documentation on human rights and contribution to the implementation of human rights in Denmark as well as internationally.

#### **Victims of domestic violence**

42. Referring to paragraph 18 and 31 of the concluding observations concerning Denmark’s fourth periodic report (E/C.12/1/Add.102), it should be noted that the Danish Government attaches great importance to securing that victims of crime, including victims of domestic violence, are treated with dignity and respect and that they receive the help and support which is necessary, relevant and efficient under the circumstances. As a result, the Danish Government has continuously taken new initiatives in this area.

43. *Firstly*, the victim advocate scheme introduced in 2005. According to the Danish Administration of Justice Act section 741a (1) the court must as a general rule assign a victim advocate in cases of violence if so requested by the victim.



44. *Secondly*, a new contact person scheme was introduced by Executive Order No. 1108 of 21 September 2007 on the Duty of the Police and Prosecution Service to Guide and Inform Victims in Criminal Proceedings and to Nominate a Contact Person for Victims.

45. *Thirdly*, as regards victims of domestic violence it is noted specifically that the National Police stipulated by a circular letter of 23 August 2007 that special units must be set up in the various police districts to handle tasks related to victims of partner-related domestic violence. Additional guidelines have been laid down by Notice No. 3/2008 from the Director of Public Prosecutions on the Investigation of Cases relating to partner-related domestic violence. The circular letter requests each police district to nominate a number of resource persons who are to form a unit specialising in undertaking tasks related to advice-giving, coordination and follow-up in connection with serious partner-related domestic violence.

46. *Fourthly*, all police districts have set up victim counselling offices, which offer anonymous private interviews and counselling to everybody who contacts the office. Victim counsellors are also able to provide guidance on aid to victims, whether medical, psychological, social or legal, and to assist with the completion of claim forms and other relevant documents.

47. Furthermore, information films informing ethnic minority women of their rights and opportunities of assistance in Danish society have been produced in ten languages.

48. An information folder was produced and distributed in credit card format: "Stop the violence against women – Break the silence". In 2006, the leaflet was reprinted in Danish and eight other languages. The publication also refers women to a 24-hour hotline.

49. A new campaign aimed at women from ethnic minorities will be launched in February 2010. It will focus on the rights and possibilities for battered women, and will among other things meet the women in their local communities.

50. A new national strategy against violence in families is underway. It includes initiatives for ethnic minorities, e.g. information for violent men about the possibility of getting help to end their use of violence.

#### **The Aliens Act**

51. Reference is made to the 18<sup>th</sup> and 19<sup>th</sup> periodic report submitted by the Government of Denmark in pursuance of article 9 of the International Convention on the Elimination of All forms of Racial Discrimination submitted on 6 July 2009.

52. *In paragraph 16 of its concluding observations* (E/C.12/1/Add.102), the Committee on Economic, Social, and Cultural Rights notes with concern that the amendment to the Aliens Act in 2002, which raised the age of the right to reunification of migrant spouses to 25 years, constitutes an impediment to the State party's obligation to guarantee the enjoyment of the right to family life in Denmark. The Committee also called upon Denmark *in paragraph 29* to take appropriate measures to either repeal or amend the 24-year rule, in line with the obligation to guarantee the enjoyment of the right to family life in Denmark. In this connection, the Committee encouraged Denmark to consider alternative means of combating the phenomenon of forced marriage involving immigrant women.

53. The 24-year rule was introduced in 2002 as one of several amendments concerning family reunification.

54. The general purpose of these amendments was to restrict the number of aliens reunified with their families in order to counteract the problems of aliens who are not in work and to enhance the efforts to discourage arranged and forced marriages.

55. The specific purpose of the 24-year rule is to protect young people, who have not got the strength to oppose their family against being pressured or forced into a marriage. The 24-year rule also saves young people the difficulty of having to explain to the immigration authorities that they want a spousal reunification when in reality this may not be the case.
56. The 24-year rule does not in itself prevent arranged or forced marriages. The marriages can take place, but due to the 24-year rule the foreign spouse can only obtain a residence permit in Denmark when both spouses have turned 24.
57. The 24-year rule applies to anybody applying for spousal reunification.
58. In accordance with international obligations to protect the right to a family the 24-year rule will in some cases be deviated from.
59. This may be the case, for example, if the spouses are otherwise relegated to living as a family in a country which the spouse living in Denmark cannot enter and in which he or she cannot take up residence together with the applicant.
60. Moreover, exceptional circumstances may apply if for reasons of serious illness or a serious disability it would be unjustifiable on humanitarian grounds to refer the spouse living in Denmark to take up residence in another country that cannot offer him or her care or treatment.
61. Similarly, exceptional circumstances may exist if the spouse living in Denmark has custody of or right of access to under-age children living in Denmark.
62. The condition is always disregarded if a refusal of spousal reunification would be contrary to Denmark's international obligations, including Article 8 of the European Convention on Human Rights.
63. In the nature of things, it is very difficult to obtain an accurate overview of the number of young people in Denmark who are exposed to pressure or downright compulsion in connection with the contracting of a marriage.

*Initiatives to prevent forced marriage*

64. It should be noted, that the focus in Denmark is not only on forced marriage, but on honour related conflicts in general, which include forced marriage but also other forms of suppression and violence. It should also be noted, that the victim of honour related violence can be both men and women, but women are strongly overrepresented.
65. The initiatives in Denmark consist of:
- Special shelters for women and girls who are in danger of a forced marriage or has escaped a forced marriage or other forms of honour related violence
  - Aftercare for these women
  - Hotline offering advice for young people experiencing honour related violence
  - Hotline for professionals dealing with the youngsters
  - Hotline for parents who experience conflicts with their teenagers
  - Information and advice to the municipalities, for example an internet based toolbox, and seminars on the topic of honour related violence
  - Attitude campaigns to prevent honour related conflicts
  - Mediation in honour related conflicts
66. To be launched in March 2010 is also:

- A shelter for young couples who are in danger of forced marriages or has escaped a forced marriage or other forms of honour related violence
- Aftercare for the young couples
- A corps of professional mediators which can intervene in honour related conflicts
- A corps of ethnic male role-models, who will be travelling around the country and having a dialogue with other young men about gender equality, the right to choose your own spouse etc.

*Public release*

67. The present fifth periodic report will be made available to the public on the official internet site of the Ministry of Foreign Affairs: [www.um.dk](http://www.um.dk). The concluding observations will similarly be made available on the same website when these are received.

### **Article 3**

68. By January 1, 2009 the previous Board on Gender Equality was closed down and a new general complaints board (The Board on Equal Treatment) to consider complaints regarding discrimination based on gender, race, colour of the skin, religion or faith, age, disability or national, social or ethnic origin, political views or sexual orientation was established.

69. In May 2006, the Danish Parliament (Folketinget) adopted an amendment to the Act on Gender Equality. By this amendment the provisions on an equal gender composition on councils, boards and committees etc. set up by a minister are extended so that also municipalities and regions are required to ensure the equal numbers of women and men are nominated for positions on councils, boards, committees etc. The Act came into force immediately after being passed.

70. In 2007, Executive Order on initiatives to promote gender equality (*Executive Order no. 340 of 10. April 2007*) took effect. The Executive Order makes it possible to target pilot and development initiatives at one of the genders for a period of up to two years in order to attract the underrepresented gender. The Executive Order is directed at state and local government authorities.

71. In addition to the above-mentioned legislation, Danish law applies an unwritten but legally binding administrative equality principle prohibiting unequal treatment because of gender, ethnic origin, etc. This principle is binding on public employers, public employment services and all other public bodies.

72. In May 2009 an Amendment to the Act on Gender Equality was adopted, aiming at having a more efficient regulation on the gender composition in councils, boards and committees in the state, regions and municipalities by enhancing the sanctions if the law is not respected, e.g. by neglecting to propose both a man and a women or neglecting to give a comprehensive argument for the lack of proposal. Changes are also made to the effect that the minister or municipality board can decide that a position can be left empty, if not both sexes are recommended, or if the argument to make an exception from the rules cannot be accepted. The Amendment also initiates that the authorities and organizations focus more on the qualifications needed for a position, and by that have the responsibility to think through their possibility to promote both a man and a woman on the individual and organizational level.

73. With respect to gender mainstreaming the work of the Steering Committee mentioned in the fourth periodic report (E/C.12/4/Add.12) is still having momentum. In the

period of 2004–2008, the overall priority for the national gender equality work in all ministries has been the implementation of the gender mainstreaming strategy. A new “Action plan for the inter-ministerial gender mainstreaming project 2007–2011” has focus on implementation, embedding, differentiation and management. The first results have already emerged. All ministries formulated in 2008 gender equality policies and an e-learning course has been launched. See this link: <http://lige.dk/dkmd/index.html>.

74. Each year The Danish Minister for Gender Equality publishes the Government’s Action Plan for Gender Equality. The overall vision for the future work regarding gender equality is to pave the way for long-term changes with substantial effect. These changes will create a higher degree of gender equality and will ensure that women and men have equal opportunities and equal rights. The Government is convinced that gender equality is the basis for democracy, growth and social coercion in Denmark.

#### **Gender equality and gender mainstreaming (concluding observations 14 and 25)**

75. Denmark aims at securing de jure as well as de facto gender equality for women and men. Women and men have the same rights, obligations and opportunities in all fields of society in Denmark. This is stated in section 1 of the Danish Act on Gender Equality, which reads that “The purpose of this Act is to promote gender equality, including equal integration, equal influence and equal opportunities in all functions in society on the basis of women’s and men’s equal status.” The purpose of the Act is also to counteract direct and indirect discrimination on the ground of gender and to counteract sexual harassment.

76. Since Denmark submitted the fourth periodic report (E/C.12/4/Add.12) in 2004, work has been in progress to strengthen the implementation of the gender mainstreaming strategy. Denmark has initiated several different initiatives with focus placed on measuring and monitoring developments in the area of gender equality and since 2007 efforts regarding information on gender equality and equal rights have been intensified. For example are all the bills from the Ministry of Employment gender equality assessed.

#### **Legislation**

77. Gender equality is a general principle and objective of Danish policy. Since 1976, changing governments have continuously worked to review and improve the quality of legislation and other legally binding rules to achieve legal gender equality between women and men.

Denmark’s main acts on gender equality are:

- Act on Equal Pay (Consolidation Act No. 899 of 5 September 2008)
- Equal Treatment Act (Consolidation Act no. 734 of 28 June 2006)
- Act on Gender Equality (Consolidation Act no. 1095 of 19 September 2007)

78. Most of the main acts on gender equality contain a range of common elements:

- Definition of direct and indirect discrimination, including provisions on harassment and sexual harassment
- Exceptions for cases where otherwise illegal criteria are actual occupational qualifications, i.e. crucial for performing the work
- Access to temporary special measures
- Shared burden of proof
- Victimisation rules, i.e. provisions protecting a person who demands his or her rights against being adversely treated for that reason

- Compensation provisions

### **Women in the decision-making-process/management**

79. The effort to get more women managers into the public and private sectors has only been partly accomplished, as women are still under-represented – especially in the private sector.

80. Men still make up 90–95 per cent of top management in Denmark. Even if the public sector has a slightly higher proportion of women top managers than the private labour market, the difference is not significant.

81. The low number of women managers and economic decision-makers<sup>2</sup> is continuously being addressed through surveys, public debate, conferences etc., in order to promote attitude changes in companies and institutions. In the public sector, plans of action for equality have been used (to recruit more women managers and to qualify women who want to become managers), while these plans of action have only been used to a slight degree in the private sector.

### **The Board of Equal Treatment**

82. The first of January 2009 the Act on the Board of Equal Treatment came into force. The Board of Equal Treatment replaced the Gender Equality Board and assumed the same powers.

83. *The Board of Equal Treatment* provides independent assistance to victims of discrimination in pursuing their complaints about discrimination in the following way.

84. The Board of Equal Treatment is an administrative authority with judicial powers. The Board is an independent body, and thus not constrained by instructions or opinions from authorities or other bodies on individual case handling and decision-making.

85. The Board considers complaints related to discrimination based on gender, race, colour, religion or belief, political views, sexual orientation, age, disability or national, social or ethnic origin. Any citizen can without charge file a complaint to the Board of Equal Treatment.

86. Once the Board has decided on a complaint, the Secretariat shall inform the parties of the possibility of bringing the matter before the courts. Where the decisions made by the Board and the settlements made with the assistance of the Board are not observed, the Board, at the request of the complainant and on behalf of the complainant, must bring the matter before the courts for the complainant via the Legal adviser to the Danish Government.

### **Equal remuneration**

87. The pay gap is one of the most serious problems in the gender equality field. Many initiatives have been taken at both governmental and NGO level to promote progress.

88. Women in Denmark have a high employment rate. In 2006, women's employment rate had increased to 73.3 per cent, whereas men's had decreased to 81.6 per cent. The high employment rate for women unfortunately also means a gender division of the labour market, which has an impact on the pay gap. This gender division is one of the important reasons why Denmark has the pay gap. Unfortunately, in the light of studies by The Danish

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<sup>2</sup> Reference is made to the written answers given in connection with the examination of the Third Periodic CEDAW Report in January 1997.

National Centre for Social Research it is clear that the wage differentials have not changed from 1996 to 2006. The government is continuously in close contact with a number of major private enterprises in order to break down gender segregation.

89. Attempts are made to make the gender divided labour market disappear, both horizontally and vertically, for instance through gender mainstreaming in recruitment and promotion, harmonisation of work and family responsibilities for women and men and initiatives to obtain equal remuneration.

90. Examples of Danish initiatives include that the Ministry of Employment has created a website<sup>3</sup> with information on equal pay in Denmark in order to create more focus on the pay gap between men and women, regularly organizes seminars on equal pay 3 to 4 times a year and initiate continuously investigations on the problem. One of the latest studies will be published in November 2009 on the wage differences between parents and non parents was published in April 2009.

#### Article 4

91. Limitation will be noted under the relevant article.

#### Article 5

92. According to information available to the Government the Covenant has been relied on in contravention of the provisions set out in article 5.

#### Article 6

##### The Danish labour market: developments and trends

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

Table 1

##### Employment in 2000, 2005 and 2008

(thousands of persons)

	<i>4. quarter of 2000</i>	<i>4. quarter of 2005</i>	<i>4. quarter of 2008</i>
Seasonally adjusted full-time employment	2 200	2 208	2 312

94. Employment has been increasing since 1993. Employment reached the highest level ever in the first quarter of 2008 by 2.336.000 and had increased by 15 per cent since 1990.

95. The main problem on the Danish labour market has consequently been a shortage of manpower and several initiatives have been taken to increase the labour force.

<sup>3</sup> [www.ligelon.dk](http://www.ligelon.dk).

Table 2  
**Unemployment as a percentage of the workforce in 2000, 2005 and 2008**

<i>Year</i>	<i>2000</i>	<i>2005</i>	<i>2008</i>
<b>Total unemployment</b>	<b>5.4</b>	<b>5.7</b>	<b>1.8</b>
Unemployment broken down by age groups			
16–24 years	3.0	3.3	1.3
25–34 years	6.2	6.2	2.3
35–54 years	5.1	5.7	1.8
55–59 years	8.4	6.0	1.9
60–66 years	7.5	7.7	2.2
Unemployment by gender			
Men	4.6	5.0	1.7
Women	6.3	6.4	2.0

96. Unemployment has been declining since 1993/94, where it was 12 per cent. In 2008 Denmark faced the lowest unemployment in 34 years.<sup>4</sup> The fall in unemployment has benefited all age groups. As regards men and women, the fall in unemployment has been the same. The unemployment rate of women has been higher than that of men. However, for the last months of 2008 and the beginning of 2009 it has changed and the unemployment rate of women has been lower than that of men.

Table 3  
**Activity and employment rates in 2000 and 2008, broken down by gender and age**

<i>Immigrants</i>	<i>Activity rates 2000</i>	<i>Activity rates 2008</i>	<i>Employment rates 2000</i>	<i>Employment rates 2008</i>
16–66 years	77.5	77.3	74.2	75.6
Men	81.4	80.2	78.2	78.7
Women	73.6	74.2	70.2	72.5
50–59 years	79.7	83.3	76.1	81.4
60–69 years	27.8	39.6	26.6	39.0
Immigrants	55.6	61.1	49.3	65.5

97. The activity rate is the share of the population in the workforce. The employment rate is the share of the population in employment. The difference between the activity rate and the employment rate therefore represents the unemployed share of the population. As regards persons aged 16–66 years, 2.8 per cent are unemployed. It should be noted that this unemployment figure is not the same as the ordinary unemployment rate indicated above (unemployment as a percentage of the workforce).

98. Men have higher activity and employment rates than women. However no big difference exists and looking at the unemployment rates they are nearly the same for men and women.

<sup>4</sup> The employment rate has decreased somewhat since 2008 due to the global economic crisis, following the pattern of most other countries in the western world.

99. The older individuals become, the lower the rates get. Improvements have occurred since the latest reporting. Senior policy has been a very important issue on the agenda and several initiatives have been implemented e.g. the so-called Senior Price to encourage an active senior policy in private and public enterprises and institutions.

100. As to regions and geographical areas only small variations exist concerning employment and unemployment. The activity rates vary between 76,4 and 78,4 per cent and the employment rates between 74,6 and 77,2 per cent. The unemployment rates vary between 0,8 and 4,1 per cent in the municipalities.

101. As regards immigrants, both the activity rate and the employment rate are significantly lower than for the rest of the population although an important increase had taken place since 2000. Therefore, integration measures are being undertaken aimed at increasing the employment rate among immigrants.

102. Likewise, Denmark has a relatively high unemployment rate among persons of an ethnic background other than Danish.

### **Special measures taken by the Danish Government**

103. The Government has initiated a number of initiatives in order to ensure the integration of unemployed persons into the Danish labour market. The initiatives include "More people at work" from 2002, the future welfare and wealth programme from 2006, a new job centre reform from 2007, and the Job Plan from February 2008.

104. Measures taken are mainly targeted at groups, which are considered disadvantaged, not least immigrants. Examples include:

- The initiative "NY CHANCE TIL ALLE" (A new chance for everyone), operating from 1 July 2006 to 30 June 2008. New Chance for All was an active initiative directed towards recipients of social security benefits and starting allowance that had been passive for at least one year.
- With the welfare reform from 2006, 300 million DKK (app. 40.3 million euro) was set aside to strengthen the integration efforts in the municipalities and to take care of those immigrants and descendants who need a particularly close and focused follow-up in order to get a job.
- A trial initiative called "Alle i Gang" (Everyone Working), which through an intensive contact process with unemployed persons aims at ensuring that long-term social security recipients quickly obtain employment. A large part of these are immigrants and descendants.

