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**List of issues in relation to the fifth periodic report of
Denmark (E/C.12/DNK/5), adopted by the pre-sessional
working group at its 50th session (3-7 December 2012)**

Addendum

Replies of Denmark to the list of issues^{*}

[25 March 2013]

^{*} In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been edited.

I. General information

Reply to the issues raised in paragraph 1 of the list of issues (E/C.12/DNK/Q/5)

1. As a main rule, conventions that Denmark ratifies do not automatically become part of Danish law. Conventions are implemented either by (1) noting “harmony of norms” (i.e. special measures are not considered necessary, because Danish law is already in conformity with the convention), (2) transforming the contents of the convention into Danish legislation or (3) incorporating the convention.
2. It follows from case law that rights contained in unincorporated conventions, including the International Covenant on Economic, Social and Cultural Rights (the Covenant), are considered by the courts and other law-applying authorities as relevant sources of law and are invoked before, and applied by, the courts and other authorities. As regards case law concerning the Covenant, see the reply to question no. 2. However, it should be noted that it is not fully clarified how the Danish Courts will judge in a lawsuit, where there is a conflict between Danish legislation and an unincorporated convention.
3. As an integral part of the preparatory legislative work, all human rights conventions which Denmark is a party to, and whether incorporated or not, are given careful consideration in order to ensure that Danish legislation is in full compliance with the international human rights obligations of Denmark.

Reply to the issues raised in paragraph 2 of the list of issues

4. As mentioned in the reply to question no. 1, it follows from case law that rights contained in unincorporated conventions, including the Covenant, are considered by the courts and other law-applying authorities as relevant sources of law and are invoked before, and applied by, the courts and other authorities. However, it should be noted that it is not fully clarified how the Danish Courts will judge in a lawsuit, where there is a conflict between Danish legislation and an unincorporated convention.
5. Thus, the Covenant has been invoked and applied in cases before the courts, e.g. the Supreme Court judgment of 17 September 1998 (published in the Danish Weekly Law Report 1998 p. 1664/2), where the plaintiff argued that a deprivation of his license to practice law did not comply with Articles 4 and 6 of the Covenant. The Supreme Court did not find a violation of the Covenant.
6. The Covenant was also applied in the Eastern High Court’s judgment of 30 August 2002 (published in the Danish Weekly Law Report 2002 p. 2591) concerning the right to unemployment benefits, where the plaintiff argued that his rights under, inter alia, article 8 of the Covenant, had been violated. The High Court did not find a violation of the Covenant.
7. The Covenant was further applied in a judgment of 25 February 2005, where the Eastern High Court explicitly listed the international conventions relevant to the specific question, including the Covenant on Economic, Social and Cultural Rights (published in the Danish Weekly Law Report 2005 p. 1677), in a case concerning the freedom of association in relation to trade unions. The High Court did not find a violation of the Covenant.
8. Furthermore, the Covenant was applied in a Supreme Court judgment of 26 April 2006 (published in the Danish Weekly Law Report 2006 p. 2083), where the plaintiff claimed that the labour he had to perform in order to keep receiving unemployment benefits constituted among other things forced labour under, inter alia, articles 6 and 7 of the Covenant. The Supreme Court did not find a violation of the Covenant.

9. The Covenant was also applied in the Supreme Court's judgment of 18 October 2010 (published in the Danish Weekly Law Report 2011 p. 221), where the plaintiffs claimed that a requirement that they start training for their medical speciality within 4 years of finishing medical school was a violation of their right to free education under, inter alia, article 13 of the Covenant. The Supreme Court did not find a violation of the Covenant.

Reply to the issues raised in paragraph 3 of the list of issues

10. The above given answers also apply to Greenland and the Faroe Islands.

II. Issues relating to the general provisions of the Covenant (arts. 1-5)

Article 2, paragraph 1 – International cooperation

Reply to the issues raised in paragraph 4 of the list of issues

11. In May 2012, The Danish Parliament unanimously approved the new strategy for Danish development cooperation, "The Right to a Better Life". The strategy is based on the Danish International Development Cooperation Act, which states that "the objective of Denmark's development cooperation is to combat poverty and promote human rights, democracy, sustainable development, peace and stability in conformity with the United Nations Charter, the Universal Declaration of Human Rights, and United Nations conventions on human rights." Denmark has thus adopted a human rights based approach to development and is continuously working to promote all human rights – economic, social and cultural as well as civil and political. The approach will guide the Danish policy dialogue, concrete development interventions and partnerships, applying human rights as a core value and using the principles of non-discrimination, participation and inclusion, transparency and accountability.

12. "Denmark's development cooperation has a longstanding record of making important contributions to the promotion of human rights. The human rights-based approach will reinforce this. Women's rights will feature prominently in the approach. Denmark will assess its partners on their ability to gradually and continuously bring about noticeable progress for the rights and equal opportunities of women and children – particularly girls – to realize their full potential, and thus their ability to contribute to the development of society. Children are the most vulnerable group in poor communities, and Denmark will work to promote their rights and needs also in accordance with the UN Convention on the Rights of the Child. Children must be ensured access to health care, education and protection, including in the event of disasters and violent conflict.

13. In the ongoing political dialogue with its partners, Denmark will address the human rights situation based on the international human rights conventions and the work of the Human Rights Council. Denmark will promote the most effective use of available resources towards meeting people's needs and help facilitate a gradual movement in the right direction. By means of an open and critical dialogue, Denmark will emphasise the importance of progress in regard to human rights, poverty reduction, redistribution and participation of marginalised groups."¹

¹ <http://www.netpublikationer.dk/um/11157/html/chapter03.htm>

Article 2, paragraph 2 – Non-discrimination

Reply to the issues raised in paragraph 5 of the list of issues

14. The Government has recently appointed an Expert Committee with the task of considering, e.g., the positive and negative implications by incorporating additional human rights instruments, including the Covenant. Furthermore, the Expert Committee is to consider the possibility of adopting Protocol no. 12 of the European Convention on Human Rights, including its article 1 regarding a general prohibition of discrimination. The work of the Expert Committee has not yet been finalized. Further considerations on whether it would be appropriate to adopt a general anti-discrimination legislation will await the result of the Expert Committee's work.

Article 3 – Equal rights of men and women

Reply to the issues raised in paragraph 6 of the list of issues

General approach to prevent discrimination

15. Gender equality between women and men is a general principle and objective of Danish policy, and all women and men in Denmark share the same formal rights, obligations and opportunities in society. Denmark has a long tradition of gender equality in all parts of society and all spheres of life, and Danish law gives women the same rights and possibilities as men when it comes to suffrage, education, jobs, pay, health-care, sexual and reproductive rights, etc. For example; in the health care sector, women and men have equal access to health care services, including those related to family planning. The Government continuously evaluates the prioritisation of gender-related health issues and prevention programmes addressing health issues particularly related to women's health, such as breast cancer. E.g. a national screening programme for breast cancer for women aged 50-69 was initiated in 2007. The programme and the monitoring of the programme is the responsibility of the Danish regional authorities.

16. However, in some areas women still face some barriers. For example; women's labour market participation rate is lower than men's. The participation rate for women was 71.5 per cent in 2011. In comparison, men's participation rate was 75.7 per cent. But the gap between women's and men's participation rate has continuously been narrowing to a 4 per cent gap in 2011, compared to 6 per cent in 2006. Also, in 2011, the workforce that includes all employed and unemployed persons totalled 2.76 million full-time persons. Women accounted for 1.36 million of these, which corresponds to 48 per cent of the entire workforce.

17. In Denmark, there is no difference as regards measures to address discrimination against women at the labour market – be it women of ethnic minority groups or ethnic women (of Danish birth). The participation rate for immigrant and ethnic minority women is, however, lower for ethnic women – but increasing. In 2011, the participation rate for immigrant and ethnic minority women was 50.8 per cent. Women, irrespective of their ethnic background, do better than men in the education system. Ethnic minority women follow the success of ethnic Danish girls.

Greenland

18. Gender equality is a fundamental value in the democracy of Greenland. Women and men in Greenland share the same formal rights, obligations and opportunities in society. Greenlandic legislation contains no formal impediment to gender equality. It is stated in the Government's coalition agreement 2009-2013 that equal opportunities is a cause of national

importance. Women and men are perceived as equals. Thus, it is a basic principle for the Government to promote equal opportunities in all aspects of life. In 2013, Greenland will contribute to the eighth periodic report of Denmark to the Committee on the Elimination of Discrimination against Women. The report contains descriptions of the status and progress achieved in the field of gender equality.

19. Both men and women's position on the labour market is characterised by high participation rates. However, a number of imbalances still give rise to continued action. In the last 4 years, action has mainly been focused on women on boards and female leadership. The Government has prepared a new Parliament Act on Gender Equality that tightens the provisions on equal gender representation in boards, committees of representatives and similar collective management. Amendments imply that the Government must provide equal representation in company boards fully assembled by the Government according to the numerical principle 1/1, 1/2, 2/2, 2/3 etc. Regarding boards where the Government only elects a part of the board members, the Government must elect an equal number of women and men. The tightening of provisions on boards etc. has been passed by the Parliament of Greenland in 2011.

20. On average men earn a significant higher pay than women. However, the statistics do not take into account working hours and job functions. Therefore, a substantial part of the pay difference can be explained by the fact that women more often work part time. In addition, men are over-represented in management positions. The gender-segregated labour market is considered an essential reason for pay differentials between women and men.

Specific initiatives targeted at minority groups

National information campaigns targeting migrant women

21. In order to ensure that all citizens of Denmark – also new citizens, the Government has launched several campaigns targeting migrant women (and men) in order to inform them of Danish laws and regulations and of their rights. Women and men attending Danish lessons at language schools all over the country are invited. The aim is to inform them of their rights and possibilities in relation to work life, family life, economy and health, and that the women and men can use the information to call on these rights in their daily life, including expectations from their family on roles and values. An evaluation of the 2nd campaign showed that the campaign provided the women who participated with useful information on their rights, as well as where to go if these rights are violated.

