

**Economic and Social Council**

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**Committee on Economic, Social and Cultural Rights****List of issues in relation to the sixth periodic report of Denmark\*****I. General information**

1. Please provide information on the cases in which domestic courts have interpreted Danish legislation in conformity with the State party's obligations under the Covenant.
2. Please indicate whether further amendments to the Act on the Danish Institute for Human Rights are envisaged, including any amendments regarding the processes for the selection and dismissal of the members of the institute. Please provide an update on the follow-up to the Committee's recommendation in relation to national human rights institution models that would be suitable in the Faroe Islands, made in its concluding observations on the State party's fifth periodic report (E/C.12/DNK/CO/5, para. 6).

**II. Issues relating to general provisions of the Covenant (arts. 1–5)****Maximum available resources (art. 2 (1))**

3. With a view to assessing whether the maximum available resources are being mobilized and allocated for the realization of economic, social and cultural rights in the State party, please update the information in paragraphs 18, 19 and 34 of the common core document (HRI/CORE/DNK/2018), including for Greenland and the Faroe Islands as applicable, and supply missing data on developments in the following areas over the past 10 years:
  - (a) The proportion of people living below the poverty line as defined at the national level, and the levels of inequality;
  - (b) The proportion of public revenue that is financed through taxes;
  - (c) Rates of tax levied on corporate profits and on personal income, value added tax (not including VAT on luxury items, tobacco, alcohol, sugary drinks and snacks or gasoline) and the percentage of the total revenue from personal income taxes collected from the wealthiest decile of the population;
  - (d) Public expenditure as a percentage of gross domestic product and the proportion of the public budget dedicated to social priorities (employment, education, social security, food, health, water and sanitation, housing and culture);
  - (e) Inflation-adjusted absolute levels of social spending.

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\* Adopted by the pre-sessional working group at its sixty-third session (15–19 October 2018).



**Climate change**

4. Please provide information on the State party's planned contributions to the Green Climate Fund and explain how the State party interprets the obligation under article 4 (3) of the United Nations Framework Convention on Climate Change, according to which contributions to international climate finance shall be "new and additional" vis-à-vis the level of official development assistance.

**Business and human rights**

5. Please provide information on legislative, administrative or other measures taken to ensure that businesses respect the economic, social and cultural rights of all persons and apply the principle of due diligence throughout their operations, including when acting abroad, and that victims have access to effective remedies in the State party. Please provide information on any human rights impact assessments that are compulsory in the State party in the context of its development assistance or of its negotiation of investment and trade agreements.

**Non-discrimination (art. 2 (2))**

6. Please explain the obstacles to the adoption of comprehensive anti-discrimination legislation, as recommended by the Committee in its concluding observations on the State party's fifth periodic report (E/C.12/DNK/CO/5, para. 7). Please explain how victims of discrimination in the enjoyment of rights or on grounds that are not specified in the State party's various anti-discrimination legal provisions can seek remedies. Please indicate how effective the available recourses are.

7. Please provide information on the existing legal protection in Greenland against all forms of discrimination in the enjoyment of all economic, social and cultural rights on all grounds, as provided for in article 2 (2) of the Covenant. Please indicate to what extent the anti-discrimination remedies available in Greenland are accessible. Please include information on the discrimination cases brought to the courts, including the number of cases and prosecutions and details of the sanctions imposed on those involved in discrimination disputes.

8. Please provide information on the extent to which the provisions on non-discrimination to be included in the new Constitution of the Faroe Islands and its implementing legislation are in line with the provisions of article 2 (2) of the Covenant, taking into account the Committee's general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights.

9. Please provide information on the impact of discrimination experienced by immigrants and descendants of non-Western origin, as mentioned in the State party's sixth periodic report, on their enjoyment of their economic and social rights, such as the rights to work, education, housing and health (E/C.12/DNK/6, para. 16). Please explain to what extent the measures described in the State party's sixth periodic report address this situation, and describe any impact achieved (ibid., paras. 17–18).

**Equal rights of men and women (art. 3)**

10. Please provide information, including statistical data, on the impact that the implementation of the 2013 legislation has had on the provision of equal access to corporate management for women. Please provide more information about the initiatives taken by the State party and their contribution to addressing the vertical and horizontal segregation (de facto gender segregation) in the labour market.

11. Please provide information on the impact of the efforts made by the State party to address gender stereotypes, to assess the value of unpaid care work performed primarily by women and to support men and women in sharing domestic and care responsibilities while pursuing their careers. Please provide information on other specific measures taken by the State party, and the impact thereof, to address negative social control among ethnic minorities, as mentioned in the State party's sixth periodic report (E/C.12/DNK/6, para. 34)".

### **III. Issues relating to the specific provisions of the Covenant (arts. 6–15)**

#### **Right to work (art. 6)**

12. Please provide information on the impact of the inclusive measures taken to improve inclusive employment for persons with disabilities, as mentioned in the State party's sixth periodic report (E/C.12/DNK/6, para. 43), especially among persons with disabilities with reduced work capacity. Please provide information on the protection of persons with disabilities from unfair dismissal, in particular dismissal based on reduced work capacity related to disability.

13. Please provide information on the implementation of the tripartite agreement reached between the Government and the social partners, especially the "Integration Training Programme" (E/C.12/DNK/6, para. 42). Please include statistical data on the beneficiaries and on any impact made in reducing unemployment among immigrants since the agreement was reached in 2016.