105. Extending the knowledge of good practices regarding labour market inclusion of ethnic minorities is a constant concern for the Government. A diversity programme targeting enterprises is implemented from 2006–2011. The programme consists of a range of initiatives, including visits to private enterprises, where a team of consultants passes on the lessons learned and offers advice on management of diversity. Furthermore, national campaigns regarding mentor arrangements have been initiated.

106. In order to further promote the dissemination of good practices on integration, a team of consultants ('the Integration Team') has been set up by the Ministry of Refugee, Immigration and Integration Affairs. The consultants have specific knowledge of integration, especially with respect to education and employment. The consultants are disseminating good and practical experiences from municipalities, educational institutions, and enterprises.



107. In 2007 the Government has launched a programme targeting women with ethnic minority background. The programme is running from 2007–2011 and is aiming at enhancing network, employment, and entrepreneurship among women and at the same time strengthening development and integration of their children.

108. For further information on measures to reduce unemployment reference is made to Danish reporting concerning international conventions listed below.

- International Labour Organization (ILO) Employment Policy Convention, 1964 (No. 122). The latest Danish report was submitted to the ILO Committee of Experts in 2007.
- ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111). The latest Danish report was submitted to the ILO Committee of Experts in 2007.
- International Convention on the Elimination of all forms of Racial Discrimination. The latest Danish report was submitted to the Committee on the Elimination of Racial Discrimination on 6 July 2009.
- International Convention on the Elimination of all forms of Discrimination Against Women. The latest Danish report was submitted in 2008 (CEDAW/C/DEN/7).

109. Regarding the Danish system of collective bargaining, working conditions etc., reference is made to the reporting concerning articles 7 and 8.

## Article 7

110. As stated in previous reports there is no statutory minimum wage in Denmark. The fixing of minimum wages is regulated in the collective agreements. Most collective agreements have a duration of three years.

*“Please supply information on the development of average and minimum wages 10 years ago, 5 years ago and at present, set against the respective development of the cost of living.”*

### Consumer price index and indexed wage development in 1998, 2003 and 2008

	1995	1998	2000	2003	2005	2008
Average annual wage						
Female non-skilled worker	100.0	108.7	115.3	125.4	132.2	146.7
Male skilled worker	100.0	108.7	114.7	124.1	132.2	146.7
Public servant*	100.0	109.1	115.1	124.9	131.7	145.5
Private sector salaried employee	100.0	111.2	119.9	134.1	142.7	159.8
Consumer price index	100.0	106.3	112.1	120.0	123.6	132.4
Average annual wage/consumer price index						
Female non-skilled worker	100.0	102.3	102.9	104.5	107.0	110.8
Male skilled worker	100.0	102.3	102.3	103.5	107.0	110.8
Public servant*	100.0	102.7	102.7	104.1	106.6	109.8
Private sector salaried employee	100.0	104.7	107.0	111.8	115.5	120.7

*Source:* Annual wages: Lovmodellen (Familietypermodellen), Ministry of Finance. Consumer price index: Statistics Denmark.

*Note:* In Denmark there is no statutory minimum wage. Instead minimum wages are agreed upon during collective bargaining and differ from sector to sector and with respect to coverage.

\* Tjenestemand.

### **Anti-discrimination**

111. Denmark has ratified ILO Convention No. 111 concerning Discrimination in Respect of Employment and Occupation.

112. Discrimination on the labour market on the basis of race, colour, religion or belief, political opinion or national or social origin is covered by the Act on Prohibition against Discrimination on the Labour Market etc. from 1996 with subsequent amendments. The latest Consolidation Act is from 2008; cf. Consolidated Act No. 1349 of 16 December 2008.

113. According to the act, an employer shall not discriminate against employees or applicants for vacancies in connection with recruitment, dismissal, transfer, promotion or with regard to pay and working conditions. Discrimination with respect to pay conditions shall be taken to occur in case of failure to give equal pay for equal work or work of equal value. Certain provisions in the Act give access to deviate the prohibition against discrimination in particular situations.

114. According to article 6 (1) in the Act on Prohibition against Discrimination on the Labour Market etc. the prohibition of discrimination on the grounds of political opinion, religion or belief shall not apply to employers whose enterprise has the express object of promoting a particular political or religious viewpoint or a particular religious persuasion, and where the employee's political opinion, religious conviction or persuasion may be deemed to be of importance to the enterprise.

115. According to article 6(2) the prohibition of discrimination can be deviated, if it is of decisive importance to the exercise of certain types of occupational or training activities that the person concerned is of e.g. a particular ethnic origin. The requirement must be reasonable relative to the occupational or training activity. The competence to grant exemptions is placed with the ministries, who handle the conditions of the occupation or training activities concerned. Before exemptions are given the appropriate minister shall obtain an opinion from the Minister for Employment. Only few exemptions have been given.

116. Regarding gender in particular, reference is made to the remarks to Concluding Observation Para 14 and Concluding Observation Para 25, which have been incorporated in the text concerning article 3.

### **Safety and health at the work place**

117. The Act on Working Environment, cf. Consolidation act no. 268 of 18 March 2005, as recently amended by Act no. 1395 of 27 December 2008, regulates the employees' safety and health. Reference is made to previous reports regarding this issue and enforcement of the act.

118. In the period 1 June 2001 to 1 March 2009, 47 ordinances were issued, including amending ordinances that are still applicable with the legal basis in the working environment act.

119. For statistics on reported industrial accidents and reported occupational cases of illness, reference is made to the tables 1, 2 and 3 below.

Table 1  
**Reported industrial accidents 2002–2007 to the Danish Working Environment Authority, distributed between severity and year of registration**

Severity	Year of registration						
	2001	2002	2003	2004	2005	2006	2007
Death	43	61	47	45	59	61	66
Other serious injuries	5 134	4 847	4 879	5 007	5 250	5 781	5 543
Other injuries	41 968	39 790	37 214	38 626	41 807	42 871	43 273
<b>Total</b>	<b>47 145</b>	<b>44 698</b>	<b>42 140</b>	<b>43 678</b>	<b>47 116</b>	<b>48 713</b>	<b>48 882</b>

Source: The Danish Working Environment Authority.

Table 2  
**Reported industrial accidents 2001–2006 to the Danish Working Environment Authority per 10,000 employees**

Distributed between incidence, severity and year of registration

Severity	Year of registration						
	2001	2002	2003	2004	2005	2006	2007
Death	0.16	0.22	0.17	0.17	0.22	0.23	0.24
Other serious injuries	19	17	18	19	19	21	20
Other injuries	151	143	136	143	154	156	153
<b>Total</b>	<b>170</b>	<b>161</b>	<b>154</b>	<b>162</b>	<b>174</b>	<b>177</b>	<b>173</b>

Source: The Danish Working Environment Authority.

Table 3  
**Reported occupational cases of illness**

	2001	2002	2003	2004	2005	2006	2007	<i>Total</i>
01 Musculoskeletal discomfort <sup>5</sup>	7 011	6 214	5 437	5 901	6 922	7 602	7 445	<b>46 532</b>
02 Ear disorders	1 774	1 734	1 497	1 689	1 597	1 908	1 734	<b>11 933</b>
03 Psychological disorders	1 196	1 420	1 549	1 951	2 347	2 976	3 315	<b>14 754</b>
04 Skin disorders	1 530	1 431	1 287	1 230	1 229	1 468	2 039	<b>10 214</b>
05 Respiratory organ disorders	677	550	464	486	548	649	716	<b>4 090</b>
06 Nervous system disorders	456	393	360	469	540	511	509	<b>3 238</b>
07 Cancer	170	176	231	215	214	311	560	<b>1 877</b>
09 Other disorders	778	654	641	595	516	1 461	733	<b>5 378</b>
<b>Total</b>	<b>13 592</b>	<b>12 572</b>	<b>11 466</b>	<b>12 536</b>	<b>13 913</b>	<b>16 886</b>	<b>17 051</b>	<b>98 016</b>

Source: The Danish Working Environment Authority, March 2009.

<sup>5</sup> Including connective tissue illnesses.

### Screening of all enterprises

120. As from 1 January 2005 and for the following seven years, the Working Environment Authority (WEA) will screen the health and safety conditions of all Danish enterprises with employees. Subsequently, all enterprises will be screened approximately once every three years. Enterprises prioritized for inspection will be screened approximately every two years.

121. Furthermore it should be mentioned that the WEA has established a “smiley” scheme with the purpose of making the working environment standard at an enterprise known to the public.

### New system of Authorised Health and Safety Consultants

122. From 2005, the system of compulsory membership in an Occupational Health Service for certain sectors was replaced by a system of Authorised Health and Safety Consultants. Following inspections, the WEA may issue a consultancy notice and enterprises are then obliged to call in an Authorised Health and Safety Consultant to help solve their working environment problems. Consequently, membership of an Occupational Health Service was made fully voluntary.

123. For further information on occupational safety and health issue in Denmark reference is made to Danish reporting concerning international conventions listed below.

- Weekly Rest (Industry) Convention, 1921 (No. 14). The latest Danish report was submitted to the ILO Committee of Experts on 1 September, 2008.
- Weekly Rest (Commerce and Offices) Convention, 1957 (No. 106). The latest Danish report was submitted to the ILO Committee of Experts on 9 November, 2008.
- Labour Inspection Convention, 1947 (No. 81). The latest Danish report was submitted to the ILO Committee of Experts on 16 October, 2008.
- Labour Inspection (Agriculture) Convention, 1969 (No. 129). The latest Danish report was submitted to the ILO Committee of Experts on 9 November, 2008.
- Occupational Safety and Health Convention, 1981 (No. 155). The latest Danish Report was submitted to the ILO Committee of Experts on 19 December, 2005.

## Article 8

124. No changes concerning the issues under article 8 have been made since the submission of the fourth periodic report of the Government of Denmark to the Committee on Economic, Social and Cultural Rights (E/C.12/4/Add.12).

125. In recent years there has been a trend towards the *merging of organisations into large cartels and unions*, both in the private and public sector.

### Central employee organisations January 2007

<i>Members 1 January 2007</i>	<i>1,000 persons</i>	<i>Per cent</i>
The Danish Confederation of Trade Unions (LO)	1 300	63
The Salaried Employees' and Civil Servants' Confederation	356	17
The Danish Confederation of Professional Associations	169	8
The Danish Association of Managers and Executives	74	4

<i>Members 1 January 2007</i>	<i>1,000 persons</i>	<i>Per cent</i>
Trade Unions outside the central organisations	179	9
<b>Total number of members</b>	<b>2 078</b>	<b>100</b>
<b>Total number of employees (age 16–64)</b>	<b>2 755</b>	

Source: Statistics Denmark.

## Article 9

### Social security coverage

#### *The Danish pensions system*

126. Please see the fourth report (E/C.12/4Add.12).

#### *The Welfare Agreement*

127. As part of the welfare reform passed by parliament in December 2007 the retirement age was adjusted.

128. The voluntary early retirement pension (VERP) age has been raised from 60 to 62 years from 2019 to 2022 and the public old-age pension age has been raised from 65 to 67 years between 2024 and 2027. As of 2025, the age thresholds in the retirement system are indexed to the mean life expectancy of 60 year-olds so that the combined period with VERP and public old-age pension will be around 19½ years in the long term. If life expectancy does not change compared to life expectancy in 2004/05, the early retirement age stays at 62 years and the pension age at 67.

### New legislation – Job plan

129. In order to remedy the lack of manpower the Government concluded an agreement on a Job plan the aim of which is to increase the supply of manpower and create better financial conditions for seniors who wish to stay on the labour market beyond the age of 65.

130. The amendment introduced by the Minister for Social Welfare on 28 March 2008 is aimed at seniors who have already retired, and those who receive social pension and who wish to increase the income from pensions by an additional earned income and at seniors who wish to defer the pension.

#### *Income adjustment*

131. Entitlement to pension allowance and personal allowances is calculated on the basis of all taxable income, inclusive of pension. Under the new provision the first DKK 30,000 of earned income by old age pensioners shall not be taken into consideration in the calculation of personal allowances (as e.g. the means-tested personal allowance, pension allowance, supplementary pension allowance and health allowance).

#### *Deferred pension*

132. For persons who meet the requirements for deferred social pension the number of compulsory annual working hours shall be reduced from 1,500 hours to 1,000 per year in order to favour a more flexible transition from working life to retirement.

133. The provisions entered into force on July, 1<sup>st</sup> 2008.

## Supplementary pension allowance

134. On July 1<sup>st</sup> 2008 the Danish parliament adopted an amendment to the Social Pension Act to the effect that the supplementary pension allowance was increased to a maximum of DKK 10,000 with effect as of January 1<sup>st</sup> 2009. The allowance is means-tested.

**Rates of social (old age) pension****Old-age pension per month (DKK)**

<i>January 2009</i>	
Non-single persons	
Basic amount	5 254
Pension supplement	2 470
<b>Total</b>	<b>7 724</b>
Single persons	
Basic amount	5 254
Pension supplement	5 289
<b>Total</b>	<b>10 543</b>

**Anticipatory (invalidity) benefit – rates**

New anticipatory pension scheme (after 2003)

135. Anticipatory pension as at January 1<sup>st</sup> 2009 according to the new scheme:

Singles: DKK 15,704 per month

Non-single persons: DKK 13,348 per month

**Old scheme (before 2003)****Anticipatory pension per month (DKK)**

<i>January 2009</i>	
Non-single persons	
Ordinary	10 279
Increased ordinary	10 279
Intermediate	10 279
Highest	13 806
Singles	
Ordinary	13 098
Increased ordinary	13 098
Intermediate	13 098
Highest	16 625

*Psychiatry*

136. Please see article 12, adequate treatment, care, and Periodic Review.

137. With respect to *concluding observation paragraph 28* the question of Danish ratification of the up-to-date ILO Conventions is regularly considered by the Danish

Permanent ILO Committee where the most representative employers' and workers' organizations are represented. The Government did not yet decide on the question of ratification of ILO Convention No. 117 on Social Policy (Basic Aims and Standards), 1962, or on the question of ratification of ILO Convention No. 174 on Major Industrial Accidents Convention, 1993.

## Article 10

138. Family allowances and child benefits include:

- **Ordinary child allowance** is payable to single parents and to parents who both receive a pension under the Social Pensions Act. The allowance is **DKK 4,696 annually** as at January 2009.
- **Extra child allowance** is payable as a supplement to the ordinary child allowance to single parents who have the child living with them. The allowance is **DKK 4,780 annually** as at January 2009 irrespective of the number of children.
- **Special child allowance** is payable to children who have lost one or both parents, or when paternity has not been determined. Furthermore, a child may qualify for the special allowance if one or both parents receive a pension under the Social Pensions Act and in some other cases. As at January 2009, the special child allowance is **DKK 13,536 annually** per child. An orphan, however, receives twice this amount.
- **Multiple birth allowance** is granted in the event of multiple births and until the children reach the age of 7. The multiple birth allowance is **DKK 7,736 annually** as at January 2009 for each child, except for the first.
- **Adoption allowance** is granted to adopters of a foreign child through one of the recognised adoption organisations. The allowance is **DKK 44,565** as at January 2009 and is payable as a **lump sum** to cover some of the expenses incurred in connection with the adoption.
- **Students allowance.** Parents who are under education who have a child living with them are entitled to an allowance of **DKK 6,160 annually** as at 1 January 2009. A parent can only receive one such allowance and there is only paid one allowance per child.
- **Advance payment of child support.** Any amount of child support fixed in pursuance of the Children Act remaining unpaid on the due date for payment may be disbursed out of public funds to the person entitled to require child support. Advance payment may be required as to the amount provided for by the Children Act, but not exceeding the standard amount of child support, that is **DKK 13,536 annually** as at January 2009.

Both family allowances and child allowances are free of tax and paid quarterly, independent of income.

### *Health care for children*

#### **Preventive health schemes for children and young people**

139. All children under school age are entitled to 7 free preventive health examinations by a general practitioner. The aim of the examination is to give the child the best conditions for developing healthily – physically, psychologically and socially. The costs are covered by the regions.

140. Through the health visitors the local authorities, as part of their health care programme, are responsible for giving free advice, assistance and health examinations to check the functional defiances of school children until the end of their compulsory education. The local authority health service also covers a health examination by a doctor of all children in the first year of school, and an examination of all children before leaving school. Furthermore, there are examinations by a doctor or a nurse throughout the school years of children who are considered to need such examinations.

141. All children and young people under the age of 18 have the right to free preventive dental care and treatment provided by local authority.

### **Home-nursing**

142. All citizens in a municipality are entitled to home-nursing. When prescribed by a general practitioner, the municipalities must provide home-nursing free of charge. Moreover, the municipalities are obliged to provide all necessary appliances free of charge. Home-nursing proves treatment and nursing at home who are temporarily or chronically ill or dying.

143. In the social area, care and assistance to people are governed by the Danish Act on Social Services. This act lays down a number of provisions in form of care, aids etc. that enables persons, e.g. people with disabilities or older persons, to remain in their normal living environment for as long as possible.

144. Any lawful resident in Denmark is entitled to assistance under the Act on Social Services.

145. The local authority provides support subject to specific assessment of needs based on the eligibility criteria for assistance laid down in the individual provisions of the Act on Social Services.

### **Number of children between 13–17 years of age enrolled in education and employed in 2007**

<i>Children 13–17 years of age</i>	<i>Enrolled in education</i>	<i>Employed</i>	<i>Number in the entire population</i>	<i>Share enrolled in education in per cent</i>
Year 2007	326 936	12 907	339 843	96.2%

*Source:* Statistics Denmark.

146. Ninety-six per cent (96%) of all children between 13–17 years of age in Denmark are enrolled in education. Education is thus the primary activity for the majority of the children.

147. Children who are under 13 years of age may not work except when this concerns participation in cultural and artistic activities, which however requires a police permit.

### *The number of children in employment*

148. The number of children in employment, distributed between year, age and gender.



Table 4  
**The number of children in employment, distributed between year, age and gender**

<i>Age/gender</i>	<i>Number in employment</i>						<i>Number in the entire population</i>					
	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
0–14-year-olds	16 389	16 024	13 890	13 588	14 058	14 250	1 013 046	1 017 578	1 018 146	1 020 939	1 019 426	1 001 137
Men	9 952	9 522	8 218	8 029	8 159	8 120	519 597	521 717	521 823	522 965	522 287	511 933
Women	6 437	6 502	5 672	5 559	5 899	6 130	493 449	495 861	496 323	497 974	497 139	489 204
15–17-year-olds	85 086	83 450	82 246	85 210	89 630	92 827	177 257	181 384	187 343	194 264	199 432	112 421
Men	45 531	44 264	43 383	44 653	46 341	47 621	90 385	93 294	96 307	99 835	102 329	57 832
Women	39 555	39 186	38 863	40 557	43 289	45 206	86 872	88 090	91 036	94 429	97 103	54 589

*Source:* Statistics Denmark.