Educational initiatives

22. In Denmark, a majority of girls and boys attend the educational system – the trend being that girls enter the educational system to a higher degree than boys. Girls' and boys' choice of education is, however, highly gender segregated. Therefore, the Government has launched several initiatives in order to promote less stereotyped choices of education by encouraging girls and boys to focus on their competencies, and not their gender, when choosing education and job. Since career and education counsellors play a vital role in this area, it has been ensured that a gender aspect is part of the curriculum of the career guidance counsellor's education. Also, the Government has financed a range of different projects in 2012 and 2013, on how to recruit and maintain more boys in education, and on how to reduce gender segregated educational choices. The Government will follow up on the results in 2013.

Maternity Care

23. A new set of National Guidelines to Maternity Care in Denmark were published in 2009 and updated in 2012. The guidelines form the basis of the services offered to pregnant

women and her family by the Danish Public Health Care System. The services described in the guidelines cover a broad aspect of issues with regard to health promotion, prevention, and medical treatment in relation to pregnancy, birth and postnatal care. The Danish Maternity Care is differentiated depending on the pregnant woman's needs. Special services are available to vulnerable pregnant women and their families. Maternity Care is carried out by the Danish regions and Danish municipalities.

Health and disease prevention for foreign women

24. In the past years, disease prevention and health promotion targeted at ethnic minorities have been a highly prioritized area in many municipalities. Several initiatives have been implemented, some focusing on ethnic minorities in general, and others on specific subgroups defined either by country of origin, gender or age. Women have been the direct target of several initiatives. Of the initiatives directly targeting women many have focused on reproductive health and family health in general. In many municipalities peer educators of different ethnic origin has been trained. These types of projects are focusing on creating health promoting networks among women living in socially troubled communities. These have been undertaken in bigger cities like Copenhagen, Odense and Aarhus. In a network-building approach, women have been offered physical activities, healthy cooking classes and lessons in childcare and nutrition.

25. In relation to antenatal care several hospitals with a high proportion of ethnic minorities in their uptake areas offer special group consultations for non-Danish speaking women or consultations with midwives especially trained in working with ethnic minority women. In some areas with a high concentration of social problems, community outreach antenatal programs have been established. The National Health and Medicines Authority has initiated pilot projects across the country implementing outreach antenatal care for socially disadvantaged women, including ethnic minorities. In 2011, Red Cross and several other partners opened the first free walk-in health clinic for undocumented migrants. The staff at the clinic is all volunteer doctors, nurses, midwives, etc. There are an estimated 1,000-5,000 undocumented migrants in Denmark, primarily living in the big cities. The gender distribution among the undocumented migrants is unknown.

HIV/AIDS

26. All registered residents in Denmark have equal, free of charge-access to information, treatment and care. This also applies to the field of HIV and AIDS, other STIs and prevention of unwanted pregnancies. However, culture and language disparities often prevent people with a different ethnic background than Danish from using existing services which are available to other groups in Danish society.

27. To improve interventions targeted at ethnic minority groups, the Danish non-governmental organization (NGO), "AIDS Foundation", runs an ethnic secretariat called Cross-Over, which is publically funded and works towards strengthening ethnic equality in the area of HIV/AIDS, other STIs and unwanted pregnancies.

28. Cross-Over's project engages in partnerships with ethnic minority associations and organizations. Partnerships are based on a participatory approach, where the partner organizations are directly involved in both the design and the implementation of activities in the field of HIV/AIDS and reproductive health.

29. Cross-Over supports the partner with both health professional aspects and financial assistance and the partner organization contributes with its knowledge on specific cultural and linguistic matters relevant to the project. Projects have included for example "Information about reproductive health to Somalis in the Copenhagen area", "HIV/AIDS information to Thai prostitutes working in the Vesterbro area" and "Information about

HIV/AIDS, other STI and unwanted pregnancies to ethnic Turks in Denmark”. Cross-Over offers counselling on HIV/AIDS, other STIs and prevention of unwanted pregnancies. Counselling can take place via telephone or “face-to-face”, at the office, at home, at the hospital, in a café or somewhere else agreed with the counsellor.

30. Checkpoints in Copenhagen, Odense and Aarhus offer HIV-testing and counselling within an hour for all persons of ethnic backgrounds other than Danish. It is free of charge to be tested and counselled, and it is anonymous. All Checkpoints are centrally located and test/counselling is carried out by specially trained peers in a friendly environment. Counselling can take place both in Danish and English. In addition, counselling is offered in Turkish in Copenhagen, and in French in Odense.

Reply to the issues raised in paragraph 7 of the list of issues

The gender-segregated labour market and the pay differentials

31. The gender-segregated labour market is considered the most important reason for the pay differentials between women and men. Therefore, the two gender equality challenges are dealt with together. Gender segregation on the labour market shows in several ways. Women and men work in different sectors; women dominate the local government sector, and men are employed in the private and State sectors to a much higher degree. Few women are employed in the construction sector, and the office sector remains dominated by women.

32. Enterprises tend to see women and men in specific jobs: there is a tendency that many enterprises have fixed and preconceived ideas of what jobs women and men can perform.

Pay development for women and men

33. In 2011, the hourly earnings (exclusive of inconvenience premium) were DKK 252.4 for men employed in the private sector against close to DKK 215.5 for women. That corresponds to a pay differential of 17 per cent. In 2005, the hourly earnings for men employed in the local government sector were DKK 236.6. Hourly earnings for women were DKK 214.3, which is 14.3 per cent lower than for men. In 2011, men employed in the State sector earn on average DKK 261.1 per hour performed. That is 9 per cent more than for women, whose hourly earnings in 2011 amounted to DKK 240.3, cf. table 2.

34. Hourly earnings (exclusive of inconvenience premium) indicate total payment by the employer to the employee. Accordingly, hourly earnings include pay during sickness and leave in connection with childbirth as well as other paid absence, holiday pay, public holidays and employee benefits.

35. In November 2008, the Danish National Centre for Social Research published an updated version of a report on wage differences between men and women, first published in 2004. The 2008 report analyses the wage differences between men and women in the period 1996-2006.

36. The first report from 2001 concluded that men on average earn 12 to 19 per cent more than women, depending on the method applied. The 2008 report finds that this wage gap has not changed during the 10 year period. The report analyses the wage gap with a statistical model, which seeks to explain the gap by a number of factors, e.g. sector, branch, working function, length of training/education, experience as well as individual characteristics such as age, marital status and geographical location of the work place.

37. The model explains about 70 to 80 per cent of the wage gap between men and women. This does not mean that the remaining 20 to 30 per cent of the wage gap can be explained by discrimination between men and women but merely indicates that the model

does not explain the entire wage difference. Personal performance in particular cannot be measured.

38. The value of the explanation of the model has decreased in the period 1996-2006. The report explains this result by an increasing part of the wages being determined locally. The Danish National Centre for Social Research is updating the analysis in the spring 2013. The result is expected in September 2013.

Concrete initiatives on the gender-segregated labour market and equal pay

39. In relation to the Government's gender equality strategy, the following concrete initiatives have been taken recently. The Government's effort on equal pay and the gender-segregated labour market is very complex and is conducted in dialogue with companies and the social partners in recognition of the fact that promoting equal pay takes place at the workplace and during the collective bargaining.

40. The Equal Pay Act provides protection against discrimination, and the courts of law, the Board of Equal Treatment and industrial arbitration deal with such cases. Since the seventh report the courts of law have dealt with three cases and the Board of Equal Treatment has dealt with six cases.

41. The Social Partners are aware of their crucial role in this field, so it is thoroughly debated how companies and employees may change their attitudes in order to admit more women to well-paid male dominated jobs. This approach makes it possible to deal with equal pay, the gender-segregated labour market, and the reconciliation of working life and family life at the same time.

42. The debate takes place, among other things, in connection with equal pay seminars organised by the Ministry of Employment, where researchers and experts discuss various gender equality subjects. Examples of gender equality subjects are: the significance of the gender-segregated labour market as regards pay differentials between women and men, the significance of taking maternity leave to the individual woman's pay conditions, and corporate gender-segregated pay statistics.

43. The knowledge of the pay gap between women and men is to be used in the enterprises and to exert influence on collective agreements. As far as possible, experience should be collected in databases and tool boxes as best practice for inspirational exchange of experience for both enterprises and the social partners.

44. As of 1 January 2007, all major enterprises are required to draw up gender-segregated pay statistics. It means that many enterprises for the first time are required to work on equal pay. Cooperation on equal pay in the enterprises becomes a top priority. Therefore, it is the enterprises that already have gathered experience from joint consultation committees that are to draw up gender-segregated pay statistics. It is only major enterprises that are required to do so. The legislation is to be revised in order to include a bigger number of companies and to give the employees more knowledge about the pay situation of women and men in their company.

45. In 2010, the Government's Pay Commission published its report for the public sector with equal pay as a crucial theme. The Commission underlines that the principle of equal treatment on the Danish labour market implies that men and women are treated equally when it comes to working conditions including pay. According to the Commission, the gender segregated labour market is one of the most important causes to pay differentials. Many factors are at stake in the formation of the gender segregated labour market such as choice of trade, education, flexibility and status of job.

Faroe Islands

Employment

46. Faroese legislation does not distinguish between women and men, but ensures that all citizens of the Faroes are vested the same rights without any preferential positive rights to any gender. Accordingly, women and men have the same rights and the same responsibilities in all areas of society. Women and men have the same rights and access to all types of employment. An employer is not permitted to differentiate or discriminate among its employees on the basis of gender, and an employer shall offer both women and men equal pay for equal work. (Reference is made to CEDAW/C/DEN/7, p. 100, article 3).