14. Please provide information on the protection against unfair dismissal for employees not covered by a collective agreement.

#### **Right to just and favourable conditions of work (art. 7)**

15. Please provide data on the percentage of workers covered by collective agreements. Please indicate how the State party ensures — in the absence of a statutory minimum wage — that workers not covered by a collective agreement receive remuneration that provides them and their families with a decent living. Please indicate to what extent the remedies available to workers not covered by collective agreements are accessible and effective. Please include statistical data on the incidence of industrial action taken by such employees in order to obtain a collective agreement on pay, and outline the results of any such action.

16. Please provide information on the impact of measures taken by the State party to reduce the gender pay gap, including in the Faroe Islands and in Greenland (E/C.12/DNK/6, paras. 235–237). Please provide statistical data on cases brought under the Equal Pay Act and on measures to ensure equal pay, not only for equal work but also for work of equal value. Moreover, please indicate whether the State party plans to review this act in order to make the publication of gender-segregated pay statistics compulsory for companies with fewer than 35 employees.

#### **Right to social security (art. 9)**

17. Please provide information on the impact of the reduction of the unemployment benefit period on beneficiaries' rights to work, to an adequate standard of living and to social security, referring to any assessment that has been made of this. Please explain why only 20 per cent of people whose entitlement periods have expired have received temporary benefits, as mentioned in the State party's sixth periodic report (E/C.12/DNK/6, para. 39). Please clarify what other forms of benefits are available to unemployed people who have exhausted their period of entitlement to unemployment benefits.

18. Please provide information on the residency requirements for unemployment benefits and on how the State party prevents any indirect discrimination against foreign nationals and migrant workers that may result from such requirements.

19. Please indicate what benefits are accorded to persons with disabilities whose disability pension was abolished following the 2013 reform. Please provide details on the entitlement of persons with disabilities after the expiration of the five-year support period. Please provide an assessment of the implementation of the rehabilitation model, especially with regard to the availability and adequacy of benefits. Please clarify how the criteria establishing an inability to work again will be measured and set. Please provide information on the conditions under which persons under 40 years of age can be granted a disability pension if it cannot be demonstrated that they would never be able to work again.

**Protection of the family and children (art. 10)**

20. Please clarify how the State party reconciles the provisions of the Danish Aliens Act on family reunification with its obligation under article 10 of the Covenant. Please indicate what measures the State party intends to take to ensure that unaccompanied minors are systematically informed of their right to apply immediately for family reunification.

21. In the absence of statistical data on domestic violence and gender-based violence, how does the State party ensure that the action plan on combating violence in the family and in intimate relations is well informed and that its effectiveness can be assessed?

**Right to an adequate standard of living (art. 11)**

22. Please indicate how the State party reconciles its obligations to guarantee the right to adequate housing with the penal sanctions provided for homeless persons who establish or reside in a camp that “disrupts public order”.<sup>1</sup> More generally, how does the State party reconcile its obligations under the Covenant with the criminalization of behaviours such as begging that are associated with a deprivation of rights? Please provide data on any convictions handed down in relation to these situations.

23. Please provide statistical data on homelessness among persons with a migration background and Roma. Please provide further information about the targets set in the 2018–2021 Action Plan against Homelessness, especially for these two groups. Please provide information regarding any measures taken to ensure sufficient shelter capacity and to make shelters more accessible. Moreover, please provide statistical data on homelessness in the Faroe Islands and information on the impact of the work undertaken by the Social Housing Association.

24. Please provide information on the 22 proposals aimed at eliminating vulnerable residential areas in the “One Denmark without Parallel Societies” plan. Please explain how the State party plans to prevent these initiatives from having any possible adverse effects on the right to adequate housing, especially for ethnic minorities and foreign nationals.

25. Please comment on the consistency of the 2013 ban on the slaughtering of animals according to the Islamic and Jewish traditions with the State party’s duty to ensure the right to access culturally acceptable food.

**Right to physical and mental health (art. 12)**

26. Please provide information regarding any measures taken to address the barriers preventing unregistered migrants from properly accessing the health-care services to which they are entitled, including immunization and maternity care.

27. Please explain how the right to exercise free and informed consent is implemented in the State party’s mental health care system, in light of the information provided in the State party’s sixth periodic report (E/C.12/DNK/6, para. 187).

**Right to education (arts. 13–14)**

28. Please provide information about the measures taken to ensure that teachers in Greenland are adequately trained to attend to and teach pupils with disabilities.

**Cultural rights (art. 15)**

29. Please provide information on the measures taken by the State party to promote and raise awareness of the cultural diversity of Danish society. In particular, please provide information on the measures in place to promote awareness about minorities in the education system.

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<sup>1</sup> Christoffer Badse, Danish Institute for Human Rights, “Supplementary information to the UN Committee on Economic, Social and Cultural Rights on relevant topics concerning Denmark prior to the adoption of list of issues”, letter to the Committee, 30 August 2018.

30. Please provide information on the measures taken to recognize the Thule Tribe of Greenland as a distinct indigenous community with traditional rights, including the right to maintain its cultural identity and use its own language. Please provide information on the measures taken to actively recognize subgroups of the Inuit in order to ensure the continuation of their distinct cultures.

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