### The share of children in employment distributed between their percentage share of the entire population

Age/gender	Percentage share in employment					
	2003	2004	2005	2006	2007	2008
0–14-year-olds	1.6	1.6	1.4	1.3	1.4	1.4
Men	1.9	1.8	1.6	1.5	1.6	1.6
Women	1.3	1.3	1.1	1.1	1.6	1.2
15–17-year-olds	48	46	43.9	43.9	44.9	46.5
Men	50.4	47.5	45.1	44.7	45.3	46.5
Women	45.5	44.5	42.7	42.9	44.6	46.6

Source: Statistics Denmark.

### Number of children in employment distributed between age groups

Age	2003	2004	2005	2006	2007	2008
0–9-year-olds	106	114	160	117	157	97
10–12-year-olds	303	327	288	283	277	283
13–14-year-olds	15 980	15 583	13 442	13 188	13 624	13 870
15-year-olds	21 643	20 973	19 877	20 354	20 486	21 251
16–17-year-olds	63 443	62 477	62 369	64 856	69 144	71 576

Source: Statistics Denmark.

149. When referring to children under 18 and the type of work they perform, experience shows that this normally concerns lighter work, e.g. work in shops, kiosks, department stores, cinemas and family-owned businesses.

150. Statistics Denmark uses, among other things, incomes with occupation as a background and all persons who have earned at least DKK 9,207 in the course of one year (corresponding to at least 80 hours' work with a calculated minimum wage at the 2005 level), are included in the occupation figures for the year concerned.

151. In Denmark, children under the age of 13 are not allowed to work. Since table 7 nevertheless figures children under the age of 13, this is because some children earn more than DKK 9,207 per year by participating in cultural and artistic activities and are thus included in the statistics.

152. The ordinance regarding juveniles' work was changed in April 2005. The new regulations contain the following significant changes:

- **15/16 year-olds and "not covered by compulsory schooling"**: In addition to the applicable age requirement of 15 or 16 years for occupation with technical auxiliary tools and systems, work processes with substances and materials within agriculture and on the cleaning area a requirement has been inserted "and not covered by compulsory schooling".
- **Solo work**: Net cafés have been added to the list of shops where children may not work alone after 6 p.m. on weekdays and 2 p.m. on Saturdays, Sundays and public holidays.

- **Respiratory protection:** Previously applicable permission to work with hazardous substances and materials just as long as the youngster works with respiratory protection has been revoked. The age limit is 18.
- **Placement of the working hours:** The regulations regarding the placement of working hours have been simplified. The main rule is that children may not work between 8 p.m.-6 a.m. In offices, shops and petrol stations for example, children may work until 10 p.m.
- **Referral to the restaurant act:** The restaurant act establishes that at places where alcoholic drinks are served, persons under 18 may not be employed during opening hours.
- **Delivery of daily newspapers:** The delivery of daily newspapers has changed from 4 a.m. to 5 p.m.
- **Harmless machines:** The use of harmless household or office machines is permitted.
- **Substances and materials:** Children who are 13–15 years old or who are covered by compulsory schooling may not work with or be in the vicinity of hazardous substances and materials.

153. In 2006, the theme for the European Working Environment Campaign was “Safe Start”. The slogan for the Danish campaign was “Safe Job Start” and the purpose was to provide children with a safe start in working life. As something special for the working environment week in 2006, working environment tuition at schools and at other education institutions was also in focus.

154. *With regard to marriage.* According to Danish law, several requirements must be met in order for a marriage to be valid. The marriage must be contracted before a public authority or before a minister of religion either belonging to the Danish National Evangelical Lutheran Church or belonging to an approved religious community. In the latter case the minister must also be authorized to officiate at a wedding. Finally, it is a requirement that both parties are present at the wedding.

155. If it is suspected that one party is being forced to contract the marriage, the marriage authority may suspend the wedding ceremony, until it has been established, that the party is not being forced to contract the marriage.

#### **Referring to concluding observation 21**

##### *The strategy for homeless people*

156. To identify the scope of homelessness in Denmark and establish a better basis for developing future initiatives for homeless people, the government initiated a census of homeless people and a mapping of local authority demand for homes and residential homes for homeless people in spring 2007.

157. Denmark’s first census of homeless people counted some 5,200 homeless people in week 6 of 2007. It also showed that homeless people are mainly centred in major urban areas, primarily in Copenhagen and the local authorities surrounding it. The next census is set for 2011. The Government has also recently introduced a bill aimed at reducing the increasing number of evictions (please also see under art. 11 “The right to adequate housing”).

*Contents of the homeless strategy*

158. For the period 2008–11, around DKK 500 mio. (roughly the equivalent of EUR 70 mio.) have been allocated for initiatives aimed at helping the largest possible number of homeless people out of homelessness.

159. The goals of the strategy are as follows:

- To reduce the number of homeless people living in the street
- To find solutions for young people other than a place at a reception centre
- To limit the stay at reception centres to 3–4 months for residents ready to move to homes provided they are given the needed support
- To solve homeless people's housing problems before they are discharged from treatment institutions or released from prison

160. The allocated means will be distributed in negotiations with the local authorities, which have the greatest problems with homeless people as well as from a pool for housing assistance schemes.

161. The local councils from selected local authorities with major homelessness problems will set up targets for reducing homelessness; targets springing from the four strategy goals. All activities must be planned with these goals in mind. Monitoring the strategy will concurrently ensure that activities work as intended and allow intervention if this is not the case.

162. Another pivotal element of the strategy is that Denmark must develop and test methods at authority and supplier levels; methods set up on the basis of the activities realised in local authorities and the currently best available knowledge in the area. The aim is to develop methods in activities for homeless people, methods that have a documented effect and can therefore be communicated to other local authorities in Denmark.

163. The local councils are responsible for and play key roles in implementing the means allocated to the homeless strategy through adopting local homeless plans with specific goals for reducing homelessness at local levels and are obliged to continue the activities beyond the period covered by the allocation.

**Regarding concluding observation 27**

164. “By 1 January 2007 the local government reform came into force. As of this date the number of local authorities was reduced from 271 to 98. Moreover, the 14 counties were abolished and 5 new regions were established.

165. The local government reform included a comprehensive reorganisation of tasks in the public sector. It defines a new structure of the public sector.

166. The Government lays down the general framework. The larger and more sustainable municipalities are responsible for most of the welfare tasks, i.e. citizen-related tasks, and therefore become the primary access point to the public sector for citizens. The five regions are responsible for the health care service, preparation of regional development plans and solution of certain operational tasks for the municipalities, e.g. operation of a number of social institutions.”

**The Danish Criminal Code and the Act on Exclusion (including with regard to concluding observations 17 and 30)**

167. Acts of violence against women are punishable under section 244–249 of the Danish Criminal Code. These provisions cover acts of violence irrespective of the gender of the

victim (except for section 245a which deals with female genital mutilation only, see below). In determining the sentence, account shall be taken, inter alia, of the seriousness of the offence, according to section 80 of the Criminal Code. This assessment includes information regarding the victim, including any elements that may be specific to female victims.

168. By Act No. 449 of 9 June 2004, the Act on Exclusion (*bortvisningsloven*) was adopted authorizing the police to exclude a threatening and violent adult from the home for a period of four weeks, if there is reasonable cause to suspect the person of having committed a criminal offence, such as violence against another member of the household. It is a condition for exclusion that the criminal offence the person is suspected of having committed has a minimum penalty of 1 year and 6 months imprisonment according to the Criminal Code. In addition, exclusion can only take place if there is reason to believe that the person will commit additional offences if he or she stays in the home. The exclusion also has to be proportional.

169. It is also possible for the police to issue a restraining order, prohibiting the excluded person to intrude, pursue with written communication or inconvenience another member of the household in other similar ways. It is also an option for the police to order the excluded person not to come within a certain distance of the home, the workplace or the place of education of a member of the household.

170. In December 2006, the Research Division of the Ministry of Justice evaluated the effects of the said Act. The evaluation report shows that from 1 July 2004 to 9 June 2006, the act has been applied in 54 cases – 45 of these involved exclusion from the home. The cases primarily concerned violence according to section 244 of the Danish Criminal Code, the excluded persons were all men, and the exclusion took place on the basis of a request from the victim.

171. A new evaluation of the effects of the Act on Exclusion will be available in the end of 2009.

172. In situations where the couple does not live together, it is possible for the police to issue a caution according to section 265 of the Criminal Code.

173. Section 265 of the Criminal Code states that a person who violates the peace of another person by intruding, pursuing with written communication or inconveniencing that person in other similar ways, despite a prior caution from the police, shall be liable to a fine or imprisonment for any term not exceeding two years. A caution issued under this provision shall remain effective for five years and is typically issued in connection with the dissolving of marital relations with the purpose of preventing a person's contact with a previous spouse or partner. A caution will usually be issued by the police on request of the person in need of protection but it is also possible for the police to issue a caution on their own initiative, if it is deemed necessary to prevent serious assaults etc.

#### **Initiatives by the National Police**

174. In August 2007 the National Police (*Rigspolitiet*) issued a national strategy to combat domestic violence and jealousy motivated homicides. The central elements in the strategy are establishing specialised units in all police districts, cooperation between authorities and efficient use of the expulsion and restriction order legislation.

175. Furthermore, in January 2007 the National Police issued a national strategy to combat honour killing and other culturally or religiously motivated crime. In connection with the strategy the National Police initiated a monitoring system. To this end the police districts continuously and systematically report to the National Police any information of relevance in combating honour related crimes. On the basis of the compiled information

and analysis the police are able to react proactively and goal oriented towards suspicions of honour related crime.

### **Statistics**

176. It is estimated that approximately 70,000 women aged 16–64 are exposed to physical violence on an annual basis. In 40 per cent of the total number of violence cases, the perpetrator is a present or former partner, which means that approximately 28,000 women aged 16–64 are the victims of partner violence every year. It is estimated that approximately 29,000 children aged 0–15 are the victims of domestic violence on an annual basis. Approximately 2,000 women and a similar number of children move into shelters every year.

177. In the period 2000–2005, there was an estimated fall of one third in the number of women victims of partner violence. This is partly seen as a direct result of the Government's action plans.

178. Independent evaluations have been drawn up of the Government's first and second action plans on gender based violence and on the basis of these a new National Strategy on violence in close relationships is currently being drafted.

### **Female genital mutilation (FGM)**

179. Female genital mutilation — with or without consent from the victim or her parents — is a crime under section 245a, of the Danish Criminal Code. The maximum penalty is 6 years of imprisonment or, in case of particularly aggravating circumstances, 10 years of imprisonment.

180. Where the perpetrator is a Danish national or resident in Denmark, female genital mutilation is subject to Danish criminal jurisdiction and punishable under section 245a of the Danish Criminal Code regardless of whether the act was committed in Denmark or abroad and regardless of whether the act was a criminal offence under the law of the State where the act was committed.

181. The Danish Courts passed their first sentence in a criminal case concerning violation of section 245a in the Danish Criminal Code in January 2009. The parents of three girls were charged with violation of section 245a and attempt hereon, partly by co-operating in bringing the two oldest girls to Sudan where an unidentified person living in Sudan performed a female circumcision on both of the girls, and partly by planning on travelling to Sudan with their third and youngest daughter with intention of co-operating in having her circumcised as well. The plan on bringing the youngest daughter to Sudan did not succeed as both parents were arrested before departure. The father of the two girls was acquitted, but the mother was convicted of contributing to the circumcision of the two oldest girls and acquitted of the matter concerning the youngest daughter. The mother was sentenced with imprisonment for 2 years, whereof the execution of 1 year and 6 months was suspended with a period of probation on 3 years. Furthermore it was imposed on the mother to pay compensation amount to DKK 25.000 to each of her daughters.

### **Trafficking: The Criminal Code (including with regard to concluding observations 19 and 32)**

182. The Criminal Code section 262a identifies trafficking of human beings as a specific criminal offence. Under section 262a, which was introduced into the Danish Criminal Code in 2002, trafficking is punishable with a prison term not exceeding 8 years.

### **The Council of Europe Convention on Action against Trafficking in Human Beings**

183. Denmark ratified the Council of Europe Convention on Action against Trafficking in Human Beings in September 2007. Previous to this, in June 2007, the Danish Parliament adopted a bill introducing the necessary legislative amendments in order to implement the Convention in Danish legislation.

### **The Danish anti-trafficking policy**

184. Since 2002 the Government has launched two action plans to combat trafficking in human beings. As part of the implementation of the plans a large range of initiatives have been initiated aimed at supporting victims of trafficking, prosecuting the criminals organizing the trafficking as well as information activities.

185. The Danish Anti-Trafficking Centre was officially established in September 2007. The centre manages the social dimensions of the national Action Plan to Combat Human Trafficking 2007–2010, and has three executive goals:

- To improve the social assistance to victims of human trafficking
- To coordinate collaboration between social organizations and other public authorities
- To collect and convey knowledge in the field of human trafficking

186. A wide variety of support assistance is offered to victims of human trafficking, including:

- The identification of victims of human trafficking through outreach work
- Healthcare, including medical, psychological and dental care
- Legal advice, including information regarding legal rights and opportunities, as well as assistance during police raids
- Various skills-training courses for authorities dealing with trafficking
- Up to 100 days accommodation in a shelter or protection centre as part of a programme of prepared return
- Arranged repatriation of victims of human trafficking in cooperation with organisations in the countries of origin, including information on the possibilities available in the country of origin, the preparation of travel documents, accompaniment during travel, cooperation with an organization/NGO in the home country upon arrival, help regarding accommodation, treatment and implementation of an alternative livelihood

187. Besides the above mentioned tasks, the Anti-Trafficking Centre is responsible for the organising and coordination of the social work in connection with victims of trafficking. For this purpose local, regional and national contracts with a variety of different NGO's and social organisations in Denmark has been made; such as the Competence Centre Prostitution, The Nest International, PRO-Vest, Danish Red Cross and Save the children Denmark. The Competence Centre Prostitution and the two regionally based organizations The Nest International and PRO-Vest are being funded by the government to do outreach work in the sex trade industry, including identifying and counselling victims of trafficking and running a safe house. The Danish Red Cross and Save the Children focus on possible child victims of trafficking and collect figures in this field.

188. In September 2006 the National Police issued a national strategy for reinforced police action against criminals who control prostitution. The strategy is aimed at human trafficking and serious prostitution related offences, for instance procuring.

189. The central points of the strategy are focus on the criminals who control prostitution, local strategies and plans of action, allocation of the necessary resources, systematic collection, processing and analysis of intelligence, reinforced control activity, proactive and targeted investigations, careful treatment of victims and witnesses, supplementary training of police personnel, cooperation with authorities and organisations and preventive measures.

190. The strategy is followed by yearly status reports. The latest regarding 2008 was published in March 2009.

### **Sexual exploitation of children**

191. The Government attaches great importance to securing a high level of legal protection against child pornography and sexual exploitation of children, and the Government has continuously taken new initiatives to secure a high level of protection of children against such crimes in any form.

192. The following legislative initiatives have been implemented in recent years.

193. By Act No. 165 of 28 March 2008, the Danish Administration of Justice Act was amended in order to increase the possibility of preventive detention, in cases e.g. regarding sexual abuse of children under the age of 15 years.

194. By Act No. 490 of 17 June 2008, the Parliament adopted a comprehensive revision of the general provisions of the Criminal Code concerning Danish criminal jurisdiction. The existing main principles on Danish criminal jurisdiction have been carried out with some extensions of the scope of jurisdiction in certain areas, such as e.g. the protection of victims with relations to Denmark. The regulation *inter alia* extends jurisdiction as regards the dissemination of material such as child pornography via the Internet.

195. Furthermore according to section 222 of the criminal Code, enacted by Act No. 501 of 17 June 2008, it must be considered an aggravating circumstance if the perpetrator has gained intercourse with a child by exploiting his physical or psychological superiority.

196. By Act No. 319 of 28 April 2009, the Parliament adopted the necessary legislative amendments in order to implement the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse — signed on 20 December 2007 — in Danish legislation.

### **National strategy against sexual exploitation of children**

197. Denmark is currently drawing up a new joint national strategy against sexual exploitation of children, as the previous national action plan has become outdated.

198. The new national strategy is to help facilitate new relevant ideas on how to combat sexual exploitation of children and sum up the current initiatives and best practises.

199. Among these current initiatives are the Danish campaign against child sex tourism, the initiative of proactive police investigations on the internet to counter grooming and the Danish Child Pornography Filter, which is known internationally for its groundbreaking and efficient technology.

## **Article 11**

200. Denmark has no defined national poverty line.

201. In 2006 the Government presented the action programme entitled *Our Collective Responsibility II*, designed to help improve social inclusion of disadvantaged groups in



society and the labour market. The Government wanted to break down societal barriers, also in the labour market, and give the most socially disadvantaged groups better opportunities for developing and utilising their own resources and competencies.

202. With the action programme, the Government aimed to enhance outreach work and supportive activities, provide more means of accessing the labour market and improve local authority casework. In all three areas, specific projects and initiatives have now been undertaken.

203. To be able to plan the initiatives in the best possible way, the Government prepared the action programme on the basis of a hearing in the Council for Socially Marginalised People and among other organisations in society that represent the disadvantaged groups. In accordance with the wishes of the Council for Socially Marginalised People and the organisations, the resulting action programme contained initiatives in several areas. The programme contains specific out-reach and contact-creating initiatives, where the authorities and civil society organisations, which often find it easier than the authorities to create the first successful contact to the disadvantaged people, will initiate a positive development that may help disadvantaged people into employment in the long term. Moreover, the action programme also contains more targeted employment initiatives that help create more opportunities for employing disadvantaged groups in the labour market and upgrade the competencies of disadvantaged people. An account is given below of the initiatives initiated so far in relation to *Our Collective Responsibility II*.

#### **Mentor schemes**

204. With a view to helping disadvantaged people into employment, projects have been established with mentors who are affiliated to the shelters where many disadvantaged people stay.