Unemployment

47. Slightly more women are unemployed (6.3%) than men (4.7%). As the financial crisis hit in 2008, male unemployment rose faster than female unemployment, but female unemployment has not gone down as fast as male unemployment. This is quite likely due to the fact that the recession hit the Faroese fish processing industry severely – a sector of the labour market which has traditionally employed a disproportionately large share of women. This sector has not yet recovered.

Table 1
Yearly average unemployment as % of work force

	Men	Women	Average total
2007	1.1	2.0	1.5
2008	1.0	1.7	1.3
2009	4.0	3.6	3.9
2010	5.7	5.6	5.7
2011	6.2	7.5	6.8
2012	4.7	6.3	5.5

Source: Statistics Faroe Islands.

Income and Wages

48. Of the total wages paid in 2012, 38.8% were paid to women. (Only figures for January-November 2012. December 2012 projected based on the previous 11 month average).

Table 2

Wage payments, 2012 (DKK1.000)	Men	Women	Total	Women as %
Agriculture	6.949	2.617	9.565	27,4%
Fisheries	756.329	15.788	772.116	2,0%
Fish farming	159.580	62.177	221.758	28,0%
Natural resources	42.777	3.535	46.312	7,6%
Fish productions	187.552	116.586	304.138	38,3%
Boat building	144.596	11.158	155.754	7,2%
Other industry	153.375	53.806	207.181	26,0%
Construction	392.638	26.859	419.497	6,4%
Energy production	49.456	6.763	56.219	12,0%
Commerce and maintenance	392.919	257.639	650.557	39,6%
Hotels and restaurants	34.131	51.918	86.049	60,3%
Maritime transport	332.698	49.790	382.488	13,0%
Other transport	154.660	48.519	203.179	23,9%
Post and telecommunication	96.122	49.616	145.738	34,0%
Finance and Insurance	162.048	164.307	326.355	50,3%
Commercial services	196.915	85.246	282.161	30,2%
Domestic services	33.378	34.049	67.427	50,5%
Government	136.456	113.898	250.354	45,5%
Municipal and other institutions	299.914	449.479	749.393	60,0%
Education	286.559	288.929	575.488	50,2%
Health and social services	196.127	789.426	985.553	80,1%
Organisations, culture etc.	116.897	63.559	180.456	35,2%
Undisclosed	244	28	271	10,1%
Total	4.332.318	2.745.691	7.078.009	38,8%

Source: Statistics Faroe Islands

49. The average income for Faroese women in 2012 was DKK 238,000 up from DKK 209,000 in 2007. In 2012, the average income for Faroese men was DKK 356,000 down from DKK 370,000 in 2007. This indicates that the wage gap has somewhat decreased since 2007.

Table 3

Average wage 2012 (DKK1.000)	Men	Women	Total average	Wage difference
Agriculture	178	152	170	17,6%
Fisheries	490	220	478	123,1%
Fish farming	354	213	299	65,6%
Natural resources	523	347	504	50,8%
Fish productions	264	177	222	48,7%
Boat building	294	185	282	59,2%
Other industry	299	227	276	31,9%
Construction	276	242	274	14,4%
Energy production	402	278	381	44,7%
Commerce and maintenance	295	164	224	79,6%
Hotels and restaurants	166	140	149	18,5%
Maritime transport	439	303	415	45,2%
Other transport	392	265	352	47,7%
Post and telecommunication	368	281	333	31,0%
Finance and insurance	512	335	405	52,7%
Commercial services	448	293	386	52,7%
Domestic services	289	181	222	59,6%
Government	437	340	387	28,5%
Municipal and other institutions	305	216	244	41,3%
Education	401	325	359	23,3%
Health and social services	394	258	277	52,5%
Organisations, culture etc.	309	261	290	18,4%
Undisclosed	3	-	4	-
Total	356	238	299	49,5%

Source: Statistics Faroe Islands

50. The significant difference in wage can partly be explained by the fact that app. 54% of Faroese women work less than 35 hours per week, while the corresponding figure for men is only app. 17%. Around 75% of the women that work less than 35 hours per week think that their hours of work are suitable, while just over 20% wish that they could get more hours of work (Manntal 2011²).

² Faroese Census 2011. In Nov. 2011, Statistics Faroe Islands held the first nation-wide census since 1977. Once the final results are published the statistics relevant for gender equality will be greatly

51. In 2009, the Faroese Gender Equality Commission published a report on the wage gap in the public sector. The report found that women on average have lower ranking positions, are less educated and work less hours than men. Yet, while the difference in working hours, age, economic sector and education could explain a large portion of the wage gap, there remained a difference of 2.9% that could only be explained by difference in gender. Furthermore, the results seemed to indicate that having children also adversely affects a woman's average wage. Thus, there are structural issues in the labour market which must be addressed in order to reach economic parity on the labour market.

52. The Faroese Government has appointed a committee whose task it is to analyse and make recommendations on how to increase the population in the Faroe Islands. It is mostly young people, and especially young women, who move abroad in order to take up higher education. In the action plan, it is expected that the recommendations primarily will focus on making it attractive for young people to take all or parts of their higher education in the Faroe Islands. Also the focus will be on attracting Faroese students abroad, particularly female students, back to the Faroe Islands after they have finished their studies. The action plan will be presented to the Faroese Government on 1 April 2013. It is expected that many of the recommendations in the action plan will focus on the situation of women in the Faroe Islands.

Initiatives to increase the number of women in academia in Denmark

53. The universities and research institutions have – as every other public authority – a responsibility to comply with the legal framework i.e. the Danish non-discrimination and gender equality acts. Also, there is a biannual obligation to produce a gender equality report to the minister for gender equality. The report must provide an official status on gender equality at the specific university/research institution. Seven of the eight universities in Denmark have scored the best marking possible in the benchmarking report.

54. The university/research institution is responsible for implementing and complying with any gender action plan that may exist. In order to promote gender equality, a range of activities has been put in place. In 2009, a roundtable discussion was held on women and research by the former Minister of Science, Technology and Innovation. Special measures to promote women have been taken including measures providing increased incentive to hire females in higher academic positions.

55. Also, based on the special authorization in the Danish Act on Gender Equality, the University of Copenhagen introduced a “principle” according to which faculties were rewarded, if they employed female professors. They are rewarded an extra professorship when they reach a certain number of female professors, and in addition they receive an extra bonus funding as an incentive. There have also been equivalent initiatives at Aarhus University.

56. The special measures have had a positive effect on gender equality. All Danish universities have similar gender equality initiatives specific to the university. All reports indicate that the results so far are positive, however, the work continues.

Women in high-ranking posts in the private sector

57. The Government is committed to get more women into management, as women are still underrepresented in top corporate jobs and corporate boards in the public and private sector. The proportion of women in listed companies is only six 6.5 per cent and the

improved. At the time of writing (March 2013) only a few preliminary statistics have been released to the public.

proportion of women on company boards accounts for just below 12 per cent of the board members in the largest publicly listed companies. During the last 10 years, the efforts to improve women's access to management positions and company boards have been based on several voluntary initiatives, including the following: (a) Three corps of ambassadors for more women in management (2007-2011), (b) Charter for more women in management (2008-2013), (c) Operation Chain Reaction (OCR) for more women on boards (2010-January 2013), and (d) Corporate Governance (Committee with recommendations on Corporate Governance for diversity on boards – also in relation to gender).

58. The voluntary approach has influenced the development in Denmark in a positive direction, but there is still room for improvement. Therefore, the Government has presented a bill on more women in company boards and management positions, which was passed in the Parliament on 14 December 2012. This so-called “Danish model” strikes a balance between the need for real progress in increasing the share of women on boards of directors and ensuring flexibility for companies.

59. The model consists of four elements, targeting both private-sector companies and public-sector companies:

- The 1,100 or so largest companies are required to set a target figure for the proportion of the under-represented gender in the supreme management body (board of directors or the like).
- The 1,100 or so largest companies must have a policy for increasing the proportion of the under-represented gender at the management levels of the companies in general.
- Companies must report on the status of fulfilment of the target set out in the annual report, including, if so, why the companies failed to achieve the target set. Moreover, companies must explain the policy in the annual report, how the policy is implemented and what has been achieved. If the companies fail to do so, they may be fined.
- Regardless of size, State-owned companies must set targets and prepare a policy to increase the share of women in management. Local and regional authorities are encouraged to prepare common guidelines for how to increase the share of women in management at regional or local level.

II. Issues relating to the specific provisions of the Covenant (arts. 6-15)

Article 6 – The right to work

Reply to the issues raised in paragraph 8 of the list of issues

60. Too many immigrants and their adult descendants have no job. Less than half of the population of immigrants with a non-western origin is employed, and many receive public benefits. The financial crisis has hit the immigrant population hard, and the employment rate of all immigrants with a background from developing countries has fallen back from the peak level of 2008, where six out ten were employed. It is the Government's goal to increase the number of persons with ethnic backgrounds other than Danish that have a job by 10,000 by the year 2020. The goal is ambitious and calls for multiple actions. General reforms concerning education and employment will contribute to the accomplishment of this goal. The development in employment rates is closely measured and monitored by the National Labour Market Authority.

61. All immigrants are – when settling or relocated to a municipality – submitted to a 3 year introduction programme dependent on differences in their residence permit. If, after 3 years of introduction programme (including language training, on-the-job training and courses of citizenship), the immigrants are still without a solid stance in the Danish workforce, he or she carries the same rights as other unemployed Danes and will be treated on an equal footing with unemployed persons within the social welfare system with unemployment insurance or cash assistance.

62. Immigrants with a non-western background are overrepresented among persons who receive cash assistance. Thus the Government newly announced a proposal for a reform of the national cash assistance program, which is expected to ensure jobs for this group. The proposed upcoming reform of the cash assistance program will – among other things – stress that persons younger than 30 years must complete an education. This is particularly relevant for young men of non-western origin – both immigrants and descendants – as they are less likely than their Danish peers to complete an educational youth program.

