



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### Information received from Denmark on follow-up to the concluding observations on its sixth periodic report\*

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\* The present document is being issued without formal editing.



## Part I.

### A. Introduction

1. The present report is submitted in accordance with the procedure on follow-up to concluding observations adopted by the Committee. The report has been compiled by the Danish Ministry of Foreign Affairs on the basis of contributions from relevant departments and ministries of the Government of Denmark as well as the Faroe Islands.
2. The report is based on and structured in accordance with the CESCR note on the procedure for follow-up to concluding observations.<sup>1</sup>

### B. Selected recommendations for follow-up

3. The Committee on Economic, Social and Cultural Rights adopted its concluding observations on the sixth report of Denmark at the examination held on 8th - 9th October 2019. In paragraph 77 of the concluding observations the Committee requested the State party to provide, within 24 months of the adoption of the concluding observations, information on the implementation of the recommendations contained in paragraphs 13 (retrogressive measures), 17 (national human rights institution in the Faroe Islands) and 19 (business and human rights).
4. Denmark hereby provides additional information on the implementation of the recommendations as requested by the Committee on Economic, Social and Cultural Rights.

## Part II.

### A. Follow-up information relating to paragraph 13 of the concluding observations (E/C.12/DNK/CO/6)

#### Retrogressive measures – refugees and migrants

**“13. The Committee recommends that, in the implementation of the new political agreement entitled “Fair Direction for Denmark”, the State party reverse the retrogressive measures taken that do not meet the criteria of necessity, proportionality, temporariness and non-discrimination, which are elaborated in the Committee’s 2012 letter on austerity measures.)”**

5. The agreement “A fair direction for Denmark” referred to by the committee is a political agreement prepared by a group of political parties represented in the Danish parliament, including the Government party (the Social Democratic Party) and the parties forming the parliamentary basis for the Government.
6. In general, the Government pursues its policies in full accordance with Denmark’s international obligations, including the principles of necessity and proportionality. Any derogating measure will be temporary in nature and will only be applied for the period necessary to counter the emergency situation. The Government also pursues that Danish legislation is adapted in accordance with Denmark’s international obligations.
7. Furthermore, the Government attaches great importance to combatting discrimination. All citizens are equal before the law, and public authorities must not discriminate citizens on any ground.
8. The principles of proportionality and equality before the law are also fundamental principles in Danish administrative law.

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<sup>1</sup> [Follow-up to concluding observations \(ohchr.org\)](http://ohchr.org).

## **B. Follow-up information relating to paragraph 17 of the concluding observations**

### **National human rights institution**

**“17. The Committee recommends that the State party expedite the establishment of a human rights institution mandate for the Faroe Islands, with a full mandate in relation to Covenant rights, and that is compliant with the Paris Principles).”**

9. The Government of the Faroe Islands continues the work on looking at feasible solutions for the establishment of a human rights institution for the Faroe Islands with a full mandate in relation to Covenant rights, and that is compliant with the Paris Principles.

## **C. Follow-up information relating to paragraph 19 of the concluding observations**

### **Business and human rights**

**“19. The Committee recommends that the State party adopt a legal and other regulatory framework which:**

- (a) Requires business entities to exercise human rights due diligence in their operations and in their business relationships, at home and abroad;**
- (b) Holds business entities liable for violations of economic, social and cultural rights; and**
- (c) Enables victims to seek remedies through judicial and non-judicial mechanisms in the State party”.**

10. The Danish Government is committed to seeing that Danish business entities respect international human rights in their operations and in their business relationships, both at home and abroad. Denmark has adopted international guidelines within this area, including the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises. While these guidelines are non-binding, Danish businesses are encouraged to respect them.

11. Denmark strongly supports the European Commission’s initiative to introduce a legislative proposal on mandatory due diligence. EU legislation on mandatory due diligence will ensure that companies in all Member States contribute to sustainable and responsible business conduct by describing possible risks of their adverse impacts on e.g. human rights and labour rights issues, and on that basis take steps to address the risks. Implementing risk-based due diligence processes is key for a responsible supply chain management in accordance with the UN Guiding Principles on Business and Human Rights, the ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy, and the OECD Guidelines for Multinational Enterprises.

12. The Danish Government believes that common EU legislation on due diligence is necessary to avoid varying national legislation, which creates unnecessary confusion concerning rules and obligations for businesses as well as affected parties. The Danish Government expects EU legislation on due diligence to contribute to common requirements and expectations, as well as strengthened sustainable and responsible business conduct across EU member states.

13. The Danish Government has actively worked for the European Commission to carry out analysis of EU legislation and national legal requirements on due diligence, including examination of the possibilities for appeals and compensation under both EU and national auspices, as well as an evaluation of the need for additional legal requirements. Denmark awaits a legislative proposal by the European Commission later this year and is actively engaged in preparatory consultations.

14. In this context, the national OECD contact point (NCP Denmark) will be evaluated.

15. Denmark has instituted the national OECD contact point (NCP Denmark) by law. NCP Denmark, also known as the Mediation and Complaints-Handling Institution for

Responsible Business Conduct, is responsible for raising awareness of the OECD Guidelines for Multinational Enterprises and dealing with complaints regarding non-observance of the guidelines by Danish companies, public authorities, and civil society organizations.

16. NCP Denmark is a non-judicial entity. NCP Denmark can issue statements regarding specific instances and perform mediation between parties. Experience shows that NCP Denmark's statements have led the accused companies to subsequently comply with NCP Denmark's recommendations in terms of respecting international guidelines.

17. The Danish Government believes that issues regarding remedy should be addressed at EU level to avoid varying national legislation, which creates unnecessary confusion concerning rules and expectations for businesses as well as victims of economic, social, and cultural violations. The Danish Government has in several instances called upon the European Commission to carry out analyses of due diligence legislation, including the possibilities for victims to seek remedy through judicial and non-judicial mechanisms. Denmark awaits a legislative proposal by the European Commission later this year.

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