205. A follow-up to the projects in the first year showed that the target groups in the projects are burdened by more problems than assumed. This is due to the generally favourable employment situation at the time, which means that the best-functioning of the disadvantaged people have found paid employment themselves.

206. The largest target groups for the projects were mentally ill substance abusers and persons with physical challenges. Approx. 53% of them have bad labour market experience. Seventy per cent of the enterprises cooperating with the projects are private ones. No information is yet available on the effect of the initiatives.

#### **Establishing enterprise centres**

207. Since 2006, more than 100 private or public enterprises have established enterprise centres according to agreement with the local job centre. An enterprise centre employs a group of at least four benefit claimants that have problems other than unemployment. Work is integrated in the enterprise's normal operations and can be supplemented by various forms of activities that support the unemployed person on his or her way to the labour market. Experience gained so far shows that participants have very poor qualifications for performing a job, including a very long period of unemployment. Still, the results are better than for other forms of activation.

208. A pilot project following the same model has subsequently been launched, but for vulnerable young people. Young people's social psychological problems are solved in an integrated effort with an employment-oriented programme in an enterprise. The pilot project is expected to include eight enterprises.

### **Special supplementary training courses for socially disadvantaged groups**

209. A supplementary training project will be set up, under which socially disadvantaged people with qualifications in a certain field can complete a special supplementary training course, an initiative that will eventually ensure that they can get a job within their field.

### **Establishing special training programmes for caseworkers**

210. In autumn 2007, the Danish School of Public Administration held 20 courses for up to 500 caseworkers. The courses were based on the challenges that caseworkers face with disadvantaged groups. Much time was spent on identifying caseworker processes, i.e. training skills. A special training programme aimed at both outreach social workers and caseworkers in the administrations will be established. External providers will conduct the training programme.

211. One example is the project *From disadvantaged to appreciated*, which aims at helping socially disadvantaged people set up their own businesses. Almost 100 users submitted proposals for business plans, eleven of which were chosen. These users can use business managers as personal sounding boards for six months. Other projects involve the granting of micro loans to entrepreneurs among socially disadvantaged people and the launch of recycling projects.

### **Forming marginalised-people teams in the local authorities**

212. Pilot projects will be launched on establishing special interdisciplinary teams of local authority social workers. Like the rest of the population, socially disadvantaged groups need assistance through public social, health and employment services. Moreover, they need special support with problems that are often severe and complex. The aim of establishing marginalised-people teams is thus to make it possible to take swift action when a citizen approaches a social worker for help handling substance abuse or health problems or finding a road towards employment. Ten local authorities have received grants.

### **Establishing satellite offices in socially disadvantaged areas**

213. "Satellite offices" are being set up in places where many people with severe social problems live, ghettos for example, to provide easy access to help and support from public authorities. Easy access to caseworkers is crucial when citizens run into a situation requiring assistance from the social authorities. Locating satellite offices in socially disadvantaged citizens' neighbourhoods creates an organisation that promotes a more informal contact with public authorities. This makes it easier for disadvantaged citizens to learn of and benefit from the services offered by the public system. Eight local authorities have received grants to establish satellite offices.

214. The initiatives are aimed at better qualifying local authorities to provide the right help at the right time to socially disadvantaged citizens. The initiatives will mean that the local authorities' services and other support to socially disadvantaged citizens are given where the citizens live, and that all problems are considered as part of the case work. The initiatives help ensure that assistance is provided at the right time, namely when the citizen is ready to re-enter his or her life.

215. Results of the efforts must be documented for each initiative and in each project launched as part of the realisation of "Our Collective Responsibility II".

### **Skills upgrading for groups with reading and spelling difficulties**

216. Another major initiative in 2007 was upgrading the skills of persons who lack reading/spelling competencies. The project is part of the Welfare Agreement, and the

objective is to assess the reading and spelling skills of 5,000 unemployed persons. If necessary, they will be offered upgrading of their skills. One thousand persons are expected to have such need.

### **Starting allowance**

217. The Government has continuously initiated analyzes and surveys on the effects of the reduced cash benefit the so-called starting allowance, and the surveys show positive results.

218. Statistics from the Ministry of Employment shows that relatively more foreigners receiving introduction allowance on the level of starting allowance gets into ordinary employment than foreigners receiving introduction allowance on the level of cash benefit. A survey from April 2007 carried out by “The Rockwool Foundation” confirms these tendencies. The survey shows that 56 percent more persons receiving the starting allowance get into ordinary employment than is the case for persons receiving the higher cash benefit.

219. On this basis, it is the Government’s intention to uphold the starting allowance as an important tool to entice persons receiving cash benefits from the State to seek employment. In the context of integration, it is still the Government’s view that active labour market participation is the main key to successful integration into Danish society.

220. The Eastern High Court rendered a decision 24 April 2009 in a civil case, where a plaintiff had pleaded that the fact that he had received starting allowance constituted a breach of international obligations, amongst those article 11 of the UN Covenant on Economic, Social and Cultural Rights. The Court came to the conclusion that no international convention has been breached, and the Court stated that the rules in the Danish legislation serve a legitimate aim.

221. Furthermore, the Government has in June 2007 put forward a wide range of initiatives which shall ensure that more women with ethnical background become active citizens in the Danish society.

### **The right to adequate food**

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

### **The right to adequate housing**

223. As mentioned in art. 9 the government has launched a new strategy regarding homelessness.

224. Please also see The Fourth Periodic Report article 11 D, paragraphs 350–352, 292–298, 313–314, and 329–339.

225. The total number of social housing units in Denmark is 550.000, which is 20 percent of the total number. Social housing is let to tenants through waiting lists. The government does not have information about the average length of waiting time, as the waiting list are administered by the non-profit housing organisations, who are under inspection by the local authorities. 42.000, 8 percent, of the social housing units are placed in rural and remote areas.

226. According to the Danish Act on Social Housing etc., the local council has the responsibility to provide the necessary amount of social housing for the elderly and people with disabilities with a special need for such accommodation.

227. Please also see the fourth periodic report article 11 D, paragraphs 298–302, 306, 332, 340–344.

228. An analysis on forced evictions in Denmark was carried out by the Danish National Centre for Social Research in 2008. The report concludes that the main reasons for tenant evictions are low income, low disposable income, large debts, a relatively large proportion of income spent on rent, and poor financial management. Tenants with an ethnic background other than Danish have a slightly larger risk of being evicted, than tenants with a Danish background. Other groups with an increased risk of being evicted are recipients of cash assistance from their municipality, single men, single mothers, young people and tenants with a short education.

229. I.e. there are no specific groups, such as ethnic minorities who are particularly affected by forced evictions. And accordingly hereto there are no measures taken to prevent discrimination.

230. According to the records of the Danish Court Administration the total number of forced evictions in Denmark, as a result of payment default, increased from 2,614 evictions in 2004 to 3,762 in 2008.

#### **Recorded number of forced evictions in Denmark during the period 2004 to 2008**

2004	2005	2006	2007	2008
2 614	2 841	2 849	3 377	3 762

*Source:* Danish Court Administration.

231. As a consequence of double registrations, the records of the Danish Court Administration slightly overestimate the number of households being evicted. The Danish Ministry of Interior and Social Affairs estimates that the actual number of households being evicted is approximately 10–15 per cent lower than the figures above.

232. All tenants in non-profit as well as private housing are protected against eviction, which is regulated in the Rent Act. I.e. tenants basically have security of tenure as long as they comply with the terms of the lease.

233. Thus the letter or the housing association can only terminate the lease in the special circumstances, described in The Fourth Periodic Report article 11 D, paragraphs nr. 313–314.

234. Furthermore the lease can be terminated if the tenant fails to pay the required rent, and the people who suffer from forced eviction are in general people who do not pay their rents.

235. Most rental dwellings are subject to rent regulation see also The Fourth Periodic Report article 11 D, paragraph nr. 315.

#### **Housing agreements**

236. In the 2006 housing agreement and the 2007 housing agreement the Government agreed to expand the current investment facility for renovation in the most deprived areas by DKK 2.125bn in 2006 and by DKK 2.400bn in each of years 2007–2012.

237. Further DKK 2.200bn was allocated for social and preventive measures, as well as for local coordination and evaluation in social housing divisions where substantial problems of a financial, social or other nature have been found, including high rent, high rate of turnover, large share of occupants with social problems, violence, vandalism or run-down buildings and open spaces in the most deprived areas in the period 2006–2010.

*With regard to concluding observations 21 and 34*

238. Reference is made to the extensive explanation of the Danish legislation regarding anti-discrimination in the Danish follow-up report (E/C.12/Q/DNM/1). The Act on Ethnic Equal Treatment is applicable also to housing.

*With regard to concluding observation 27*

239. In 2002 the Danish Government established a Commission on Administrative Structure. In January 2004 the Commission on Administrative Structure published its conclusions and in April 2004 the government presented its proposal for a reform of the structure of the public sector in Denmark.

240. The Danish local government reform came into force on January 1 2007 and meant a new division of municipalities and regions and a new distribution of tasks between municipalities, regions and the state. As an outcome of the reform 98 municipalities replaced the previous 271 and 15 counties were abolished and 5 regions were created.

241. The Government lays down the general framework. The larger and more sustainable municipalities are responsible for most of the welfare tasks, i.e. citizen related tasks, and therefore become the primary access point to the public sector for citizens. The five regions are responsible for the health care service, preparation of regional development plans and solution of certain operational tasks for the municipalities, e.g. operation of a number of social institutions.”

242. The Danish local government reform has not had any impact on the marginalised groups of society, since the reform didn't have any implications on the Danish policy on socially marginalised groups nor in the type and number of benefits socially marginalised groups receive.

### **Strategy against ghettoization**

243. The Government wishes to ensure that all citizens benefit from the opportunities a modern everyday life in a democratic society has to offer. All citizens should have a life characterized by opportunities and free choice. In 2004 the Government introduced its anti-ghettoization strategy, as ghettoization is found to be a significant barrier for integration into social life, the educational system and the labour market. The strategy aims at improving the conditions for all residents in deprived urban areas, including crime prevention, education, employment initiatives etc. Some of these areas have a resident composition of more than 90 per cent immigrants, refugees and descendents. Therefore the anti-ghettoization strategy also contains a wide range of specific integration initiatives.

244. Within the framework of the strategy against ghettoization a Programme Board for Dialogue and Balance in Vulnerable Neighbourhood composed of representatives from the housing sector, the business sector and local councils was established for the period 2004–2008. The purpose of the Programme Board was development of a comprehensive forward-looking strategy for action in the most vulnerable neighbourhoods in Denmark. In November 2008 the Programme Board published a report with its observations and recommendations to the Government, local councils and housing organizations. The report concludes that the overall impact of the initiatives in the deprived neighbourhoods has been positive, not the least regarding the residents' attachment to the labour market. The Ministry of Refugee, Immigration and Integration Affairs is currently considering the observations and recommendations made by the Programme Board as to future action.

## Article 12

245. Over the last 10–15 years, preventive health and health promotion have been given a higher priority in Denmark. This is due to the recognition of the fact that lifestyle related diseases like cancer and cardiovascular diseases dominate the pathological picture today. Only a limited part of total preventive health care and health promotion lies within the health sector and thus with the central health authorities.

246. With its extensive reorganisation of the public sector and the new health legislation, the Government has given the municipalities the primary responsibility for preventive health and health promotion from 2007. The Government is thereby aiming to use the already established close contact between the municipalities and the general public as well as the large volume of knowledge about local conditions to make preventive health and health promotion more effective.

247. The Government takes initiatives, coordinates and advises in the field of health. One of the main tasks is to establish goals for the National Health Policy. The responsibility for running the health service is decentralized to the regional and local administrative bodies.

248. To secure the necessary planning and coordination of the health service, the regions are obliged to develop a Health-Care Plan, which stipulates the organization of the health service. Furthermore, in order to improve the efficiency and the coordination of the different administrative levels involved in health care, Health Agreements are to be entered between the regions and municipalities every four years. The National Board of Health is authorized to approve these agreements.

249. The Danish health care system is based on the principle of easy and equal access for all citizens. The vast majority of health services in Denmark are free of charge for the users, e.g. hospital services and services from general practitioners.

250. As part of the new Government platform 2007, the Danish Government planned for two new large initiatives to follow up on “Healthy throughout Life”.

251. In January 2008 the Government appointed a committee of experts in the field of health promotion and disease prevention, health economics and representatives from both the public and private sector. On 21 April 2009 the committee submitted its recommendations on how health promotion and disease prevention in Denmark can be carried out even better.

252. Secondly, in October 2009 the Government has published a new public health promotion strategy that includes a clear aim for the increase in the life expectancy over the coming 10 years, six principles on which the Government’s policy is focused and 30 concrete initiatives to carry out the strategy.

253. Health allowance (under the Social Pensions Act) may be granted to old age pensioners and anticipatory pensioners under the Anticipatory Pensions Act from before 1 January 2003. Health allowance is means-tested and thus payable subject to personal income and liquid assets.

254. Health allowance is granted by the local authorities as a periodical benefit or as a lump sum towards the payment of e.g. medical drugs, dental treatment, physiotherapy, psychological and chiropractic treatment. It is granted upon request and is discretionary. The allowance may cover up to 85 % of the cost.

255. Persons aged 65 years and above and from 2007 also persons with some chronic diseases and persons, who have taken early retirement, can be vaccinated against influenza, free of charge. The costs are covered by the regions.

256. Over the last decade, the Danish Government has carried through central aid programmes in its efforts for drug addicts and alcoholics. These efforts comprise treatment, rehabilitation, and offers of activity opportunities, day centres and temporary housing. This work and efforts continues to be a very important issue for the Danish Government.

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

258. As for tobacco an Act prohibiting tobacco advertisements came into force in 2002. On the basis of an EU directive, legislation on manufacture, presentation and sale of tobacco products also came into force in 2002. This Act includes limit values for the tar, nicotine and carbon monoxide content in cigarettes and rules on the labelling of tobacco products including health warnings. In 2004 it was prohibited by statute to sell tobacco and alcohol to persons under the age of 16.

259. In May 2007, the Parliament adopted the Smoke-free Environments Act. The purpose of the Act is to promote smoke-free environments with the aim of preventing harmful health effects from passive smoking and involuntary exposure to tobacco smoke.

260. The Act applies to all public and private workplaces, institutions for children and adolescents, educational institutions, indoor facilities to which the public has access, including means of public 33 transport (the public space) and hospital establishments. As a general rule, smoking is not permitted indoors at these premises.

261. The Act includes a wide range of exceptions. In general, it is permitted to establish smoking booths and special rooms for smoking at workplaces, educational institutions, in the public space, at hospital establishments etc. In addition, there are exceptions for: workrooms that serve as a workplace for one person only, small restaurants with a license to serve alcohol, a serving area of less than 40 square metres, drop-in centres for the socially vulnerable, accommodation or rooms for residents at nursing homes and the like.

262. In 2008 the age limit for selling tobacco to persons was raised to the age of 18. These legal changes have been accompanied by a number of public campaigns to prevent smoking and encourage smoking cessation. Local tobacco addiction treatment clinics have been established in many municipalities.

263. A large-scale campaign against tobacco use is running in the second half of 2009 using the successful Australian campaign concept; "Every cigarette is doing you damage". The campaign focuses on the health effects of smoking through combined support services and a mass media campaign especially via television-spots showing e.g. the 'Artery' advertisement, which shows fatty deposits being squeezed from the abdominal artery of a 32-year-old smoker.

#### **Adequate treatment and care**

264. As from August 2008 children and young persons with psychiatric illnesses have been entitled to examinations with short notice. This entitlement implies that children and young persons who have been referred to examination in the public psychiatric care for children and young persons are entitled to seek examination in a private clinic or hospital with agreement with the regions if the region of residence does not offer the examination within 2 months.

265. As from January 2009, children and young persons are also entitled to treatment with short notice. In connection with the implementation of these patient's rights considerable resources have been allocated for the extension of the capacity of treatment in the public psychiatric care for children and young persons. The most recent statistics for

2008 show that the number of children and young person on the waiting list has been reduced for the first time in many years in spite of the rise in referrals in the same period.

266. In the current parliamentary session the Government has introduced a Bill on the establishment of an extended right to treatment in psychiatric care for adults as from January 2010.

#### **Periodic review**

267. The Danish Psychiatric Act was amended by the Danish parliament in June 2006, and the amendments entered into force on 1 January 2007. All alterations introduced since the previous amendments in 1998, including the changes from June 2006, have been combined in Consolidated Act no. 1111 of 1 November 2006 on the use of coercive measures in psychiatry.

268. It follows from the Psychiatric Act that the consultant physician must take measures to secure that deprivation of liberty and use of other restraints is used only to the extent necessary.

269. With a view to ensuring high quality in the use of restraint and limiting the duration of the immobilisation, the government proposed that clear and uniform rules be laid down stipulating a minimum frequency of medical supervision and simultaneous assessment of whether the immobilisation should cease or continue. These rules were adopted, with the result that medical assessment of the immobilisation must now take place at least four times daily at evenly-spaced intervals. The aim for the systematically increased medical supervision is to focus the awareness of doctors as to whether the immobilisation should be maintained, and on the possibility of alternative treatment. The overall goal is to ensure that any compulsory immobilisation, in common with other forms of restraint sanctioned by law, continues no longer than absolutely necessary.

270. The decision to enforce immobilisation will be subject to a special review if the measure is extended beyond 48 hours. This review is to be undertaken by a doctor who is not employed in the psychiatric unit in which the measure is being enforced, is not responsible for treating the patient, and is not a subordinate of the doctor treating the patient. This measure will secure impartiality in relation to the evaluation of the need to continue the immobilisation. The doctor undertaking the external review must be a trained medical specialist in either psychiatry or child and adolescent psychiatry.

271. Every instance of deprivation of liberty and use of other restraints must be noted in a special protocol at the psychiatric ward, and this information is reported to the local authority as well as the central governmental institutions.

#### *With regard to concluding observations 22 and 35*

272. The Government launched an action plan against drug abuse in October 2003. The action plan called "The Fight against Drugs" contains a number of concrete initiatives within prevention, medical and social treatment, law enforcement, treatment of criminal drug abusers and international cooperation. Also the overall Danish national drug policy and its underlying premises as well as actions taken in the fields of prevention, treatment and control are being evaluated continuously and adjusted when needed. Besides this evaluation, monitoring is an integrated part of several of the concrete initiatives in the action plan in "The Fight against Drugs" as well as in concrete initiatives taken after the launch of the action plan.

273. "The Fight against Drugs" has been followed by agreements between the government and parties behind the annual distribution of social reserve funds. These



agreements contain a large number of initiatives with the aim of curbing drug abuse and the resulting injuries.