63. There is a specific concern to secure the introduction and training of the most vulnerable non-western refugees and immigrants older than 30 years, their spouses and reunified family members. General action will be taken as part of the reform of cash assistance, and specific development programmes will test and measure the impact of using integrated services, mentoring and case managers when addressing the complexity of problems for unemployed immigrants, including that of lack of language, vocational training and knowledge of work in combination with social isolation and health problems.

64. When it comes to early retirement pensions, immigrants of non-western origin are also overrepresented among those recently qualifying for this benefit. The reform regarding early retirement pensions and flexi-jobs, which has already been agreed upon, will contribute to increase the number of jobs for this group. The reform means that people younger than 40 years of age as a basic rule will not be granted early retirement pension. Instead they will be given early, interdisciplinary and coordinated support based on individual requirements in order to enhance their labour market potentials. Also persons older than 40 will be given an early, interdisciplinary and coordinated support, before they can be considered for early retirement pension.

Reply to the issues raised in paragraph 9 of the list of issues

65. Denmark is characterised by high participation on the labour market. More than 75 per cent of the adult population is on the labour market, which is also true for both men and women. The crisis has of course not left Denmark unaffected, but unemployment in Denmark is still lower than the European Union-average and in line with the OECD-average. Calculated on an OECD survey basis, the unemployment rates in July 2012 were 7.7 % in Denmark, 10.2 % in the European Union and 8.0 % in OECD. The latest unemployment figures are as follows: Unemployment (European Union survey), November 2012: Denmark 7.9 %, European Union 10.7 %, Youth: DK 14.2 %, European Union 23.7 %.

66. In Denmark, unemployment is calculated as people registered at the job centres. Unemployment in Denmark, January 2013: total number of registered at job centres was 160,200 – 6.0 %, incl. persons in activation 35,800 – 1,3% (Men 6.0 %, Women 6.0 %, 50-59 year-olds: 5.9 %, 60+year-olds: 3.8 %, 16-24 year-olds: 5.1 %, 25-29 year-olds: 9.5 %). (The lowest figure was 1.6 % in September 2008).

67. Looking at elements like youth unemployment and long term unemployment for both young people and adults, we find the same picture. Lower unemployment rates in Denmark than in most other comparable countries, but still an increase. A concept which is attracting greater and greater attention in all countries is the so-called NEET-concept

(NEET = Neither in employment nor in education or training). Once again the figures show that Denmark is in a positive situation compared to most other countries.

68. Long term unemployment (LTU) in 2012: DK 2.1%, European Union 4.6%, LTU in respect of the 15-24 year-olds in 2012: DK 6 %, European Union 28 %.

69. NEET 15-24 years, 2012 2nd quarter: DK 6.1 %, European Union 12.7 % (*Not in Employment, Education or Training*).

70. In general, the challenges for youth employment are an increase in the number of persons receiving unemployment benefits, social benefits and disability benefits. It is a serious matter too that as to vocational training Denmark has a fairly high level of drop outs. Basically, the key words in Danish measures against youth unemployment are an “early and active intervention”, with focus on training and education and on the specific needs of the individual young person. The overall Government targets are that at least 95 per cent of a youth cohort is to complete a Youth Education by 2015. 65 per cent should complete a longer education and hereof 25 per cent a University degree.

71. A number of Youth Programmes have been implemented in 2009-2012. Some elements to be mentioned are:

- Activation by the job centre, including on-the-job training with practical work-based training in enterprises, wage subsidy jobs, counselling and skills upgrading, and mentoring support;
- Improving opportunities for participation in Job Rotation Schemes;
- New initiatives for young unemployed graduates;
- Similar initiatives for newly trained apprentices;
- Improved adult apprenticeships;
- Focus on increasing co-operation between youth guidance centres, educational institutions and the job centres;
- For people under the age of 30 the job centres provide tests and courses in reading, writing and math if needed; and
- A National task force with experts in the field of young people gives advice to the job centres around the world.

72. Initiatives to “Assist Persons at Risk of Unemployment (2009-2012)” consist of (1) more flexible rules for the planning of temporary job sharing, (2) enhanced mass redundancy measures, (3) strengthened monitoring of labour market trends, and (4) action plan on long term unemployment with initiatives on education and improvement of skills partly for financing courses in reading, writing and arithmetic for unemployed people.

The Retirement reform (2011)

73. The shortage of labour in 2020 will be addressed by changes in the retirement and pension schemes. The early retirement age will be increased by half a year each year from 2014 to 2017. In 2017, you can retire early when you are 62 years and get early retirement in five years. In addition, the early retirement period is shortened from five to three years. This is done by raising the retirement age gradually from 2018 onwards to 2023. In 2023, early retirement is possible at the age of 64 and for a period of three years. The age for retirement on the general old age pension scheme is raised gradually from 2019 to 2022.

Emergency rescue plan for the long-term unemployed in Denmark

74. The unemployment benefit period has been reduced from four to two years coming into effect on 1 January 2013. This means that a large group of unemployment benefit recipients risk losing their right to unemployment benefits from 2013. The Government has launched a group of initiatives aimed at all the unemployed persons, the so-called Emergency rescue plan. The package contains initiatives to the tune of DKK 332 million (EUR 44.5 million) and came as a result of an agreement between the Government and the Danish Confederation of Trade Unions, the Confederation of Danish Employers, the Danish Confederation of Professional Associations, the Confederation of Professionals in Denmark, Local Government Denmark (the interest group and member authority of Danish municipalities) and the Association of Danish Unemployment Funds.

75. The Initiatives of the rescue plan are:

- A specially designed job contingency plan for all unemployment funds and a job centre which will see professionals in place to help unemployed people who are about to lose their right to unemployment benefits;
- All unemployed persons who have six or fewer months left of their unemployment benefits, and who risk spending all of their benefits before the second half of 2012 will receive a letter from their unemployment fund which encourages them to seek help through the job contingency plan;
- Unemployed persons who do seek help will be given fast and beyond ordinary help and support in order to find jobs; and
- The job centre will contact all the unemployed persons which the job contingency plan has not been able to talk to. This must happen no later than one month after the letter has been sent from the unemployment fund.
- All unemployed people who need more intensive help will be given:
 - The right to an intensive job seeking process, including a personal helper;
 - A better chance securing temporary jobs through the job rotation scheme;
 - The right to in-work training to make them qualified for the job; and
 - The right to get fast access to internships or wage subsidised jobs.

76. In October 2012, the Government and the private and public employers agreed on a so-called "Acute Job package" with the aim to create 12,500 jobs for long term unemployed by the summer of 2013. Unemployed who are losing their right to unemployment benefits during the first 6 months of 2013, get a right to up to 6 months of training/education with an education benefit.

77. The new reform on disability pension and flexi-jobs aims at getting more people to become self-providing instead of receiving benefits. Focus will be on the resources of the individual persons and on the development of the persons work capability. The Government is very engaged in directing and assisting the young people towards education and jobs and has just suggested a reform of the cash benefits for young people on that line. The proposal is currently under political discussion in the parliament.

Article 7 – The right to just and favorable conditions of work

Reply to the issues raised in paragraph 10 of the list of issues

78. Denmark has a long tradition dating back more than 110 years for regulation of pay and working conditions by the social partners in the form of conclusion of collective

agreements. Collective bargaining thus plays a decisive role for the organization of the Danish labour market. The collective bargaining system is based on a division of labour between the legislature and the social partners with the legislature intervening as little as possible in the regulation of pay and working conditions. Collective bargaining – free from legislative intervention – is a basic precondition for the Danish labour market system, which has broad support from a majority of the members of the Danish Parliament. The incentive for collective bargaining both in the private and the public sector is thus implicit in the very foundation of the organization of the labour market.

79. In Denmark, regulation of pay and working conditions are to the largest possible extent negotiated via collective agreements and not by legislation. This applies in relation to matters such as wages, pension, rules on working hours, dismissals, rules for workers representatives, participation, continued training, maternity leave, child care days, etc. This applies to the private sector and to all parts in the public sector.

80. Denmark does not by statute extend collective agreements to apply for other than those who have concluded the agreements, which means that no erga omnes system exists. It is assessed that more than 80% of the employees on the Danish labour market are covered by a collective agreement (73 pct. in the private sector and 100 pct. in the public sector). The level of pay and working conditions in the fields covered by collective agreements has a significant rub-off effect in fields that are not covered by any collective agreement. Collective bargaining will take place when the collective agreement is about to expire.

81. With a view to assisting the two sides of industry in concluding acceptable agreements without resorting to industrial action, The Danish Parliament has adopted the Act on Conciliation in Industrial Disputes, popularly called the Public Conciliator's Act, where the tasks and powers of the Official Conciliator are laid down. The task of the Official Conciliator is to assist the social partners in concluding agreements without resorting to industrial action. The Danish Government has no influence on the actions of the Official Conciliator in connection with renewal of collective agreements. He or she will not have to take socio-economic considerations either in trying to make the parties reach a compromise, and he or she has very wide powers in this connection.

Reply to the issues raised in paragraph 11 of the list of issues

82. Social dumping is an increasing problem in the Danish labour market. The past years' efforts to fight social dumping demonstrate considerable problems when it comes to the compliance of foreign companies and workers with Danish legislation in this area. There are companies who avoid paying taxes and VAT and ignore health and safety regulations. Denmark has, therefore, strengthened the efforts to fight social dumping. Before the initiatives concerning working conditions are further described, it should be noted that inspections of foreign companies are carried out in the same way as inspections of Danish companies. If need be, there is the possibility to obtain a translation service, if this is necessary in order to carry out the inspection in a proper way.

Notification in the "Register of Foreign Service Providers" (RUT)

83. If a company is carrying out temporary work in Denmark, this must be notified to the "Register of Foreign Service Providers" (RUT). The rules apply to both foreign companies that post employees in Denmark and for sole trader businesses. Companies must complete an electronic form that must be completed by the time the work begins. Any changes in the details must be reported at the latest eight days after the changes take effect. The notification scheme serves to equate self-employed with both foreign companies with posted workers and companies with or without employees, established in Denmark and is thus non-discriminatory.

84. Companies must provide notification of the company, the contact person in Denmark, the number and name of workers and the activity. Information concerning the activity includes date of commencement, date of finalisation, duration and workplace. This information makes it possible for the relevant authorities to control the working conditions.

85. The notification scheme makes it possible for Danish labour and Occupational Safety and Health (OSH) authorities to undertake effective control of the compliance with national and European Union legislation on the provision of services in relation to issues of importance to include health and safety, tax- and working conditions regardless of whether the company has employees or not. Furthermore, the access of the social partners to some of the information in RUT makes it possible for them to control wage and working conditions. If the notification is made after the work has begun, the company may be fined. The company may also be fined if it provides incorrect or incomplete information.

86. If the work is carried out within the areas of building, construction, forestry, horticulture or agriculture, the company must provide proof for the assignor – the person or company with whom the contract to carry out work has been concluded – that the company has been registered in RUT. If the company fails to provide proof of the registration in RUT, the assignor is obliged to inform the Danish Working Environment Authority. This part of the RUT notification scheme has been added to ensure that the authorities have the relevant information to carry out effective control – even though a company is not registered in RUT. If the assignor fails to inform the Danish Working Environment Authority of a lack of documentation or wrongful documentation, the assignor may be fined. To help foreign companies and foreign workers, a brochure regarding RUT has been produced. It is published in English, German, Polish and Lithuanian.

Hotline concerning work carried out by foreign companies

87. A hotline has been established at the Danish Working Environmental Authority, which people can call if they have knowledge or suspicion of foreign companies not working in compliance with the national and European Union legislation. It is also possible to make this information available to the authorities through the Danish Working Environmental Authority's homepage.

Increased use of labour clauses

88. Part of the foundation of the Danish model is that work performed in Denmark must be performed according to Danish pay and working conditions. The authorities hold an important role in this respect as regards ensuring that underpaid foreign labour does not occur in construction projects. It has been agreed to abolish the current labour clause threshold value of approximately DKK 37.5 million for public construction projects included in the labour clause requirement. All government authorities must thus use labour clauses in all tender calls within the construction sector, and not only, as is the case currently, for projects above the threshold value.

89. Furthermore, the Government and the Red-Green Alliance agree to ensure increased use of labour clauses in other types of public tender calls. According to the rules in force, only governmental authorities are obligated to apply labour clauses, just as all ministries are currently encouraged to consider whether governmental companies should apply labour clauses. In the future, government contracting authorities (including companies that are fully owned by governmental authorities and not in competition) must use labour clauses in all public tender calls for construction projects.

Brochures regarding work in the construction sector

90. Many of the migrant workers in Denmark are working in the construction sector. Therefore, the Danish Working Environment Authority has produced a number of brochures – in English, German, Polish, and Lithuanian – regarding safety procedures concerning among others, work at great height, roof work, scaffolding work and asbestos work. These are made available on the homepage and are taken out on the constructions sites when The Danish Working Environment Authority carries out its inspections.

Better information for foreign companies and workers

91. It can be difficult for foreign companies and workers to form a general view of the rules on the labour market, as the rules are administrated by several different authorities. Furthermore, the Danish model entails that the conclusion of collective agreements is a matter for the social partners alone. Therefore, it has been agreed (but not yet implemented) to establish a service desk, where the foreign companies or workers may get answers to all their questions concerning work related issues.

92. Presently, there exists a homepage “posting.dk”, which in different languages deals with issues regarding posting. Similarly, the Danish Working Environment Authority’s homepage has a section in different languages and as regard information, a brochure has been made available aimed at people who want to work in Denmark, but who do not know which documents, educational/training background or work experience is required to work here. The brochure describes what must be done in order to get national qualifications recognised in Denmark.

93. As regards women of ethnic minorities, there are no special measures. Women of ethnic minorities are comprised by the same schemes as women of Danish birth. Please see replies under Art. 3 and Art. 6, 8) above.

Article 8 – Trade union rights**Reply to the issues raised in paragraph 12 of the list of issues***General*

94. There is no legislation on industrial actions, including strikes, but the social partners have concluded their own agreements. The rules on industrial actions are quite liberal, but when a collective agreement is concluded, there is a peace duty, which prevents the parties – as a main rule – from resorting to hostile action during the period of validity of the collective agreements.

Civil Servants

95. In December 2000, the Minister of Finance issued a circular on the utilisation of employment of civil servants under the Civil Servant’s Act. The purpose of the circular was to limit the usage of civil servant’s employment in the Danish State sector. According to the circular only so-called “new hires” (newly employed) are possible in the following positions/sectors; High ranking government officials (as of 1 April 2013, the circular only covers permanent secretaries), senior deputy judges, deputy police prosecutors, deputy public prosecutors, deputy State prosecutors, employees in the police corps, governors of prisons, prison officers, some military personnel (officers, sergeants, etc.), officers in the civil defence forces, and inspectors of the fishery inspection.

96. The delimitation of the positions has been done considering the fact that the civil servants are not allowed to strike. With effect from 1 April 2013, managers in departments,

government agencies and directorates, etc. can only be employed (i.e. only newly employed) on contractual terms under the framework agreement regarding the employment of managers on a contract basis in the State sector. The permanent secretaries are exempted and continue to be employed as civil servants.

Article 9 – The right to social security

Reply to the issues raised in paragraph 13 of the list of issues

97. The 450-hours rule was abandoned by the Government late 2011. Thus there have been no new initiatives taken to monitor the impact of the former legislation.

Article 10 – Protection of the family, mothers and children

Reply to the issues raised in paragraph 14 of the list of issues

Measures taken to address trafficking

98. In Denmark, the present Danish Action Plan against Human Trafficking (2011-2014) has increased its focus on unaccompanied minors that can be victims of trafficking. In Denmark, compared to other European countries, the number of minors officially identified as victims of trafficking is very low. Nevertheless, this is a concern, and the Danish Centre against Human Trafficking (CMM) have therefore strengthened its efforts, especially its outreach work to examine whether the extent of human trafficking in minors is more wide-spread than the Danish authorities are aware of. Further focus is also put on revealing any occurrence of human trafficking in minors within other areas than prostitution for instance forced labour and crime such as begging, theft or production and selling of narcotics.

99. Getting in contact with minors who are victims of trafficking, is challenging. To solve this, CMM has initiated a closer cooperation with relevant organizations like social NGOs and asylum centres, while also cooperating with authorities such as the police, municipalities, the Danish Prison & Probation Service, and Immigrations Services. A key element is training of staff to recognize indicators of trafficking and to be able to act according to procedures for identification referral. By working closely in partnerships with other authorities and organizations, CMM aims to ensure that child victims will be detected and get the right protection and assistance. A cross sectorial working group (participation from ministries, NGOs, municipalities, police, etc.) has been initiated to discuss and exchange knowledge on human trafficking of minors, how to identify victims of trafficking, be aware of tendencies, as well as agreeing on procedures for corporation.

The rehabilitation of victims of trafficking

100. According to section 33 (14) in the Danish Aliens Act, a recovery and reflection period of 30 days are granted to presumed victims of trafficking who do not have permission to stay in Denmark and therefore have to leave. According to the current provision, the reflection period can be prolonged up to a total of 100 days, if special reasons make it appropriate, or if the foreigner accepts an offer of a prepared return and cooperates in the efforts of planning this. "Special reasons" include medical reasons or that the foreigner's assistance is needed for a shorter period of time regarding criminal investigations or proceedings. On 30 January 2013, a bill that includes a proposal to prolong the reflection period from 100 to 120 days was introduced in the Danish Parliament.

101. A “prepared return” is in practice an individually planned repatriation programme involving activities in Denmark, e.g. schooling, and upon return, e.g. assistance regarding small business start-up, schooling, etc. The offer is given to victims of trafficking who have to leave Denmark as they do not fulfil the conditions for residence permit or do not apply for such. The offer aims at providing them with a new start upon return to their country of origin. Since 2008, the Danish Immigration Service has had a contract with the International Organization for Migration (IOM) regarding this program. IOM assists the foreigner with planning the return and reintegration upon return. As part of this, IOM supports and monitors the reintegration process where possible. The reintegration period in the country of origin – meaning the period in which the person in question receives assistance under the IOM program – will within a short period of time be extended from 3 to 6 months.

102. According to current practice, a temporary residence permit may be granted to foreigners, including victims of trafficking, whose stay in Denmark is necessary for criminal investigations or proceedings. As it is today, the temporary residence permit is granted according to a general provision in the Aliens Act. The bill mentioned above, which was introduced on 30 January 2012, also includes a specific provision in the Aliens Act concerning temporary residence permit to foreigners whose stay in Denmark is necessary for criminal investigations or proceeding. The introduction of a specific provision will serve to clarify the rules. The new provision will apply to all kinds of crime, including trafficking.

103. The rules mentioned above apply to all victims of trafficking, both adults and children. Furthermore, special rules in the Aliens Act address unaccompanied children seeking asylum or staying illegally in Denmark.

104. According to section 56 A (1) in the Danish Aliens act, a personal representative (a guardian) is appointed for all unaccompanied children who seek asylum or stay in Denmark without permission. The personal representative supports and cares for the child as regards personal issues (not regarding legal issues etc.) and attends the asylum interview and other meetings with the authorities. If the child has been exposed to trafficking, special attention is paid to this when the personal representative is appointed, and he or she must have experience in this field, e.g. be a social worker.