274. In order to strengthen intervention, the Government signed the social reserve fund agreement for 2004. In this agreement DKK 145 million was set aside over the years 2004–2007 for specific drug initiatives.

275. In order to boost this initiative even further, the Government signed the social reserve fund agreement for 2006. In this agreement, DKK 250 million was set aside over the years of 2006–2009 for other dedicated drug initiatives. The 2006 agreement includes the following initiatives:

- Treatment for drug users in prisons will be increased so that the general treatment guarantee for drug users will also include inmates in prison and probation service institutions
- The introduction of guaranteed social treatment for young people under 18 affected by serious drug abuse problems will ensure that young people suffering such major drug dependency problems that the general provision for young people cannot be applied will receive treatment
- Larger regions in the relevant situation can apply for resources from a fund to cover half of the costs involved in launching a healthcare programme targeted at the most severely addicted drug users
- Methadone injections are being introduced as a treatment option for people hugely involved in intravenous drug use, showing current or impending signs of damage to their health, in spite of adequate normal treatment, where the methadone is taken orally
- Efforts aimed at treating in particular, drug users infected with hepatitis C have been stepped up across the country
- The group of people being offered free vaccination against hepatitis B is being expanded so that people who live with someone with chronic hepatitis B, people infected with hepatitis C and children under the age of 15 who frequent residential areas where there are many injecting drug users will now also be included in this programme
- To support opportunities to help in the fight against drug-related problems in the immediate vicinity of Copenhagen's Vesterbro district, a fund has been set up where associations and other organisations can apply for resources to cover the cost of developing and implementing locally based initiatives, aimed, in the broad sense, at improving conditions for drug users and solving the problems which a drug environment inflicts on this district

276. Financing most of the initiatives in the agreements is permanent, which means that the initiatives last beyond the agreement period.

277. In spite of additional and improved initiatives launched for drug abusers, society is still faced with major challenges in the drug area. The Government neither can nor will accept the prevalence of drug abuse or the scope of resulting injuries. Drug abuse and injuries must be reduced. Thus in the social reserve fund agreement for 2008, the Government has obtained permission to intensify treatment programmes with three new specific initiatives:

- Out of the social reserve funds for 2008, amounts of DKK 9.3 million and DKK 11.6 million has been set aside for each of the years 2009–2011 for Buprenorphine as the first choice when applying substitution therapy

- Out of the social reserve funds for 2008, an amount of DKK 3.5 million has been set aside for each of the years 2008–2011 for quality assurance of drug abuse treatment
- Out of the social reserve funds for 2008, amounts of DKK 10.0 million and DKK 60.0 million have been set aside in respectively 2008 and 2009 for medically prescribed heroin

278. The financing of the medically prescribed heroin was made permanent with the social reserve fund agreement for 2009.

### **Article 13**

279. Denmark has developed a strategy for pursuing the benefits of globalisation and coping with its challenges –“Progress, Innovation and Cohesion” (2006). The strategy represents 350 proposals, 187 in the area of education. The strategy was complemented by the Government’s welfare reform proposals, which focus on getting young people to complete their studies and on improving the integration of immigrants. Inclusion is the keyword for these initiatives and they promote possibilities of enjoying the full and equal enjoyment of human rights and fundamental freedom.

280. Since the fourth periodic report, the Danish Government has taken a range of initiatives to improve the quality of teaching in the primary and lower secondary school (the Folkeskole) and in particular to ensure that all children leave the compulsory school system with the necessary qualifications to succeed in further education and in society in general.

281. Compulsory education has been expanded from nine to ten years as from August 2009, participation in the pre-school class is compulsory. The tenth grade is optional and has been modified to better facilitate transition into upper secondary education with a focus on pupils, who need to strengthen their academic skills and need support and guidance in choosing an upper secondary education. At present there are no figures available for attendance of the tenth grade after the reform, as the changes only took effect from August 2008.

282. In addition, the objects clause of the law on the Folkeskole has been amended in order to put greater emphasis on academic skills and competencies as tools for furthering the development of the children and the role of the compulsory school in preparing the children for further education. This emphasis is reflected in several initiatives that aim at providing clear goals for the instruction and developing a culture of evaluation, for example through binding attainment target for the instruction in all subjects, compulsory leaving examinations in the compulsory schools and development of national tests in a range of subjects at different grade levels.

283. The Government is still very aware of the drop-out problem and a target for 2015 is to see 95% of all young people complete a program of upper secondary vocational education (IVET). In 2008, DKK 10 million was allocated to special schemes for children and young people. The intention is for more young immigrants to complete an educational program that gives them the vocational qualifications needed to find permanent employment.

284. As a follow-up to the Globalization Strategy and the Welfare Agreement of 2006 several amendments of the Act on Vocational Education and Training have been implemented and adopted in 2008 to reduce the drop-out rate and streamline as well as simplify the overall system of IVET. The system is still highly flexible and has recently been modified both structurally and pedagogically.

285. Statistics show that — when compared with their ethnic Danish peers — student with another ethnic background than Danish are at greater risk of dropping out of an IVET-program. Therefore, the Ministry of Education and the Ministry of Refugees, Immigration and Integration Affairs have established a joined task force, which over the next four years will help vocational colleges to retain bilingual students.

286. In recognition of the fact that special options must be available for young people in difficult education and employment situations, municipalities have since 2007 been obliged to organize vocational basic education programs (egu) for young people belonging to the target group. Completion of an individually designed egu-program gives vocational qualifications and, in addition, the student has the opportunity to continue in an IVET-program with credit given for the qualifications already obtained.

287. Concerning the number of practical placement positions, the Government adopted a number of legislative amendments in December 2003 in order to increase the number. Hence, from 2004 several initiatives with a view to increasing the number of practical placement positions have been implemented, and the number increased from 26,300 in 2003 to 37,000 in 2007. In 2008 there was a reduction in the number of practical placement positions to 33,000 mainly caused by the general economic slowdown.

288. In 2006 public expenditure on higher education was 25.6 billion (1.6 % of GDP). This amount includes DKK 7.5 billion spent on student grants.

289. The target goal is to increase the number of participants up to 40.000 full-time equivalent students per year compared to 27.000 in 2006/07. One of the measures is that participant in adult vocational training programmes for low skilled and skilled workers may be assessed in reading, writing, arithmetics and mathematics and may receive guidance in this context i.e. for the preparatory education programme.

290. The most important part of the adult education and continuing training is the adult training courses; the open education system; formal, general adult education; the leisure-time education; and the folk high school.

291. In order to strengthen the effect of language stimulation, the municipalities now have an obligation to offer language stimulation to bilingual children from the age of 3. In addition, it is compulsory for parents to accept an offer of language stimulation, if a professional assessment of the child shows that this is necessary.

292. Statistics and surveys show that the academic performance of pupils with a migrant background is significantly lower than those of children without a migration background. For example, 53 % of children with a non-western background perform at PISA level 0 or 1, meaning that they lack functional reading competencies whereas the same is the case for only 17 % of pupils without a migration background. This is a matter of concern and the Government has taken a range of initiatives to help children with a migration background perform at the same level as their native peers.

#### *Teacher training programme*

293. To ensure that all higher education is equally accessible to all, students must be provided with the knowledge and skills that prepare them for further education. Teacher education plays an important role in this process. Thus remedial educational theory has become a new optional main subject in the teacher training programme. The pedagogical subjects of the teacher training programme have also been amended to better qualify teachers to work with children of non-Danish ethnic origin. Student teachers must develop skills for teaching in culturally diverse primary and lower secondary schools. Students work with theories of multicultural background, social integration, cultural encounters and intercultural education.

294. The subject ‘Christianity/civics/citizenship plays an important role in the new teacher training programme, dealing with such key themes as the history of ideas, ethics, democracy and citizenship. The objective of the subject is – among other things – that the teachers should contribute to developing the pupils’ critical faculty and teaching them to live together with respect for one another’s values and norms. The curriculum includes key values for democratic citizenship such as tolerance, authority, equality, freedom and brotherhood. Through this subject, future teachers in primary and lower secondary school are given the tools to teach democracy both in theory and in practice.

295. Teacher students can during their teacher training elect to qualify in teaching bilingual pupils. The aim of the subject Danish as a second language is to qualify teachers to support bilingual pupils in developing their language skills.

#### *Higher education*

296. It is a key objective for the Danish government that by 2015 at least 50 percent of a youth cohort should complete a higher education programme. The share of a youth cohort in 2007 that is expected to complete a higher education programme is 45 percent.

297. Danish students can obtain a scholarship for studying abroad if they choose to complete a full programme — or parts hereof — at an approved foreign higher education institution. The scholarship will cover the required tuition fees up until the level of taximeter funding (funding per FTE (Full Time Equivalent) student) given to a similar programme in Denmark.

298. The Danish Government aims to ensure the accessibility of public websites to escalate the use of digital self-service and an inclusive information society. From 1 January 2008 the Web Content Accessibility Guidelines standard is mandatory in relation to the development of new ICT (Information and Communication Technology) solutions. The standard binds public authorities to a high level of accessibility on public websites.

### **Article 14**

299. Reference is made to the fourth periodic report, paragraph 403–405.

### **Article 15**

300. The institutional infrastructure in the field of culture and the general objectives of Danish cultural policy, including the objective of promoting participation in, and access to, cultural life, are described in detail in Denmark’s third periodic report (paras. 357–379) and summarised in Denmark’s fourth report (introduction in paras. 469–470): The legislation and structure are based on the principle of freedom of expression aimed at offering and encouraging everyone living in or visiting Denmark to take an active part in cultural life in its broadest sense. The framework legislation in the cultural field continues to be based on the “arms-length principle” which implies, inter alia, decentralisation and independent boards and committees of experts.

301. Following the *Local Government Reform* (kommunalreformen) which entered into force in 2007, the institutional infrastructure in the field of culture, including with a view to promoting popular participation and access to cultural life, consists of a national and a local level only. The Ministry of Culture (and its agencies, as well as the independent committees and bodies) and the municipalities now share the responsibility of implementing legislation and providing public funding for cultural institutions, activities and projects. The structure is thus simplified facilitating both active local commitment and national cultural policy

objectives, such as providing access to culture and high quality cultural events throughout the country.

302. Availability of cultural activities and events throughout the country is also reflected in the “Strategy for culture in the whole country” launched in 2006. It includes among other things the possibility of pluriannual *cultural agreements* between the Ministry of Culture and the municipalities aimed at allowing for more autonomy to the municipalities when implementing local cultural policy, at promoting dialogue and cooperation between the local and national level and at providing strategic state funding for local cultural policy objectives.

303. While access to cultural heritage is not a new priority, the Danish Government’s national plan from 2006 was implemented to enhance access to and knowledge of cultural heritage. The plan involves free access to the main national museums (art and history) and free access for children and youths under 18 to all state subsidised museums. Included are also a number of other new initiatives to strengthen the presentation of cultural heritage; both to traditional users of museums and to new audiences.

304. A range of projects regarding digitisation of cultural heritage are already ongoing at major national cultural institutions funded by both public and private sources. A committee set up in 2006 has now finalized a report on digitisation and digital availability of Danish cultural heritage. This report is to form the basis of a national government strategy expected to come into effect from 2010.

305. Culture for children is a high priority for Denmark and funded through public support schemes, including for children’s theatre, music schools, reading and literature.

306. With regard to local activities, a number of publicly funded initiatives have been set up, including availability of consultants for children and culture and culture houses for children. Furthermore, the government funded “Network for Children and Culture” assists in the co-operation between state and municipalities regarding cultural activities to children.

307. Furthermore, participation in cultural life by children is promoted by campaigns and programmes, including:

308. “*The Pleasure of Singing*” (Syngelyst): In 2008 a national plan was carried out with a number of initiatives throughout the country including an initiative on singing that is to be continued from 2009–2011. The aim is to bridge schools, institutions and leisure time activities.

309. “*Zest for Reading*” (læselystkampagnen): Initiated in 2003 and run by the Ministries of Culture, Education and Social Welfare. It provides funding for national and local projects, aimed at encouraging children and young people to appreciate reading and literature.

310. With regard to *the area of sport*, the Danish Government in 2005 set up a pilot scheme aimed at giving children with special needs or disadvantaged backgrounds the same opportunities within sport as other children. The preliminary experiences of the initiative have shown to be very positive.

311. Denmark ratified the UN Convention on the Rights of Persons with Disabilities on 24 July 2009, including on the right to participation in cultural life and sport.

312. A number of initiatives have been set up by the Ministry of Culture to promote access to persons with disabilities including the following.

313. The Danish National Library for the Blind provides services to persons with visual disabilities, including the visually impaired and other persons whose disability prevents them from reading standard printed material.

314. The Danish public service broadcasters are as part of their public service remit obliged to provide a number of services for persons with disabilities including subtitling, audio descriptions and sign language as well as any other new technologies.

315. Participation in sporting activities is promoted by the publicly funded Danish Sports Organisation for the Disabled whose objective is to further elite sport as well as sport for all, taking into account the situation of the persons with disabilities.

316. Participation by older persons in cultural life and sport are promoted on equal terms of the rest of the population.

317. The cultural policy measures apply to everyone living or visiting Denmark irrespective of ethnic, religious, linguistic or other background.

318. In addition to these general measures, and having regard to the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, Denmark works both at international and national level in order to follow up on its ratification of the Convention in 2006. National hearings and debates on how to further protect and promote cultural diversity have been organised for all interested parties, including civil society, and a number of concrete projects have been supported. For instance, concrete projects were supported by the Ministries of Culture, Education and Refugee, Immigration and Integration Affairs as a national implementation of the European Year of Intercultural Dialogue (2008).

319. The German minority in Denmark continues to benefit from specific provision, including financial support for cultural activities.

320. Following a review on Danish arts education in the Folkeskole (primary and lower secondary education) in 2006, the Ministry of Education and the Ministry of Culture in 2009 initiated an action plan with a number of initiatives, among which various pilot projects aimed at strengthening Danish arts education in the Folkeskole from 2009–2011. This will provide the basis for considerations concerning amendments to the Act on the Folkeskole, if necessary.

321. Through the “*House Artist Programme*” (huskunstnerordningen) the Arts Council provides support for schools which cooperate with professional artists within the fields of literature, performing arts, visual arts and music. The main purpose is to give pupils between the age of 6 and 19 an insight in aesthetic and artistic work and creative processes.

322. Moreover, a number of activities directed at schools are promoted, including “*Live Music in Schools*” (Levende Musik i Skolen) presenting concerts for children, theatre support schemes aimed at production and companies of children’s’ theatre, “*E-museum*” providing high-level teaching material from museums’ websites.

323. Professional education in Denmark in the cultural field is hosted by 16 tertiary Artistic Education Institutions at university level and other institutions of higher education – under the auspices of the Ministry of Culture (offering first, second and third cycle programmes comprising bachelor, diploma, candidatus, master degrees and ph.d.-degree). Education is given within the field of fine arts, architecture, design, arts and crafts, music, theatre (ballet, opera, and plays), film, conservation and library science.

324. The universities as institutions have academic freedom, pursuant to Section 2(2) of the Danish University Act (Universitetsloven). The academic staff is free to conduct research, pursuant to Section 16a(7) and 17(2) of the University Act. The head of department may allocate specific tasks to specific staff. During the periods in which

members of the academic staff are not performing such tasks, they are free to conduct research within the strategic framework on research activities laid down by the university. The individual researcher thus has a right to conduct such research and the university must of course, respect this right.

325. An allegation was lodged (22 May 2008) by the trade union of the Danish Association of Masters and PhDs (DM) regarding the Danish Government's compliance with the recommendations issued by UNESCO in 1997 (Recommendation concerning the Status of Higher-Education Teaching Personnel). The allegation was examined by the Joint ILO/UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART). CEART overall confirms the Danish Government's opinion that there is no conflict between the recommendations issues by UNESCO and the current framework set out for activities of the universities in Denmark.

## **Annex I**

### **Reporting on Greenland**

326. Reference is made to Denmark's fourth periodic report (E/C.12/4/Add.12.paras 6–32, paras 517–598 and Annex 1).

#### **Article 1**

327. By 1st of January 2009 the total population amounted to 56,194; 89 % born in Greenland and 11 % — mostly Danes — born outside Greenland (both 2008 figures).

328. For a general description of the Greenland Self-Government arrangement, reference is made to the report from Denmark and Greenland to the United Nations Permanent Forum on Indigenous Issues, Eighth Session (E/C.19/2009/4/Add.4). The Act on Greenland Self-Government entered into force on 21 June 2009.

#### **Article 2**

329. Reference is made to Denmark's fourth periodic report (E/C.12/4/Add.12.paras 518–521 and Annex 1).

#### **Article 3**

330. There are no rules and regulations in Greenland which prevent certain groups of people from receiving public benefits or enjoying collective rights on the basis of gender. The Greenland Parliament has passed legislation concerning equality of gender.

#### **Article 4**

331. It should be noted that many of the rights established by the Convention are rights already laid down in the Danish Constitution, which also applies to Greenland.

#### **Article 5**

332. Greenland has no comments in relation to article 5 of the Convention.

#### **Article 6**

333. In Greenland employment is first and foremost ensured through targeted development of commerce and industry. In recent years the focus has been on the development of other areas than fisheries and hunting, e.g. tourism and service, mining industry etc. In addition, the public authorities finance initiatives aiming at creating jobs for the unemployed. These initiatives are organized locally in the individual municipalities and are adapted to local conditions and opportunities.

334. The municipalities, partly in the form of collective training, also carry out occupational counselling and occupational counselling of young people in schools, and



partly in the form of individual counselling carried out by municipal labour market offices. In addition, counselling is given in relation to labour market training.

335. For use in relation to the counselling activities, the Department of Culture, Education, Research and The Church each year publishes *Sunnngu* (The Key to Education and Training in Greenland and Denmark). This handbook — available on the Internet — describes all types of education and training for which support is available in Greenland and Denmark respectively.

## **Article 7**

336. In Greenland fair wages, equal for the same type of work, are ensured through the collective agreements in the public and private sector. However, it should be mentioned that, earlier invited labour (mostly Danes) and Greenlandic labour had different wages and benefits. These inequalities were gradually abolished up to the beginning of the 1990ies. By now only some public servants engaged prior to 1990 are still entitled to these benefits. Most workplaces in the country are in the public sector or in publicly owned enterprises. The public agreements made on these workplaces have a spin-off effect on the rest of the labour market.