105. According to section 56 A (9) in the Aliens Act, the parents of an unaccompanied minor will be traced, if the child consents to the tracing, unless the child can take residence in a reception and care centre in the home country. If the child is a victim of trafficking, the parents will be traced regardless of the child’s consent, if finding the parents is in the best interest of the child. If the parents have been involved in the trafficking, they will not be searched, and the information regarding their involvement will be handed over to the authorities in the home country.

106. Furthermore, all unaccompanied minors who do not have permission to stay in Denmark and therefore have to leave, are offered a prepared return, see above. The offer includes among other things efforts to plan a meeting with a family member, a social organization, etc. in the country of origin who can give the child the needed assistance, protection, care, etc. in connection with the life in the home country.

107. Additionally, in June 2012, the Director of Public Prosecutions published guidelines concerning withdrawal of charges against victims of trafficking, identification of the victims, etc. These guidelines were sent to the police commissioners, the chief prosecutors, the regional public prosecutors and the police commissioners of Greenland and the Faroe Islands. Withdrawal of charges shall, as a main rule, be given, if (a) it is certain that the suspect has been victim of trafficking, (b) the alleged offence relates to the trafficking, and (c) the alleged offence cannot be characterized as a serious crime.

Steps taken by the police and the public prosecuting authority

108. The legal provision concerning trafficking is found in section 262 A of the Danish Criminal Code. The provision reads as follows:

“(1) A person who recruits, transports, transfers, houses or subsequently receives another person in a situation involving or having involved the use of

- 1) unlawful coercion as set out in section 260 of this Act;
- 2) deprivation of liberty as set out in section 261 of this Act;
- 3) threats as set out in section 266 of this Act;
- 4) unlawful creation, corroboration or exploitation of a delusion; or
- 5) another form of improper conduct;

6) for the purpose of exploiting that other person through indecent sexual activity, forced labour, slavery or slavery-like conditions, punishable acts or removal of organs, commits the offence of human trafficking and shall be liable to imprisonment for any term not exceeding ten years.

(2) The same penalty shall apply to a person who

1) recruits, transports, transfers, houses or subsequently receives a person under 18 for the purpose of exploitation of that person through indecent sexual activity, forced labour, slavery or slavery-like conditions, punishable acts or removal of organs, or

2) makes a payment or offers other benefits to obtain consent to the exploitation as referred to above from an individual who has custody of or responsibility for the victim, and to a person who accepts such payment or other benefit.”

109. The provision was amended in 2012, whereby the maximum penalty for offences of section 262 A was raised from 8 to 10 years' imprisonment, and the definition of human trafficking was expanded to include trafficking with the purpose of exploitation of an individual through punishable acts.

110. The police effort against the kingpins of prostitution and trafficking in human beings has for a number of years been an important focus area for the police at national as well as at local level. The individual police districts have over time built substantial experience and knowledge on this topic. Furthermore, effectual working and collaboration procedures have been established. Since 2011, the police effort has therefore been anchored in the individual police districts, which prioritize the police efforts on the basis of an assessment of the local conditions and the local crime situation. The police efforts, comprised of experiences acquired in the field in recent years, are based on the principles of investigation, cooperation and victim protection, as outlined in the guidelines of the National Police in this field. Furthermore, the National Centre of Investigation (NCI) collects data regarding trafficked human beings in order to prepare an overview and initiate criminal investigation where relevant.

111. In addition, the Director of Public Prosecutions has during the past year taken a number of initiatives in order to strengthen the awareness of prosecutors as regards to trafficking. Thus, prosecutors responsible for e.g. prosecuting crimes related to prostitution and illegal employment of foreigners have received training on how to detect and prosecute trafficking. Likewise, the Director of Public Prosecutions has emphasized the importance of focusing on identifying and prosecuting these offences and will continue to do so.

112. Finally, the Director of Public Prosecutions is in the process of drafting new guidelines concerning the sentences that the prosecution should ask for in cases concerning trafficking. These guidelines will list which aggravating circumstances that should result in

a higher sentence. Furthermore, a decision has been made to bring trafficking cases with aggravating circumstances to the Supreme Court in order to get the decision of the court regarding sentencing in such matters.

Reply to the issues raised in paragraph 15 of the list of issues

113. The right for parents to corporally punish their children was abolished in Denmark in 1997 by an amendment to the Act on Custody and Access. The Act entered into force for the Faroe Islands in 2007. Corporal punishment is prohibited in all settings on the Faroe Islands e.g. in the home, schools and other public institutions. Corporal punishment is considered as an act of violence and is punishable under section 244-249 of the Faroese Criminal Code. According to section 2 of The Parental Code the parental authority is prohibited from using corporal punishment. In Denmark in 2007, the Act on Custody and Access was replaced by the Act on Parental Responsibility. The Government is considering putting this Act into force for Greenland, thereby abolishing the right for parents in Greenland to corporally punish their children. At present severe instances of corporal punishment will be covered by the Criminal Code.

Reply to the issues raised in paragraph 16 of the list of issues

Number of children placed in care outside their home

114. In Denmark, the total number of children in care under the age of 18 was 12.364 in 2011. (2011 is the latest year for which these numbers are available. The numbers for 2012 will be available in the fall of 2013). This number includes children placed in care due to social issues as well as due to disability. In the five years from 2007 to 2011 the absolute number as well as the percentage of children placed in care with a foster family has risen despite a decline in the overall number of children placed in care from 12.658 in 2007 to 12.364 in 2011 (after a rise to 12.901 in 2009) . Thus in 2007, 47 per cent of the children placed in care or 6.001 children were placed in foster families. In 2011, the number had risen to 54 per cent or 6.650 children. Consequently, the number and percentage of children placed in institutional care has fallen in this period, from 5.265 children or 41 per cent in 2007 to 4.565 children or 31 per cent in 2011. The remaining 12 per cent in 2007 and 9 per cent in 2011 were placed in various other types of care.

Measures adopted to ensure adequate care

115. The Social Service Act states that the municipalities are to ensure care for children in need of social support. The problem of the child may determine that this is best done through a placement outside the home, but along with this placement the municipality is to consider whether additional support is needed. At least every half year the municipality is to evaluate, whether the support provided presently is still adequate to ensure that the needs of the child are met.

Children with disabilities

116. An underlying principle is that children with reduced functional capabilities should, to the extent possible, be compensated for the consequences of their disabilities. Children with disabilities must be able to function as normally as possible given the extraordinary strain that results from their disabilities.

The assessment of the need of compensation

117. Municipalities shall in their casework always base their decisions on assistance and support in a concrete and individual assessment of the actual data.

Technical aids

118. Children with permanently and severely reduced functional capabilities are under section 112 entitled to technical aid e.g. a wheelchair. The municipal council shall grant support for technical aids for persons with permanent impairment of physical or mental function, where the aid will remedy the permanent effects of the functional impairment significantly, and where the aid will facilitate daily life in the home significantly.

Assistance to car purchase

119. Children with permanently and severely reduced functional capabilities can obtain assistance to purchase a car under section 114. The municipalities make decisions in cases involving purchase of cars. Decisions are based on the medical, occupational and social circumstances of the individual. The type and scope of the functional disability are not the only aspects factoring into a decision. Weight is also attached to the impact of the reduced functional capability on the applicant's handling of his or her daily life with a disability and whether he or she has a purpose of or need for transport. Assistance will be given as an interest-free loan with special repayment conditions and up to a certain amount, never exceeding the purchase price of the car. Whether or not a person meets the conditions for obtaining assistance to purchase a car, the expenses incurred by mounting necessary, special fittings to the car such as a ramp, a lift, or a seat, will be covered in full.

Lost wages

120. Parents of a child with disabilities placed in care outside of its home are entitled to compensation for lost wages under section 42 of the Act on Social Services, during a hospital stay of the child. The aim is to enable parents to be present at the hospital and to support their child.

Measures taken to ensure family-type care

121. The Social Service Act states that children are to be put into care in the place best suited to provide for their specific needs. A strong political signal focusing on increasing the use of foster care was sent with the Children's Reform from 2009. With this reform a new type of "fortified" foster families were introduced, which due to their educational background, experience, etc. are equipped to handle children with graver social issues than are normally handled in foster families. Also in 2012, it was a part of the general yearly economic agreement between the Government and all the municipalities to increase the use of foster families for children placed in care.

Article 11 – The right to an adequate standard of living

Reply to the issues raised in paragraph 17 of the list of issues

122. Social policies to improve living conditions for vulnerable groups and prevent social exclusion are of high priority for the Danish Government. The Government has initiated a number of measures including the following. Please note that the list is not exhaustive.

Poverty line

123. In the Government Declaration from October 2011, the Government states that it wishes to be measured on reducing poverty in Denmark. On May 11, 2012, the Danish Government established an Expert Committee with the aim of identifying various methods to measure poverty and suggest a possible Danish poverty line. The Expert Committee is set to present its conclusions ultimo April/primo May 2013 after which the Government will discuss various options to address poverty in a Danish context.

Reform of the cash benefits system

124. As of January 1, 2012, the lowest cash benefits have been discontinued, which is expected to lead to increased levels of benefits for approx. 16,000 all-year benefit recipients. The reform is expected to have a positive effect on the maintenance of low income families and thus contribute to greater equality.

Improvement of local government's options to prevent eviction of tenants

125. From January 1, 2013, local governments can choose to assist tenants who are threatened by eviction due to missing rent payments, with temporary rent payment. The main aim is to avoid vulnerable groups being evicted to live on the streets. Local governments can impose administrative conditions or make agreements with the eviction threatened tenants prior to paying the rent.

Right to dental care for economic vulnerable groups

126. As of January 1, individuals that receive benefits at the same level as the social assistance benefits are entitled to economic help when paying for dental work. Individuals between 18 years to 24 years are entitled to a 100 per cent coverage of expenses that surpasses DKK 600. Individuals from 25 years and up are entitled to a 65 per cent coverage of expenses that surpasses DKK 800.

Special child allowance

127. From January 1, 2014, the right to receive special child allowance (granted if one breadwinner of the family is missing) is extended to cover children whose parents involuntarily and voluntarily have chosen to raise the child alone. The extension is aimed primarily at cases of single adopters and mothers who chose to have a child by artificial insemination, and subsequently raise the child alone.

Higher working tax credit for single parents

128. As part of the Governments Tax Reform (2012), the Parliament adopted a reform in September 2012 that increases the working tax credit for single parents defined as those who are entitled to extra child allowance (i.e. single parents who have a child living with them).

Early retirement reform

129. In December 2012, the Parliament adopted an early retirement reform based on the idea that more young people should have a better opportunity to use their remaining work capacity instead of living on passive social benefits. The main content of the reform is that disability pensions in principle will not be granted to persons under the age of 40. Instead disadvantaged young people are supported through a holistic approach through a so-called interdisciplinary rehabilitation model with the aim of identifying the individual's capacity to stay on the labour market. The rehabilitation model comprises of individually tailored rehabilitation and support measures, and can include both labour marked support activities, treatment in the health care sector and social support. However, if all other possibilities have been exhausted, and it is evident that the person will never be able to work again, young people under 40 can still be granted disability pension.

Reply to the issues raised in paragraph 18 of the list of issues

Social Housing in Denmark

130. The term “social housing” is a collective designation for three different types of housing; social family dwellings, social dwellings for the elderly and social dwellings for young persons. The total number of social housing units in Denmark is approx. 590,000, which amounts to approximately 20 per cent of the total number of dwellings. Approximately 490,000 of them are family dwellings.

131. Social housing is open to the entire population irrespective of ethnical background or income. As a principal rule, social housing is let to tenants through a seniority based waiting lists and every individual is entitled to put his or her name on the waiting list. Accordingly, no special measures are taken to secure Roma families right to housing, since they benefit from exactly the same rights as everybody else according to the Act of social housing.

132. In order to ensure social housing for all kinds of vulnerable citizens, the local authorities have an unconditioned right to dispose of 25 per cent of all vacant dwellings in social housing to solve social housing problems. Thus, the local authority can place any person or family who needs a place to live in vacant social housing dwellings in the municipality. The rent in the social housing family dwellings is kept relatively low due to public subsidy.

133. Furthermore, low income families, e.g. emigrant families or Roma families, are entitled to individual housing benefits. In 2008, approximately 50,000 households with children in social housing units had 42 per cent of the rent covered by housing benefits. The social housing sector is administered by the non-profit housing associations, which are under inspection of the local authorities.

134. The social housing sector is a cornerstone of the Danish welfare society since it guarantees low income families, people with minority background, mental illness, etc. a decent place to live. The majority of the social housing units provide popular dwellings of high quality with a strong community and a well-developed neighborhood democracy, which gives residents an influence on their neighborhood.

Social Housing on the Faroe Islands

135. As stated in the fifth periodic report from Denmark, (Annex II, Reporting on the Faroe Islands, Report from the Government of the Faroes), there is no Faroese legislation laying down the right to housing. In the autumn 2012, the Government has introduced a policy on housing aiming to secure adequate housing for every citizen. To this end, the Government will introduce measures in order to ensure that the housing market can provide adequate housing to every citizen regardless of age, needs and life situation.

136. A public agency has been established in order to stimulate a more diversified housing market by financing construction of dwellings and to provide rental dwellings, which will partly be allocated to social housing. A proposal to a legislative act has recently been introduced to the Parliament with several initiatives. These initiatives include certain financial measures aimed at lowering the level of rent on the private market, as well as increasing the total amount of rental dwellings in the Faroe Islands, both in the public and in the private sector.

Homelessness

137. Any person who is lawfully residing in Denmark, regardless of citizenship or nationality, is entitled to assistance under the Consolidation Act on Social Services. The

Act specifies for example a municipal obligation to provide temporary accommodation for the homeless (individuals who have no dwelling or cannot use the dwelling they have due to social problems) or housing support for vulnerable persons. For this, the municipalities receive block grants from the State. A person who is not lawfully resident in Denmark can receive basic support such as temporary shelter, clothes and food at NGO-driven shelters, supported by public funding.

138. The National Homeless Strategy in Denmark (2009-2013) is a national program targeted at improving the municipalities measures towards persons suffering from homelessness (the strategy is financed by public funding – DKK 500 million (67.1 million EUR)). The target group of the strategy is similar to the target group of the Consolidation Act on Social Services. The strategy is still ongoing, but at the present time indicators point to the efficiency of specific supporting housing methods in terms of maintaining homeless people in housing. The total number of persons suffering from homelessness in Denmark rose marginally from 4,998 persons in 2009 to 5,290 persons in 2011, but this number is lower than what could be expected in a time of general economic crisis. The preliminary results of the Housing supports methods further show that the number of persons who fall back into homelessness, is less than 5 per cent. The final evaluation of the strategy is planned to be published mid-2013.

139. There are no refugees in the Faroe Islands in the term's normal definition. The foreigners living in the Faroe Islands have been granted normal residence and work permits, while others have immigrated due to family reunification. Family reunification permits are granted on the condition that the persons involved have a residence in the Faroe Islands.

140. Residence and work permits are granted on the prerequisite that the applicant has a full-time job, i.e. 40 hours a week, and a normal Faroese salary corresponding to his or her education. These conditions are considered necessary to ensure that applicants be able to keep a minimum standard of living and to rent or buy adequate housing in the Faroese housing market.

141. There are two reception centers housing up to 18 homeless people. Also there is a night shelter, which can provide room for 4 people from 9pm to 12pm. The centers' management has stated that they are regularly fully occupied. The work at the centers is considered to be successful, as the homeless are receiving needed support and are able to improve their quality of life. Some of these are helped out of homelessness and have moved to their own home.

Reply to the issues raised in paragraph 19 of the list of issues

142. Tenants can be evicted from their dwellings, if they have rent arrears, or if they violate the regulations of their housing division. The vast majority of evictions are caused by rent arrears. The Danish Court Administration publishes its statistics regarding evictions of tenants biannually. Table 4 show the numbers of enforcement proceedings since 2002, as well as the percentage increase, as compared to the previous year or as compared to the same six-month period of the previous year.

143. During the entire period from 2002 to 2011, the number of evictions rose every year. The number of cases more than doubled from 1,823 in 2002 to 4,405 in 2011. However, 2012 show a drop of 14 per cent, from 4,405 cases in 2011 to 3,790 cases in 2012.

144. As a consequence of the increasing number of evictions of tenants, the Danish Parliament has adopted a number of measures to reduce the extent. The decline in 2012 can be regarded as a result of these measures to prevent evictions.

Table 4
Number of enforcement proceedings with actual evictions¹⁾ from 2002 until 2012, and the percentage increase relative to the previous year.

	First six months	Increase relative to previous year	Last six months	Increase relative to previous year	Entire year	Increase relative to previous year
2002	898	-	925	-	1,823	-
2003	1,138	27 pct.	1,196	29 pct.	2,334	28 pct.
2004	1,336	17 pct.	1,278	7 pct.	2,614	12 pct.
2005	1,464	10 pct.	1,377	8 pct.	2,841	9 pct.
2006	1,474	1 pct.	1,375	0 pct.	2,849	0 pct.
2007 ²⁾	1,148	-22 pct.	2,229	62 pct.	3,377	19 pct.
2008	1,915	67 pct.	1,847	-17 pct.	3,762	11 pct.
2009	2,080	9 pct.	1,832	-1 pct.	3,912	4 pct.
2010	2,338	12 pct.	2,044	12 pct.	4,382	12 pct.
2011	2,292	-2 pct.	2,113	3 pct.	4,405	1 pct.
2012	1,886	-18 pct.	1,904	-10 pct.	3,790	14 pct.

1) An actual eviction is taken to mean an eviction case which is registered as completed in the Danish Court Administration's case management system, and in which the Bailiff's court assisted in the eviction.

2) As a result of the Danish Court Reform, the number of cases was extraordinarily low during the first six months of 2007 and subsequently extraordinarily high during the last six months of 2007.

Source: The Danish Court Administration.

145. It is evident that the number of evictions of tenants rose before and during the financial and economic crisis. Thus, the number of enforcement proceedings increased from 2,614 in 2004 to 3,377 in 2007. This represents an increase of 29 per cent during a period that was characterised by economic recovery and falling unemployment. Meanwhile, the financial and economic crisis is not the sole explanation of the increasing number of evictions of tenants.

146. Evictions of tenants have been examined in two studies published by the Danish National Centre for Social Research in 2008 and 2012 respectively. Evictions are generally caused by a combination of low incomes, low disposable incomes, large debts, and large proportions of incomes spent on rent. In addition, job losses, mental illness, substance abuse, changing family conditions and the inability to successfully manage one's personal finances are influential factors. It is not possible to pinpoint a single reason why tenants get evicted, and a single explanation for the increase of the number of evictions cannot be identified.

147. Families whose primary income is social assistance or unemployment benefits, have a higher risk of being evicted than families whose primary source of income comes from employment.

148. Households originating in non-Western countries are overrepresented among evicted households, and the share of evicted households originating from non-Western countries increased from 2002 to 2010. However, taking into account the socio-economic differences in labour market attachment, education, etc. non-western households do not have a higher risk than (other) Danish households to be evicted from a rental dwelling.

149. Undoubtedly, the unemployment caused by the financial and economic crisis has had an impact on the number of evictions of tenants. However measures adopted by the Danish parliament have proven successful in reducing the negative effect of the crisis, and the latest published figures show a relatively large reduction in the number of evictions of tenants.