337. Safe and healthy working conditions, rest periods, leisure time and a reasonable limitation of working hours are ensured through the operation of a Greenland branch of the Danish Working Environment Authority. Greenlandic legislation provides for holidays with pay or holiday allowances. Allowances for work on non-Sunday holidays are determined in collective agreements.

## **Article 8**

338. There is nothing in the law which prevents membership of a labour organization, the establishment of a labour organization or joint efforts by labour organizations. Likewise, there is nothing in the law which prevents collective strikes. However, some civil servants are not allowed to strike. The police and armed forces follow Danish legislation.

339. Collective agreements applying to all of Greenland have been made with about 35 organizations, most of which are based in Greenland. The largest organization is Silinermik Inuutissarsiuqartut Kattuffiat (SIK – The Greenland Labour Organization).

## **Article 9**

340. A wide range of social security schemes apply in Greenland. All of the social security benefits and allowances — with the exception of industrial injury insurance — are fully financed by public authorities. There is nothing in the law which prevents the establishment of collective schemes. Pension fund schemes have been established by most groups of the public sector labour market by agreement between the employers and the unions. Participation in the schemes by unskilled and skilled workers is still at a rather low level.

## **Article 10**

341. To a large extent the Danish Law regulates the legal position of families. The Danish Minister for Employment lays down particular rules concerning the execution of work the nature of which may be detrimental to the safety, health or development of young people.

## Article 11

342. Greenland took over the authority in the area of housing in 1987. Since then housing has been regulated by Greenlandic legislation. Most housing facilities constructed in Greenland are partly or fully financed by public funds, i.e. by the Government of Greenland and the municipalities in Greenland. This applies to rental housing, cooperative housing and single-family houses. The objective in relation to housing in Greenland is that there should be a dwelling for each cohabitant couple, as well as a dwelling for all single people above the age of 20.

## Article 12

343. When Greenland took over the health services from the Danish Government on 1 January 1992, Greenland adopted the objective of the World Health Organization concerning "Health for All by the Year 2000". All citizens of Greenland must therefore be given the best possible opportunities for achieving a good standard of living by having general access to the services offered by the health sector.

344. In general terms the health services in Greenland are structured in accordance with the basic principles outlined in the Convention.

345. As an element to ensure achievement of the objective of "Health for All by the Year 2000" a wide range of health services are offered free of charge. Health education in Greenland is being strengthened on an ongoing basis. The objective is to adapt education to conditions in Greenland, at the same time ensuring a high standard of health services.

346. Greenland is aware that prevention is an important element in the improvement of the health of the population in general. The health services therefore endeavour to make individual citizens aware of their fundamental responsibility for their own health.

347. The services provided by the health authorities in Greenland are regularly assessed in order to make it more efficient.

## Article 13

348. No legislation exists in Greenland which is contrary to the rights established in article 13 (1) of the Convention.

349. It is stated in the Danish Constitution of 5 June 1953 that all children in the age group subject to compulsory education are entitled to free primary and lower secondary education. However, parents or guardians who ensure that their children receive education comparable to the general standards of State school education are not obliged to let their children follow primary and lower secondary State education.

350. The rules concerning primary education in Greenland are deemed to comply with the requirements of the Convention concerning primary education.

351. The legislation applying in Greenland is in compliance with the requirements of the Convention, in that:

- (a) Primary education is compulsory and free of charge;
- (b) Parents and guardians are entitled to choose schools other than those established by the public authorities;
- (c) Parents and guardians are entitled to ensure religious and moral education of their children in conformity with their own convictions.

## Article 14

352. Since the legislation applying in Greenland meets the requirements laid down in article 13 of the Convention, no detailed plan of action for progressive implementation as outlined in article 14 has been formulated.

## Article 15

353. The legislation in force in Greenland does not contain any provisions limiting the right to take part in cultural life. There is freedom of association.

354. Several nationwide artistic and cultural organizations, institutions and associations receive grants provided for by the Finance Act adopted by the Home Rule Parliament under the headings of other leisure activities, culture and general education and public information. The Government of Greenland also provides grants for meeting facilities and community centres, as well as to Greenland centres in Denmark.

355. The Greenland Treasury finances the Greenland National Museum and Archives. The National Museum provides grants for local museums. Sixteen out of the 18 municipalities have museums. All towns and most settlements have community centres or assembly halls.

356. There are several arts and crafts workshops run by municipal authorities. In terms of education the Greenland Art School (*Eqqumiitsuliorfik*) has offered one- or two-year courses in drawing, graphic techniques, logo design, painting, sculpting and relevant theory.

357. Study grants may be provided for education and training outside Greenland in the form of a fixed monthly sum, rent allowances and grants for study materials. In addition, the journey to and from the place of education is paid.

358. Denmark — including Greenland — has ratified the Berne Convention of 1886 (as amended in 1971).

359. *Katuaq*, the Greenland Cultural Centre is located in the capital Nuuk and contains theatre, cinema, conference and exhibition facilities. Its objective is — in collaboration with institutions, organizations, individuals and companies — to stimulate and develop cultural life in Greenland on the basis of free, independent artistic assessment. The institution is to contribute to the dissemination of Nordic art and culture in Greenland and to the dissemination of Greenlandic art and culture in the Nordic countries. In addition, the institution is to ensure cultural cooperation between Greenland and other Inuit areas.

360. The *Silamiut* theatre is the only professional theatre company in Greenland. It is an independent institution receiving grants from the Greenland Home Rule Government via the Finance Act. The objective of the theatre is to ensure increased knowledge of Inuit culture and the history of Greenland through theatre activities, and to develop Inuit art and its potentials through exhibitions, exchange programmes and similar activities.

361. Formal Nordic and international cooperation on culture is ensured through, for example, Greenland's membership of the Nordic Council, the Nordic Council of Ministers and the Inuit Circumpolar Conference (ICC), which represents about 115,000 Inuit living in the Arctic area. ICC achieved consultative status as a non-governmental organization (NGO) with the United Nations Economic and Social Council in 1983.

362. In addition, Greenland has entered into a number of cooperation agreements concerning culture and education, for example with the territorial government of the North West Territories, the provincial government of Quebec and with the government of

Nunavut, Canada. In 1993, the Greenland Home Rule Government entered into formal cooperation with the Arctic Winter Games International Committee of 1968 concerning Greenlandic participation in the culturally orientated sports events arranged by the Arctic Winter Games every second year.

363. As regards cooperation at the institutional level, the formal or statutory objectives of a number of institutions in Greenland involve cooperation with Danish and foreign institutions and/or the dissemination of knowledge of Greenlandic culture in other countries.

364. The Centre for Health Research in Greenland is part of the National Institute of Public Health located in Copenhagen and Nuuk. The center's main research topics are: Health surveys; Social epidemiology; Life Style: diet, smoking, alcohol, and physical activity; Diabetes and cardiovascular disease; Children and youth; Prevention and health promotion; Health services research; Environmental health; The Greenland Mortality Register.

## **Annex II**

### **Reporting on the Faroe Islands**

#### **Report from the Government of the Faroes**

##### **Introduction**

365. This part of the report deals with the Faroe Islands and the rights enshrined in the Covenant. Annex II has been prepared exclusively by the Government of the Faroes.

##### **ICESCR and the Faroe Islands**

366. Denmark ratified the International Covenant on Economic, Social and Cultural Rights on January 6<sup>th</sup> 1972 without a territorial reservation for the Faroes and from that date the Covenant has been in force on the Faroes.

367. The Faroe Islands are a self-governing territory within the Kingdom of Denmark. When an area of jurisdiction is governed by the Faroese authorities, legislative power rests with the Parliament of the Faroes and administrative power in this area rests with the Government of the Faroes.

368. The Faroese Authorities have assumed responsibility with respect to many of the rights enshrined in this Covenant, and these areas therefore are regulated by Faroese legislation. When Annex II deals with rights enshrined in this Covenant that pertain to an area of jurisdiction which has not been assumed by the Faroes authorities, reference will be made to the relevant sections of the main report prepared by the Danish authorities.

369. This is the first substantial contribution by the Government of the Faroes to the periodic reports submitted by the Government of Denmark in pursuance of articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights. With regards to statistical material we must unfortunately acknowledge that the moderate size of the central administration places limits on the resources available for data compilation and production of statistics. Yet, the Government of the Faroes strives to achieve a continual improvement in the availability and in the sophistication of such information.

##### **Article 1**

###### **The political and legal status of the Faroes**

###### *Declaration by the Government of the Faroes with regard to article 1*

370. "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." This is stated in both Covenants of 1966, and reconfirmed as a general principle in the 1993 Vienna Declaration and Programme of Action. These provisions and the consistent practice of States and international organizations constitute the legal basis for the right of self-determination that the People of the Faroes have and retain, including the option of independence if and when the People so decide.

371. The Faroes were settled in the beginning of the ninth century by Norwegian Vikings. These Norsemen came both directly from Norway and via the British Isles according to the Icelandic sagas. Archaeological and genetic evidence support this.

372. They founded an independent Nordic nation, which had its own political and legal structure fully based upon Old Norse traditions, in which the Ting (parliament) was the supreme seat of power.

373. Over the centuries, and still today, the People of the Faroes have kept their own national, historic, linguistic and cultural identity.

374. The Kingdom of Norway and the Kingdom of Denmark entered into a union in 1380 through an inter-Nordic regal marriage that was formally enshrined in the Treaty of Bergen of 1450. In 1814, this union was abolished by the Treaty of Kiel, which instead set up a new union between the Kingdom of Norway and the Kingdom of Sweden. Pursuant to the Treaty of Kiel, the treaty-provided-relationship between the Faroes and the Kingdom of Norway was now replaced by an identical relationship with the Kingdom of Denmark.

375. After 1814, the Faroes can be classified as an overseas colony or protectorate under the King of Denmark. They were not regarded as an integral part of the Kingdom of Denmark.

376. The Danish authorities sought a gradual political and legal integration of the Faroes into the Kingdom of Denmark during the democratization process of the Kingdom of Denmark in the second half of the nineteenth century. Notwithstanding this development, the Faroes fully preserved their status as a distinct territory and jurisdiction. At no point have the People of the Faroes approved such integration.

377. During the Second World War, all links between the Faroes and the Kingdom of Denmark were abolished and the Faroes, which were defended by British forces, were responsible for all their internal and external matters.

378. In 1946, a referendum was organized in the Faroes in which the People of the Faroes for the first time in history were asked to determine their future. The People decided at this referendum — which was formally approved of by the Danish authorities — to establish the Faroes as an independent State.

379. As soon as the Parliament of the Faroes had recognized this decision, the Danish authorities dissolved the Parliament and a general election was ordered. The newly elected parliament accepted a negotiated settlement, which was based upon a home government arrangement that entered into force in 1948.

380. In 2005, the Government of the Faroes and the Government of the Kingdom of Denmark agreed on a new negotiated settlement that is composed of two new arrangements, which in concert establish full internal self-government as well as a certain degree of external self-government. This settlement is not seen or understood to be an exercise or replacement of the right of full self-determination.

381. Prime Ministers of the Kingdom of Denmark have on several occasions and also most recently declared that the Faroes shall be established as an independent State as soon as the People of the Faroes so decide. These declarations are reiterated in a corresponding decision by the Parliament of the Kingdom of Denmark in 2001.

382. A new Constitution of the Faroes has been prepared and the Constitutional Committee of the Faroes submitted a draft proposal on 18 December 2006. The new Constitution will inter alia contain provisions with regard to a future referendum in respect of secession of the Faroes from the Kingdom of Denmark. This new Constitution will enter into force if and when endorsed at a referendum by the People of the Faroes.

383. In summation, the People of the Faroes have and retain their inalienable and sovereign right to self-determination under international law.”

## **Article 2**

384. Faroese legislation ensures that all citizens of the Faroes are vested the same rights and the same responsibilities in all areas of society regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

385. The Government of the Faroes initiated its own development cooperation programme in 2007 after the Faroese Parliament passed Act No. 44 of May 14<sup>th</sup> 2007 on international development cooperation.

386. The development cooperation of the Government of the Faroes builds on the principle of promoting sustainable economic development and in the allocation of funds priority is given to projects with a focus on addressing education and health issues in developing countries.

## **Article 3**

387. The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) was ratified by Denmark and entered into force on 21 May 1983. The Convention was ratified without extending a territorial reservation for the Faroes.

388. Pursuant to a Parliamentary Resolution dated 31 March 1987, the Parliament of the Faroes endorsed the entry into force of the Convention in the Faroes, which was implemented when the Faroese Parliament passed Act No. 52 of May 3rd 1994 on Gender Equality. Faroese legislation contains no impediment to gender equality. Legislation does not distinguish between women and men, but ensures that all citizens of the Faroes are vested the same economic, social and cultural rights. Reference is made to the seventh periodic report submitted by the Government of Denmark to the Committee on the Elimination of Discrimination against Women (CEDAW/C/DEN/7).

389. The Convention on the Elimination of All Forms of Racial Discrimination (CERD) was ratified by Denmark on December 9<sup>th</sup> 1971 without extending a territorial reservation for the Faroes and has been in force on the Faroes since that date. Discrimination on the grounds of race is punishable according to section 266 b of the Faroese Criminal Act, cf. relevant sections of the main report. Please also refer to the forthcoming report by the Government of Denmark to the Committee on the Elimination of Racial Discrimination CERD, which is due ultimo 2009.

## **Article 4**

390. Please refer to DNK/CCPR/5.

## **Article 5**

391. The Government of the Faroes has no comments with regards to article 5 of the Convention.

## Article 6

392. There are no provisions or administrative practices on the Faroes that limit the freedom of choice of employment or conditions of employment that infringe upon fundamental political and economic freedoms of the individual, cf. DNK/CCPR/5. Furthermore, to our knowledge, no particular difficulties have been encountered in attaining the objectives of full, productive and freely chosen employment.

393. The Government of the Faroes seeks to facilitate an inclusive labour market, yet as in all other countries, certain persons, groups, regions or areas are particularly vulnerable or disadvantaged with regard to employment. The Faroese economy is small and dependent on external trade and therefore also vulnerable to fluctuations in the global economy. This has particularly been the case for our commodity-based export industries which are highly sensitive to changes in market conditions and have affected the stability of employment for part of the working force. A number of different arrangements have been put in place to address these issues and to further the development of an inclusive Faroese labour market, cf. below.

### **Wage-subsidized jobs**

394. According to Parliamentary Act No. 100 of March 8<sup>th</sup> 1988 on Public Welfare persons with permanently reduced working ability may be employed by private or public employers in wage-subsidized jobs. As of January 1<sup>st</sup> 2009, 131 persons were employed in wage-subsidized jobs.

### **Rehabilitation**

395. Support for rehabilitation arrangements is provided according to the Public Welfare Act if it is deemed necessary out of consideration for a person's ability to independently provide for himself and his family. The rehabilitation allowance is a tax-free net benefit, granted on the basis of need but independently of the person's assets or the spouses' assets and income. Such rehabilitation arrangements include work training, education etc. In 2007 a total 143 women and 98 men took part in a rehabilitation arrangement.

### *Trends of employment*

- Unemployed in % of labour force in 2008 was 1.3%
- Unemployed in % of labour force in 2003 was 2.5%
- Unemployed in % of labour force in 1998 was 6.6%

### *Labour force by occupation (2007)*

- Agriculture: 11.2%
- Industry: 21.9%
- Services: 66.9%

## Article 7

### **Equal opportunity in employment and occupation on the Faroes**

396. In the Faroe Islands there exist no distinctions, exclusions, restrictions or preferences, in law or in administrative practices or in practical relationships, between persons or groups of persons, made on the basis of race, colour, religion, political opinion,



nationality or social origin, which have the effect of nullifying or impairing the recognition, enjoyment or exercise of equality of opportunity or treatment in employment or occupation.

397. ILO Convention No. 106 of 1957 on Weekly Rest (Commerce and Offices) and ILO Convention No. 52 of 1936 on Holidays with Pay are both in force on the Faroes. The rights covered by the Weekly Rest Convention are ensured in part by Faroese parliamentary Act no. 37 of June 1<sup>st</sup> 1978 on a 40-hour working week as well as by Faroese parliamentary Act no. 70 of May 11<sup>th</sup> 2000 on occupational health and safety. The rights covered by the Holidays with Pay Convention are ensured by way of Faroese parliamentary Act no. 30 of April 7<sup>th</sup> 1986 on holidays with pay.

398. The Government of the Faroes has already submitted reports to the ILO Committee of Experts on the Application of Conventions and Recommendations which are relevant to the provisions of article 7 and would like to refer to the respective parts of these reports.

399. The principal methods used for fixing wages, is the right of free negotiation between the workers and the employer. In reality, this is carried out as negotiations between labour unions and employer associations.

400. A specific set of rules regulate employment conditions in the Faroes fishing industry, e.g. to ensure minimum wages. Faroese parliamentary legislation regulates the conditions of employment in this industry.

401. According to the governments' information, there exists no inequality in remuneration for work of equal value, nor infringements of the principle of equal pay for equal work, or conditions of work for women which are inferior to those enjoyed by men, cf. CEDAW/DNK/7.

402. The Ministry of Industry and Trade is charged with ensuring occupational health and safety on the Faroes. Parliamentary Act no. 70 of May 11<sup>th</sup> 2000 on occupational health together with related legislation regulates the minimum conditions of occupational health and safety. The Working Environment Authority is responsible for performing on-the-spot checks, and has the authority to order changes in working conditions and to file reports when rules on occupational health and safety are not adhered to.

403. The occupational health and safety act also applies to work performed by members of the employer's household, cf. section 2 of the occupational health and safety act.

## Article 8

404. There exist no distinctions, exclusions, restrictions or preferences, in law or in administrative practices that hinder the actual realization on the Faroes of the principle of equal opportunity for promotion. As in most other countries in the world there has, however, existed at de facto difference in opportunities for men and women. This has been dealt with by adopting Faroese parliamentary Act no nr. 52 of May 3<sup>rd</sup> 1994, on the equal rights of men and women, and the Government of the Faroes has been resolute in its efforts to ameliorate all de facto and de jure hindrances to gender equality with regards to work opportunities, cf. CEDAW/DNK/7/APPENDIX B1.

405. The International Covenant on Civil and Political Rights is in force on the Faroes. Reference is made to the fifth periodic report submitted by the Government of Denmark to the Committee on Civil and Political Rights, CCPR/C/DNK/5.

406. ILO Convention No. 87 of 1948 on the Freedom of Association and Protection of the Right to Organise Convention and ILO Convention No. 98 of 1949 on the Right to Organise and Collective Bargaining are both in force on the Faroes, and the Government of the Faroes has already submitted reports to the ILO Committee of Experts on the

Application of Conventions and Recommendations which are relevant to the provisions of article 7, and wishes to refer to the respective parts of these reports.

407. There exists no ban or hindrance to the right to strike in any legal provision. The workers right to strike is normally derived from the agreements between labour unions and employer associations, and follows from the right of free negotiation. However, a certain civil servants are not allowed to strike.

408. Unions and employer associations have agreed upon a permanent Court of Labour Market Arbitration, which is supported by the government. This court of labour market arbitration has the authority to determine whether a strike can be deemed illegal and a violation of a given agreement between the parties.

409. The Government of the Faroes has not assumed legislative and administrative powers with regards to the police and the armed forces. Please refer to the relevant sections of the report by the Government of Denmark.

## **Article 9**

410. Social security on the Faroes is regulated by Faroese Parliamentary legislation and there are a number of different branches of social security on the Faroes. Decisions made by the social authorities may be brought before the Board of Social Complaints. Decisions taken by the social complaints board cannot be brought before any other administrative authority.

### **Old-age pension**

411. According to Parliamentary Act No. 48 of May 10<sup>th</sup> 1999 on Social Pension the public old-age pension is the basic pension, which ensures that all elder persons are provided for from the time they reach the age of 67. The public old-age pension is payable to everyone meeting certain requirements (cf. below) and in principle, everyone is paid the same amount of old-age pension. Personal wealth, if any, does not affect the public old-age pension. The pension is, however, income-adjusted (cf. below).

412. The public old-age pension scheme is financed and paid for by the Government of the Faroes and is not based on insurance principles or dependent on previous attachment to the labour market. People with no previous attachment to the labour market, such as housewives, are also entitled to receive old-age pensions.

413. A part of the old-age pension in the Faroe Islands, the solidarity employment-pension, is financed and administered independently by the labour market parties but this part of the pension is based on the principle of full solidarity and, accordingly, everyone over 67 years is paid the same amount.

414. Thus the old-age pension comprises a basic amount, a pension supplement and a solidarity employment pension. As of 1 January 2009 the annual rates were as follows:

- Basic amount, singles: DKK 50,028
- Basic amount, married couples: DKK 39,756 (per person)
- Pension supplement, singles: DKK 36,780
- Pension supplement, married couples: DKK 28,476 (per person)
- Solidarity employment-pension: DKK 30,000

415. There is no income-adjustment of the basic amount of the retirement pension or of the solidarity employment-pension, and the basic amount is not subject to taxation. The

pension supplement and the solidarity employment-pension are, however, subject to taxation. The pension supplement is reduced by 60 % in cases where the pensioner or his/her spouse, in addition to the pension, has earnings above DKK 58.100 (2009 figures).

416. Furthermore, old-age pensioners also are entitled to a number of free services, and also pensioners can receive special benefits. According to Parliamentary Act No. 35 of April 16<sup>th</sup> 1997, pensioners with none or low income can apply for an annual supplement of DKK 7.128 pr. household. Furthermore, particularly disadvantaged pensioners may according to the Social Pension Act be granted a personal allowance based on an individual assessment of their needs.

417. Entitlement to old-age pension is subject to (i) Danish nationality, (ii) residence on the Faroe Islands, (iii) permanent residence in the Faroe Islands for a minimum period of three years between the ages of 15 and 67, and (iv) the condition that the claimant has attained the age of 67. There are however a number of exceptions to the requirements of nationality and residence. For example, entitlement to an old-age pension at the full rate is subject to a minimum period of permanent residence of 40 years on the Faroe Islands between the ages of 15 and 67. If a claimant is not entitled to a pension at the full rate, the pension will be determined on the basis of the ratio of the actual period of residence between the ages of 15 and 67 and a period of 40 years, but no higher than a 40/40 ratio.

418. In 2007 there were a total of 3293 female and 2708 male old-age pensioners on the Faroe Islands.

### **Disability pension**

419. According to the Social Pension Act a disability pension is payable to persons between the ages of 18 and 66 whose lack of capacity to work makes them unable to earn an income that would otherwise make them fully or partly self-supporting.

420. Disability pensions are only provided to people whose capacity to work is permanently reduced by at least 50 percent. This means that no disability pension will be granted if the claimant by rehabilitation can become self-supporting or if the person can work in a job to which flexible working arrangements apply or in a wage-subsidized job (see under article 6).

421. The disability pension is financed by the Government of the Faroes. Disability pensions are awarded by the social authorities. A disability pension is comprised of a basic amount, various pension supplements and a disability supplement. As of January 1<sup>st</sup> 2009 the annual rates were as follows:

- Basic amount, singles: DKK 67,812
- Basic amount, married couples: DKK 53,892 (per person)
- Highest pension supplement, singles: DKK 67,404
- Highest pension supplement, married couples: DKK 60,864 (per person)
- Medium pension supplement, singles: DKK 21,876
- Medium pension supplement, married couples: DKK 19,008 (per person)
- Lowest pension supplement, singles: DKK 20,652
- Lowest pension supplement, married couples: DKK 16,596 (per person)
- Extra lowest pension supplement: DKK 31,944
- Disability supplement to highest and medium pensions: DKK 31,644

422. Pensioners that receive the minimum amount of disability pension receive the basic amount, a small supplement and as of January 1<sup>st</sup> 2009 they are also entitled to a full extra supplement. Pensioners that receive the intermediate and maximum amount of disability pension also receive either the basic, the intermediate or the maximum pension supplement as well as a disability supplement.

423. The basic amount and the supplements are taxable and are adjusted according to the personal income of the claimant. The disability amount is exempt from tax and is not income-adjusted. Disability pensioners also receive a special annual tax cut of DKK 16,200 for singles and DKK 10,500 per person for married couples. Persons older than 67 receive the same tax cuts if they do not receive old-age pension.

424. Furthermore, the disability pension is reduced by 30 %, if the pensioner has earnings besides the pension above DKK 87,100 (2009 figures).

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

426. In 2007 the figures for disability pensioners were as follows.

<i>Rate received</i>	<i>Lowest rate</i>	<i>Medium rate</i>	<i>Highest rate</i>
Women 18+	293	508	249
Share of population group	1.75%	3.03%	1.48%
Men 18+	118	291	333
Share of population group	0.65%	1.59%	1.82%

#### **Temporary and permanent social welfare benefits**

427. Persons that are not entitled to unemployment benefits or other social benefits may apply for temporary or permanent social benefits according to the Public Welfare Act. Temporary assistance can be granted in case of illness, divorce or lack of job opportunities. The temporary assistance is granted as a tax-free net benefit on the basis of need, but no more than the amount concordant with Parliamentary Act No. 74 of May 8<sup>th</sup> 2001 on Cash Sickness Benefits or the Parliamentary Act No. 113 of June 16<sup>th</sup> 1997 on Unemployment Insurance. Permanent social benefits will be awarded when a person has a permanent need of benefits and when the person is not entitled to disability pension. The amount is concordant with the basic old-age pensions, plus a supplement for each child concordant to the child supplement according to the Social Pension Act (2009: DKK 12,192 annually). The permanent social benefit is taxable and claimants receive the same tax-cut as disability pensioners. According to the legislation on Social Welfare, persons can also be assisted to meet certain expenses granted on the basis of an individual assessment of need.

428. In 2007 a total of 865 persons older than 18 received the above mentioned social benefits (i.e. 2, 5 % of the population).

#### **Family related social benefits**

429. For specific information about family related social benefits please refer to paragraph XXVII.E of section 3 in Denmark's fourth report to the UN Committee on the Rights of the Child, CRC/C/DEN/4. Section 3 contains a separate report from the Government of the Faroes on the rights of the child on the Faroes.

### Cash Sickness Benefits

430. According to the Parliamentary Act No. 74 of May 8<sup>th</sup> 2001 on Cash Sickness Benefit employed and self-employed people may receive compensation if they are absent from work due to illness. Claimants partially incapable of working may be entitled to a reduced sickness benefit, e.g. when a physician finds that the employed person can work part-time. Cash Sickness Benefit can be awarded for a total of 40 weeks.

431. The sickness benefit is usually calculated on the basis of the hourly income the claimant would have earned had he/she not been absent from work due to illness. The compensation must not exceed a fixed maximum, which as of January 1<sup>st</sup> 2009 amounts to DKK 3,830/week. The employer pays Cash Sickness Benefits for the first two days and the Social authorities pay for the remaining period up to 40 weeks.

432. The number of persons (measured in whole-year persons) that received Cash Sickness Benefits in 2007 were as follows.

	<i>Total</i>	<i>Share of workforce in %</i>
Women	<b>164</b>	1.0
Men	<b>216</b>	1.6

### Disability benefits

433. Disability benefits are granted on the basis of the principle of compensation. The person is compensated for the disability and therefore disability benefits are granted independently of the persons or the spouse's income and assets. Disability benefits are granted free or with limited payment. According to the Public Welfare Act persons with disability or long-term sickness are entitled to different technical aids, support to cover expenses to medicine etc. Support can also be granted to different changes in inside finish of the persons' housing arrangement so as to make it more suitable for the disabled person. Mobile disabled persons can also be given financial assistance to purchase and adaptation of a car.

434. In cases where a disabled person is eligible for the medium or highest rate of disability pension pay-out, but is not awarded these benefits due to other sources of income, he or she will according to the Act on Social Pensions be entitled to a special disability benefit of DKK 31,644 a year. A total of 35 women (0.21%) and 45 men (0.25%) received this disability benefit in 2007.

### Special nursing and caretaking benefits

435. According to Parliamentary Act No. 64 of June 5<sup>th</sup> 1984 on special caretaking a person can receive a special caretaking benefit if he or she takes care of an older person that requires continuous personal assistance at home to meet personal needs. This payment is concordant with medium disability pension, however, without the special tax cut.

436. A disability pensioner can according to the Social Pension Act receive a special nursing benefit if the person continuous is in need of assistance to meet personal needs. The amount is DKK 67,524 annually.

437. A person is also entitled to Cash Sickness Benefit in cases where spouse or children are seriously ill. According to the Public Welfare Act, providers of disabled children or children with long term illnesses are entitled to compensation for the reduction in income if it is found necessary that the provider takes care of the child at home.

438. Collective agreements regulate the rights of parents to stay home from work when a child is sick. This right is however, quite limited.

### **Assistance and services to the disabled, sick and elderly**

439. According to the Public Welfare Act, assistance to sick, disabled and elderly persons is granted as follows.

#### **Home care**

440. In relation to old-age or disability, home care is provided on a permanent basis for certain domestic chores as well as to meet other personal needs of the claimant. Payment for permanent home care is income-adjusted. In cases of sudden illness home care is also provided on a temporary basis. No payment is charged for such temporary home care services. In 2007 a total of 97 persons under the age of 64 received home care services (0, 3 % of population group), and 663 persons older than 65 received home care services (11, 4 % of population group).

#### **Respite care**

441. Respite care is provided for old age pensioners and disability pensioners. Users pay DKK 125 per day/night for respite care (2009 costs). In 2007 44 old-age pensioners received respite care in institutions for older people and 32 old-age pensioners received respite care in shared housing for elderly people.

#### **Institutions and shared housing**

442. Disabled persons that are not capable to stay in their own homes are offered housing in small institutions or shared houses. Persons that live in shared houses receive disability pension and pay their own rent as well as other expenses.

443. Persons that suffer from severe physical or mental disabilities and live in institutions do not receive disability pension. Their personal needs are covered through the institutions' operating costs. They do, however, receive a special, reduced pension to cover personal needs. This benefit amounted in 2009 for persons under 60 to DKK 13.704 annually.

444. As of October 2007 a total of 21 women and 24 men lived in institutions for the disabled, and 26 women and 43 men lived in shared houses for disabled. In October 2007 a further 6 women and 21 men lived in shared houses and institutions for the mentally ill.

445. Persons of old age that are not capable of staying in their own homes are offered housing in institutions or in shared housings for elderly people. Pensioners living in shared houses receive old age pension and pay their own rent and other expenses. Pensioners living in nursing homes or institutions for elderly people do not receive old-age pension. They are, however, paid a special, reduced pension to cover personal needs. In 2009 this benefit amounted to DKK 11.424,00 a year. In addition, pensioners in institutions receive the previously mentioned solidarity employment-pension.

446. In October 2007 a total of 230 women and 120 men older than 60 lived in institutions for older people, and a further 80 women and 46 men older than 60 lived in shared houses.

#### **Personal assistance**

447. According to the Public Welfare Act, disabled persons living in their own home receive personal help to assist and support the person in living an independent and active life. There is no charge for this service. In 2007 about 115 persons received such personal assistance.

**Sheltered workshop**

448. Persons that suffer from mental disabilities are offered the possibility to work at a sheltered workshop. These persons typically receive the highest disability pension and in addition they earn a symbolic payment for their work at the workshop. In October 2007 a total of 54 women and 74 men worked at a sheltered workshop.

**Other services**

449. Public support is also provided to foodservice and some municipalities also run day-care centres for elderly persons.

450. Mobile disabled persons can use the special transportation means found in most local areas.

**Social expenditure**

451. Almost all social security payments and services are financed through taxes.

**Social expenses and GNP**

- In 2006 social expenses as share of Faroese GDP were as follows:
- Families and children      4.3%
- Unemployment              0.7%
- Health and illness         6.7%
- Old age                        7.4%
- Invalidity                    3.7%
- Survivors                    0.2%
- Other social expenses     0.6%
- Administration            0.5%
- Total                         24.0%

**Social security on equal footing**

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

**Article 10****Definition of “family”**

453. There is no legal definition of the term “family”. The term is used in Faroese legislation alongside the concepts of “individual”, “parents” and “providers”. The concept of “family” is generally perceived in Faroese social legislation in the broadest sense: any relationship, in which two generations are registered at the same address in the National Registry; and, in which the people involved have a financial and emotional relationship with each other. This means that married couples, unmarried couples, and single parents with children are all considered families. However, unmarried couples living together in relationships are in most cases treated as two individuals with regards to social benefits.

**Support for families**

454. A thorough description of the right to family life, alternative care and upbringing can be found in paragraph XXVI of section 3 in CRC/C/DEN/4. The reader is also referred to paragraph XXVII.B for a description of the rights of the child to child care services and facilities, and to paragraph XXVII.C concerning children with disabilities.

**The Faroese legislation concerning parental leave**

455. The mother of a child has the right to maternity leave from the last four weeks before giving birth and the first 14 weeks post partum. The father of the child has the right to 4 weeks paternity leave in the first 34 weeks after birth. In addition, the mother and father can decide on how they wish to distribute an additional 38 weeks of joint parental leave.

456. The parental leave grant is calculated on as 100% of the average monthly income (taxable) in the last 12 months prior to childbirth. Currently, the parental leave grant is capped at DKK 25,000 per month (~€ 3350). Employed recipients are also awarded holiday allowances for the period spent on leave.

457. The Faroese Parliament has made recently amendments to the legislation concerning parental leave compensation, which increased the period for receiving the exclusive paternity pay from 2 to 4, the maternity pay period remains unchanged at 14 weeks, but the joint parental pay period — which parents can freely distribute amongst themselves — was extended from 10 to 16 weeks.

**Age of majority**

458. On Faroes the age of majority is 18 years and persons under the age of 18 are minors, without the right to vote or full legal capacity to decide personal and property matters. Please refer to paragraph XXIII.A of section 3 in CRC/C/DEN/4 for further information on the issue of age of majority.

**Protection of the child and young persons**

459. On 11 May 2000, Faroese parliamentary Act no. 70 on occupational health and safety was adopted.

460. This Act also governs work in relation to children and persons younger than 18 years of age. Section 48 of the Act provides the following:

*“Children aged under 14 shall not perform occupational work except for light assisting work two hours per day. However, for children belonging to the employer’s household, these rules only apply with respect to technical plant, machinery, paraphernalia and materials or substances which may be dangerous to the children.*

*(2). The Faroese minister may, however, determine a higher age limit than 14 years for certain types of work, or if conditions cause the work to be dangerous to the safety, health and development of young people.*

*(3). The Faroese minister may lay down rules to the effect that children aged under 14 can perform light occupational work.”*

461. It should be noted that the Act applies to work performed for an employer. Whaling, sealing and fishing are, however, exempt, but section 48(2) also applies to work not performed for an employer as well as to the whaling, sealing and fishing industry. The Act only applies to aviation when work is performed on the ground. The provisions only apply to the shipping and fishing industries with respect to the loading and discharge of vessels,



including fishing vessels and shipyard work on board vessels and work that must be treated as such.

462. Executive Order no. 102 of 19 July 1990 on an age limit for tending certain machines at filet processing plants provides that particularly hazardous machines shall not be operated by persons under the age of 17. Other machines shall be assessed by the inspectors of the Working Environment Authority and shall be marked with an age limit, preferably in cooperation with the safety inspector at the respective company.

463. To the governments' knowledge, there are no groups of children and young persons which do not enjoy these measures of protection and assistance at all, or which do so to a significantly lesser degree than the majority, cf. CRC/DNK/5. Please refer to paragraph XXIX of section in CRC/C/DEN/4 for a description of the special measures for protection of the child.

464. It is the obligation of the employer to ensure, that his workplace abides by the provisions of the parliamentary Act on occupational health and safety. The Working Environment Authority oversees that this is done correctly. To the governments' knowledge, there are no difficulties in ensuring these rights.

465. Regrettably, the Office of National Statistics does not collect such information and no official poverty line exists in the Faroe Islands.

## **Article 11**

### **The right to adequate housing**

466. There is no Faroese legislation laying down the right to housing. Yet, most people live in their own houses, while only a small proportion rents apartments in the private housing market. Housing standards in the Faroe Islands are generally high and most homes are spacious with own toilet, bathroom, central heating etc.

467. Municipal authorities allocate building sites for residential homes to citizens according to internal rules and regulations. In some municipalities, however, there are waiting lists for such sites, particularly in the area around the capital, Tórshavn.

468. Families are not granted housing benefits, yet, pursuant to the Parliamentary Act No. 148 of December 30<sup>th</sup> 1996 on Rent Support, home-owners are given a tax-refund on a proportion of their mortgage interest payments.

### **Homeless people**

469. According to the Act on Public Welfare the social authorities and voluntarily organizations work together to establish special housings for homeless people. In 2008 a total of DKK 2,150,000 of public finances were used for this aim.

470. In May 2005 it was estimated that 4 women and 16 men in the Faroe Islands were homeless, of which 12 were in need of long-term housing. The Ministry of Social Affairs knows of no street children on the Faroes.

### **Housings for elderly**

471. The majority of elderly people reside in the general housing stock, primarily in own homes, where they can receive homecare and other services, which enables the elderly persons to live in their own homes for as long as they are willing and able.

### **Law on flexible housing arrangements**

472. The Ministry of Social Affairs is currently preparing a bill on flats in co-operative societies so as to meet the general demand for more flexible housing arrangements at lower prizes than home ownership. The bill also deals specifically with special flats as a means to ensure reasonable prized housings for persons with special needs.

### **Law on rentable housings**

473. Legislation from 1940 regulates matters concerning the rental housing market; however this legislation only applies to the area around the capital, Tórshavn. In order to update legislation and regulate the rental housing markets in the remaining parts of the country a new bill on rental housings is currently being prepared. A main purpose with the act is also to secure better standards for rental housings.

## **Article 12**

### **The Faroese System of Public Health Care**

474. The Faroese System of Health Care is regulated through Faroese Parliamentary legislation, which determines the responsibilities of and services by the Faroese System of Health Care. The Ministry of Health is charged with the administration of the system of health care.

475. The services and responsibilities of the Faroese System of Health Care include:

- (1) Hospital services
- (2) Health care services
- (3) System of General Practitioners
- (4) Home care services
- (5) System of school nurses
- (6) System of dental services
- (6) Health insurances

476. As of May 1<sup>st</sup> 2009 foreign citizens no longer receive medical treatment for free from the Faroese System of Health Care. Citizens of countries that have signed agreements on mutual health service provision with the Government of the Faroes will receive emergency assistance free of charge. Emergency assistance is also provided, irrespective of nationality, however, in such cases the respective individual, insurance company or country of origin must pay for the services rendered.

477. A Public Health Council was established according to Faroese Parliamentary legislation from 2000, as last amended in 2007, the purpose of which is to advise the Minister of Health and strengthen measures that promote health and prevent illness and accidents in the social and health services. This also includes tasks such as conducting studies and supporting research in the area.

478. In 2006, the Minister of Health presented a public health plan with specific health promoting and preventive actions in the area of exercise, aimed to deal with smoking, food and alcohol and drug abuse. The objective is to improve the Faroese population's standard of health, and efforts are directed especially towards children and young people. The Public Health Council is responsible for administering the plan.

479. The Faroes participate in the ESPAD surveys, which are surveys of 9th form pupils' smoking, alcohol and drugs habits. They show, compared to the other countries in the surveys, that young people in the Faroe Islands drink alcohol to a slightly lower extent but have been drunk to a slightly higher extent. The number of young persons that have been smoking/smoke is substantially higher, whereas the number of young persons on the Faroes that use illegal drugs is lower. However, the number of young persons that mix alcohol and pills is slightly higher.

### **General preventive actions**

#### *Sale of alcohol and tobacco*

480. Pursuant to the Act on the Import and Sale of Alcohol and the Act on Action to Reduce the Use of Tobacco, the sale of alcohol and tobacco to persons under the age of 18 is prohibited.

#### *Preventive action – smoking*

481. In 2005, the Faroese Parliament adopted the Act on Action to Reduce the Use of Tobacco for the purpose of reducing smoking and ensuring the right for everyone to live in an environment without any smoking. One of the primary objectives of the Act is to prevent children and young people from smoking and ensure that smoking is not part of children's everyday life. This has been achieved by banning smoking indoors in public places such as schools, day care centres, sports centres, etc. In addition, it is prohibited to sell tobacco to young people under the age of 18. The Act also includes a ban on tobacco advertising, except for information campaigns and warnings against smoking, however.

482. A new smoking act has been adopted by the Faroese Parliament, by which smoking is banned indoors in places to which the public has access, including restaurants. It also bans smoking in rooms in private homes while public child care services take place there. Moreover, it prohibits any display of cigarettes, etc. in shops.

483. Both the Act on Action to Reduce the Use of Tobacco and the Smoking Act have been drawn up based on the WHO Framework Convention on Tobacco Control from 2003 on initiatives to reduce the use of tobacco.

#### *Preventive action – drugs*

484. Faroese authorities take part in the Nordic cooperation on drugs in the Nordic Council of Ministers and the Nordic Drugs Forum. In 2007, the Faroe Islands set up a forum with representatives from relevant authorities and institutions. The objective is exchange of information and experience in the area of controlled drugs on the Faroes.

485. The prohibition of controlled drugs is regulated by the Royal Decree for the Faroes on Controlled Drugs and the Act on Pharmacy Operation.

#### *Preventive action – SSP cooperation*

486. An initiative has been launched to establish organised SSP cooperation by 1 August 2008. The SSP cooperation is between schools, social services and the police. The plan is to appoint an SSP consultant to assist and coordinate the various elements of the system and in relation to children, young persons, and parents.

*Preventive action – youth counselling*

487. The association Barnabati whose objective is to protect the welfare of children and young persons receives public grants. For 2008, the grants have been raised by DKK 100,000 earmarked for a child and youth counselling project.

*Preventive action – pregnancy*

488. Pursuant to the Act on Pregnancy Hygiene and Obstetric Aid, which came into force in the Faroes by Royal Decree No. 643 of 9 December 1982, guidance on the use of contraceptives may be offered and given to persons who are under the age of 18 and unmarried or legally incapable for personal reasons without the consent of a custodial parent or guardian.

489. The number of induced abortions for the Faroe Islands is relatively low. The number of induced abortions in 2005 was 40.7 per 1,000 live births. The total abortion rate was 139.4. The abortion rate per 1,000 women aged 15–19 years was 3.3 and the rate for women aged 20–24 years was 1.6.

490. A survey of live births per 1,000 women divided into age groups shows that more women under the age of 19 became mothers than in other Nordic countries.<sup>6</sup>

Live births 2001–05 (per 1,000):

- 15–19 years old: 13.5
- 20–24 years old: 109.8
- Total fertility: 2,566

491. In addition, a new guidance service was set up in 2007 aimed to provide advice and guidance to women, including young mothers, on questions such as pregnancy.

492. The Act on Measures in Connection With Pregnancy, etc. (1956), as last amended by Royal Decree No. 151 from 1988, provides rules on when a woman may have her pregnancy terminated.

493. By Royal Decree No. 643 of 9 December 1982 on the coming into force for the Faroe Islands of the Act on Pregnancy Hygiene and Obstetric Aid, as last amended by Royal Decree No. 543 of 30 June 1993, it is provided that in connection with pregnancy women are entitled to five preventive medical examinations by a doctor, three of them during the pregnancy. In addition, women are entitled to preventive health examinations by a midwife and to obstetric aid. Under the Child Welfare Act, healthcare professionals have a duty to report when they assess that a pregnant woman is in need of support due to serious alcohol or drug abuse, mental illness or psychological difficulties.

494. In the period 2001–2005, a newborn boy in the Faroe Islands could expect to attain the age of 76.9 years, and in the same period a newborn girl could expect to attain the age of 81.4 years.

*Infant mortality*

495. According to statistical information from Nomesco 2005 the infant mortality in the period 2001–05 was as follows: (table 2.2.3):

- Per 1,000 births: 2.3 stillbirths, 4.0 perinatal deaths, 0.9 within the first 24 hours

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<sup>6</sup> Nordic Medico Statistics: “Health Statistics in the Nordic Countries 2005”, the Nordic Medico-Statistical Committee, Copenhagen 2007.

- Per 1,000 live births: 1–6 days: 0.9, 7–27 days: 0.6, total under 1 year: 3.2

*Preventive action – suicide and accidents*

496. The suicide rate of the Faroe Islands is relatively low. A survey of deaths due to suicide (per 100,000 inhabitants broken down by sex and age) shows that the total rate among men is 11.5. The rates for men in the age groups 10–19 years and 20–24 years are 5.3 and 12.3, respectively. For women the total rate is 0.9 per 100,000 inhabitants (table 4.1.6 Nomesco 2005).

497. As for accidents, relatively many young men under the age of 24 are killed in accidents. A survey of accidental deaths per 10,000 inhabitants broken down by sex and age in the period 2001–05 shows the following:

- Total men: 36.8; men 0–14: 7.0; men 15–24: 70.4
- Total women: 19.4; women 0–14: 3.7; women 15–24: 6.9

## **Article 13**

### **The child's right to education**

*Compulsory and free primary education is in place on the Faroes; cf. also CRC/C/DNK/5*

Fólkaskúlin (the Faroese Public Primary and Secondary School System)

498. Pursuant to the Faroese Parliamentary Act on Public Primary and Secondary School, i.e. Act No. 125 of 20 June 1997, as last amended by Act No. 64 of 7 June 2007, all pupils of education age must receive education, but there is no compulsory schooling. Consequently, all children in the Faroe Islands are entitled and obliged to participate in the Fólkaskúli's instruction or any other instruction which can match that of the Faroese Fólkaskúli. Compulsory education commences at the beginning of the school year in the calendar year in which the child reaches the age of seven years. It comes to an end when the child has received regular instruction for nine years. Moreover, there is an optional 10th form. Under current legislation, children may be exempted from ordinary instruction after seven years of education. However, this will require implementation of other educational measures which may be approved as an alternative or supplement to the 8th and 9th school years. The Faroese Fólkaskúli offers children free education for a period of ten years.

499. In the academic year 2007/08 a total of 7,200 pupils attended the Fólkaskúli, of which 40 % lived in the metropolitan area. There are 680 teaching positions in the Faroese primary and secondary school and the language of instruction is Faroese.

500. The Faroese Teacher College (Føroya Læraraskúli) is responsible for the education of primary and secondary school teachers. In the academic year 2007/08 approximately 200 students attended the college. Approximately 24 primary and secondary school teachers graduate from the college per year.

501. With the amendment of the Primary and Secondary School Act of 7 June 2007 several reforms were introduced. These reforms involved e.g. the strengthening of elementary instruction by the increase of the number of lessons in the 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> year, the introduction of compulsory national tests in Faroese, mathematics and natural sciences/technology in the 4<sup>th</sup> and 6<sup>th</sup> year, diagnostic tests in selected subjects in the 3<sup>rd</sup>, 5<sup>th</sup>, and 7<sup>th</sup> year as well as new curricula with competence assessments in the 2<sup>nd</sup>, 4<sup>th</sup>, 6<sup>th</sup>, 9<sup>th</sup> and 10<sup>th</sup> year. Both the introduction of tests and of curricula with competence assessment are part of an overall plan to strengthen the evaluation of the schools' instruction with a view to upgrading the quality of the education provided.

502. A compulsory requirement on schools is to ensure ongoing evaluation of the instruction as an integrated part of the instruction. The evaluation must be used as an instrument to plan future teaching and as a basis for guidance of pupils and information to pupils and parents on the pupils' outcome of the instruction. It is a requirement that the instruction is based on the individual pupil, and that it is planned and differentiated to ensure that it corresponds to the needs and abilities of each pupil. In each subject the teacher and pupil work together on an ongoing basis to determine the goals to be fulfilled, after which the pupil's work is planned to take account of these goals. Working methods and topic selection must also be planned in cooperation between teachers and pupils.

503. In addition, the reform comprises amendments which facilitate the special education measures for pupils with adjustment and attachment difficulties, upgrading of the examination regulations and possibilities of launching educational research in the school area.

504. Municipal authorities are responsible for providing school premises and initiate renovation projects and new buildings. The local authorities are different with regard to population and tax receipts, and consequently school buildings and their facilities vary a great deal. In recent years the local authorities have initiated major renovation work on school buildings and several new buildings have been constructed.

#### *Upper secondary education*

505. A Faroese upper secondary degree awards access to higher education on the Faroe Islands and in Denmark as well as to higher education in most other countries. According to an agreement between the National Education Authority of Denmark and The Faroese Ministry of Education, Faroese upper secondary education is approved as equivalent to a corresponding education in Denmark.

506. In the Faroe Islands the following upper secondary education is available: general upper secondary school leaving examination, higher preparatory examination, commercial upper secondary school leaving examination, technical upper secondary school leaving examination and higher fishing examination. Upper secondary education is available on Suðuroy, in Tórshavn, Vestmanna, Fuglafjørð and Klaksvík. Approximately 60 % of a youth cohort receives upper secondary education. Our statistical material is not very precise and, unfortunately, we do not have a definite overview of the rate by which young people go on to receive a higher education after the completion of upper secondary education. We estimate that this rate is about 35 % and our goal is that by the year 2015 approximately 50 % of a youth cohort will take higher education.

#### *Vocational education and training*

507. Vocational training may be taken in two ways. One way is based on the signing of a contract between an employer and an apprentice. In such cases, the apprenticeship training programme takes approximately four years and is structured according to the sandwich principle where the apprentice switches between training on the work place and school courses.

508. Another way to take vocational training is to complete a basic year at a vocational college, after which a contract is signed between the employer and the apprentice. Part of the basic year is accredited to the overall apprenticeship training programme, however, depending on the subjects.

509. Accordingly, it is possible to complete a full apprenticeship training programme on the Faroes as a motor mechanic, electrician, hairdresser, machine fitter, plumber, joiner and carpenter.

510. With regards to other apprenticeship training programmes, the apprentices must for short periods of time attend courses offered at vocational colleges in Denmark, as the number of apprentices per programme is too small to sustain an offering of many such courses on the Faroes.

*Completion of education programmes*

511. Due to lack of statistical material, it is not possible to provide an overview of the dropout rates from post-secondary education, but some surveys suggest that the drop-out rate from general upper secondary education is about 20–25 %. However, the same surveys also suggest that some of the young people that did not complete their initial education programmes have taken another general or vocational post-secondary education at a later stage.

512. In order to reduce drop-out rates and give young people in secondary school a better opportunity to choose a general or vocational post-secondary education programme based on better insight and knowledge, the Faroese Ministry of Education and Culture is contemplating a reform of the entire guidance counselling system, in order to obtain coherent, continuous guidance of all pupils all way from secondary school on to higher education. Career guidance counselling and instructions on the requirements of the labour market will also be part of the reform.

*The objective of the Faroese System of Education*

513. Faroese Parliamentary legislation concerning the Public Primary and Secondary School (Fólkaskúli) establishes that it is the responsibility of the schools, in close cooperation with parents, to ensure that pupils acquire knowledge, skills, working methods and ways of expressing themselves, which will contribute to the particular pupil's over-all development.

514. The Faroese Public School (Fólkaskúlin) must also provide a framework that gives pupils the opportunity of experiences, active minds and absorption as well as possibilities to develop their own awareness, imagination, and desire to learn. In addition, they should be able to train their ability to form independent opinions, decisions and initiatives and they should feel confident of themselves and the opportunities of the community.

515. Moreover, the public school must cooperate with parents in giving the pupils a Christian and moral education and upbringing. While showing due respect for the cultural and moral values of the individual child's upbringing, it is also the responsibility of the Faroese public school to develop pupils' knowledge of Faroese culture, help them to understand other cultures, as well as human's interaction with nature.

516. The Faroese public school must, in addition, provide a framework for the everyday life and work at the school which builds self-esteem in the individual pupil, fosters confidence and the ability to cooperate, and installs them with a sense of responsibility and respect for other human beings.

517. The school must in this way prepare pupils for the empathy, co-determination, joint responsibility, and the rights and duties of citizen in a democratic society. It is the intention that the school's instruction and everyday life is based on intellectual freedom, equal rights and democracy.

518. The planning of the instruction, including selection of teaching and working methods, educational material and selection of topics, must live up to the objectives of the Fólkaskúlin each individual pupil's needs and qualifications must take into consideration in the practical structuring of teachings.

519. Consequently, the school's management must ensure that all teachers plan and prepare their instruction so that it includes challenges for all pupils.

*Special needs education and schooling for children with disabilities*

520. Special needs education and other special needs assistance must, pursuant to section 4(3) and (4) of the Act on the Faroese Primary and Secondary School (Fólkaskúalógin), be made available to children with special needs, if these are not covered by the ordinary special needs education, as well as to children with learning difficulties that do not receive a satisfactory service from their ordinary education.

521. Children are referred to special needs education and other special needs assistance in cooperation between the school, the parents and the local PPR office (the educational-psychological advisory service).

522. The Finance and Appropriation Act for 2007 included an allocation of DKK 50.2 million for special care education and other special needs assistance and special needs guidance in primary and secondary school.

523. The special needs area will in future consist of a main PPR office in Torshavn and five local PPR offices, which are supervised by the main office in Tórshavn. The local PPR offices, set up in cooperation with the local authorities, will offer special needs guidance and assistance to local authorities, schools, day care centres, parents, pupils, etc.

524. Another part of the restructuring of the special needs area is the establishment of 'centre schools' at selected schools, where units for special needs pupils in the school district will be created, i.e. children with autism, AD/HD, Down's syndrome, etc.

## **Article 14**

525. These rights are ensured on the Faroes, cf. above.

## **Article 15**

### **Leisure and cultural activities**

526. Under Act No. 70 of 30 June 1983 on Leisure Education, as amended most recently by Act No. 124 of 10 December 2003, the Ministry of Education and Culture appropriates funding to local authorities for their establishment of leisure education for children and young people. The services consist of three categories:

1. General leisure education, which is available to all who have attained the age of 14.
2. Special leisure education, which includes special needs education for adults in writing, reading, arithmetic and Faroese for foreigners, instruction aimed at the school leaving examination, higher preparatory examination single subject course and work-related training such as maritime education in navigation, navigation rules, examination for motormen and radiotelephony.
3. Recreational activity, which is for children and young persons younger than 25 years, offering a varied selection of courses and subjects. The relevant statutory order attaches great importance to making the activities available to all who are interested, in order that no one is denied access due to a certain ideology, job, association or other. Course subjects may be song and music, dance and drama, chess, art, needlecraft, ICT, film, photo and sports.



527. The annual funding is provided in proportion to the population of the local authorities and in accordance with the teaching load within the three main areas. Consequently, the Ministry pays 50 % of the support for general leisure education and recreational activity and 100 % for special leisure education.

528. The number of participants in leisure education in the academic year 2006/07 was 6,472 students.

529. Approx. 1,500 took recreational activities. The total budget was approx. DKK 9 million, of which the Ministry of Education appropriated DKK 5.5 million.

#### **Patents and intellectual property rights**

530. According to Royal Decree No. 1003 of December 11<sup>th</sup> 2001, the Danish parliamentary Act on patents and intellectual property rights also applies for the Faroe Islands.

531. This Act realize the right of everyone to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic work of which he or she is the author.

532. To the governments' knowledge, there are no difficulties and shortcomings in securing these rights.

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