Article 12 – The right to physical and mental health

Reply to the issues raised in paragraph 20 of the list of issues

150. Between 1999 and 2003, an action plan was implemented to decrease the number of induced abortions in Denmark. A total amount of DKK 20 million was granted to this plan. The action plan was continued from 2004 to 2007, when a total amount of DKK 14 million was granted to the continuation of activities to reduce the number of induced abortions. The activities supported through the action plan, and the follow-up to the action plan was based on the existing access to free abortion before the end of the 12th week of pregnancy. The activities focused on providing information to the general public and to identify vulnerable groups, e.g. young people and immigrants from non-western countries, to train health personnel, and implement model projects.

151. As a follow-up to the plan, a total amount of DKK 19.2 million was allocated (from 2008 to 2011) to support initiatives to reduce the number of induced abortions and sexually transmitted infections. From 2011, funding has been allocated to continue some of the activities targeting youth, as well as ethnic minorities. Furthermore, funding has been allocated to strengthen the counseling of women considering induced abortions.

152. In 2012, nine prevention-packages were developed to guide the activities in the municipalities. One of the first packages developed was on sexual health. This package provides recommendations for initiatives to strengthen sexual health education to children and young people, as well as recommendations for initiatives targeting adult, elderly and disabled persons. A model for strengthening the sexual health education has been developed and evaluated, and will be implemented in several municipalities from 2013. Funding of initiatives to strengthen sexual health education has at this stage been granted for the period 2012-2015.

Reply to the issues raised in paragraph 21 of the list of issues

153. The Danish health care system is based on the principle of easy and equal access for all registered residents, and the vast majority of health services in Denmark are free of charge for residents, e.g. hospital services, and services from general practitioners. In addition, the Danish health care system offers some health care services to people not registered as residents in Denmark, for instance, undocumented migrants.

Hospital treatment

154. The Act on Health provides undocumented migrants access to hospital treatment.

Acute hospital treatment

155. In Denmark, all people, including for instance undocumented migrants, have the right to acute hospital treatment in case of emergency, suddenly onset of illness, birth, exacerbation of chronic disease, etc. Treatment is granted on the same basis as for registered residents, including that it is free of charge. Whether treatment is acute or not, is determined based on a medical evaluation of the individual patient.

Continued treatment

156. In addition, undocumented migrants and other persons temporarily staying in Denmark are entitled to continued hospital treatment, in cases where it, according to the circumstances, is not considered reasonable to refer the patient to further treatment in the patient's home country, or the patient's medical condition does not allow transfer to a hospital in the patient's home country.

157. The treatment is free of charge provided that it, according to the circumstances, is not considered reasonable to charge the patient. Practice from the Danish hospitals shows that this is often considered the case when the patient is an undocumented migrant.

Reply to the issues raised in paragraph 22 of the list of issues

158. In Denmark the government parties each year agree on allocation of a certain amount of funds for initiatives specifically aimed at the most disadvantaged and vulnerable citizens. Moreover, the initiatives are presumed to reduce inequality among citizens. These funds are named below as Financial Pools.

Overweight

Hospital treatment of children with severe obesity – Financial Pool 2013-2016

159. Good results have been achieved with hospital treatment of children with severe obesity. At the same time, municipalities have an important role in supporting children and their families before, during and after treatment in the hospital. The Government and the parties behind the Financial Pool have therefore agreed on allocating DKK 24 million (~ 3 million EUR) for a period of 4 years to enhance hospital treatment of children with severe obesity in close cooperation with the child's local municipality.

Guidelines on tracking and treatment of overweight among children and adolescents

160. Building on guidelines from 2007 on tracking and managing overweight among children, the Danish Health and Medicines Authority is in the process of preparing a new set of guidelines on tracking of overweight among children and adolescents and on early intervention. These guidelines are targeted at the municipalities who are the competent authority with regards to health visitors (hereinafter referred to as "municipal health visitors") for children and adolescents. The guidelines are scheduled for publication mid-2013.

Examples of completed initiatives

161. The Financial Pool 2005-2008 allocated DKK 73 million (~ 10 million EUR) to municipal initiatives aimed at the development of community based models for prevention and treatment of overweight in children and adolescents ("The municipality plan against overweight"). The Danish Health and Medicines Authority have in three steps allocated funds to a total of 31 municipalities. The last project was completed in 2011.

162. In 2008, the Financial Pool also funded the "Play and get healthy"-package, which was developed by the Danish Veterinary and Food Administration, and targeted at professionals in general practice and the municipal visitors for children and adolescents working with overweight children and their families.

163. In 2008-2010, the Danish Health and Medicines Authority conducted an information campaign "A less heavy childhood" targeted at families with children at the age of 4-6 years. The campaign informed about the health consequences (physical and psychosocial) of overweight in children and assigned options for action.

Lifestyle and health habits

Health promotion packages on nutrition, physical activity and overweight

164. In 2012, the Danish Health and Medicines Authority published nine “Health promotion packages”, including one on nutrition (food and meals) and one on physical activity. A Health promotion package on overweight is under preparation and scheduled for publication mid-2013. The Health promotion packages comprise an evidence-informed tool to assist municipal decision-makers and health planners in setting priorities, planning and organizing local health promotion and disease prevention initiatives.

“Preventive initiative for overweight children and adolescents” – Financial Pool 2012-2015

165. The Financial Pool 2012-2015 allocated DKK 28 million (~ 3.7 million EUR) to a preventive initiative among children and adolescents rooted in existing systems. The purpose of the pool is early tracking and intervention to prevent unhealthy body weight development, e.g. through a model project rooted within the municipal health visitors for children and youngsters with intervention targeting young people in 6th-10th class and their parents. The model project contains several elements, e.g. tracking based on height and weight measurements by nursery staff and networking and exchange of experience on three levels: between the participating adolescents, between local stakeholders, and between the participating municipalities.

“Children's well-being in vulnerable families with overweight or other Risks” – Financial Pool 2010-2013

166. The Financial Pool 2010-2013 allocated DKK 46 million (~ 6 million EUR) to multidisciplinary health promotion initiatives aimed at children in vulnerable families. Funds were allocated to two kinds of model projects (“A Good Start – Together” and “ICDP Healthy” – International Child Development Program). The projects started early 2011 and completion is expected by December 2014. The overall objective of the model projects is to test methods and models in interventions focusing on early intervention as well as interdisciplinary collaboration. Both models focus on strengthening parents' skills to care for themselves and for their child's well-being and health and thereby reducing the risks that may affect or threaten the healthy development of the child.

167. Projects are supplemented by the workshop “Easy Way – Healthy Food, Fun and Well-being”, developed by the Danish Veterinary and Food Administration. These activities focus on the importance of food and physical activity in healthy development and well-being of a child. The 14 supported projects reported their mid-term evaluations to the Danish Health and Medicines Authority at the end of 2012. An external evaluator is preparing a cross-disciplinary collection of experiences based on these data.

The Danish National Register on Children's Health

168. Since December 2011, the health services in the municipalities are obliged by law to monitor and report data to the Danish Health and Medicines Authority regarding (a) Children's height and body weight during their first year of life and during school years; (b) Duration of breast feeding; and (c) The baby's exposure to smoke at birth. The Financial Pool 2007-2011 “Young and healthy” focuses on prevention of unhealthy lifestyles in adolescents at the age of 16-19 years who are not presumed to further educate themselves or are unemployed. The basic idea is to use health as a lever to approve the ability of these young people to start an education or find a job. The main focus for the projects was chosen by the participating municipalities and included e.g. well-being, diet and exercise. Results showed that young people were very interested in working with their own health.

Physical activity

The campaign “Get Moving”

169. Since 2005, the Danish Health and Medicines Authority have conducted a nationwide campaign on physical activity for children and adolescents. In 2013, the campaign will include e.g. advertisements in selected magazines and use of YouTube and Facebook.

Review of “Physical activity – manual on disease prevention and treatment”

170. In December 2011, the Danish Health and Medicines Authority released an updated and revised version of “Physical activity – manual on disease prevention and treatment”. The manual gathers evidence for children and adolescents, adults, elderly, and pregnant women, including the Danish recommendations for physical activity in these groups.

Initiatives by the Danish Veterinary and Food Administration

171. The initiatives and programs mentioned below are among the main activities focusing on nutrition initiated by the Danish Veterinary and Food Administration (DVFA). The initiatives mentioned include intervention programs, information campaigns, private public partnerships and labeling schemes.

School-based programmes

172. In 2007, the Government allocated 1.2 million EUR to promote subsidized school fruit. This initiative has since been made permanent. In Denmark, school-based food programmes fall within the competency of the municipalities. The Danish Ministry of Food, Agriculture and Fisheries have supported a smaller, temporary school food scheme financially (free food for two months). The DVFA has made recommendations for healthy food in day care institutions and schools, other related fields.

“Diet in a nutshell”

173. In 2002, the project “Diet in a nutshell – a taste for life” was launched by the DVFA. In partnership with other ministries, research institutions, and interest organizations, projects have been launched to promote healthy and reliable nutrition information, including “the Nutritional Compass” which illustrates the official Danish dietary advice. The nutritional principles will be updated in 2013. In addition, “Diet in a nutshell” offers a “flying squad” that travels nationwide to give advice free of charge about health.

Public Private Partnerships

174. During the last years, Denmark has focused on the positive benefits of Public Private Partnerships (PPP) in various specific topics:

a. Salt

175. In Denmark, the intake of salt is 9-11 grams per day for men and 7-8 grams per day for women. The Danish health authorities have recommended a reduction in dietary salt intake since the beginning of the 1990s (6 g. per day for women and 7 g. per day for men). In 2011, a PPP on salt was launched in Denmark with the aim of reducing consumer intake of salt from industrially manufactured products by 3 grams per day. The expectancy of a reduction in consumer salt intake by 3 grams/day corresponds to a reduction of at least 1,300 deaths a year in Denmark caused by cardiovascular diseases.

b. Wholegrain campaign

176. Another example of PPP is the Danish wholegrain campaign, which is a project sponsored by public authorities, national health organizations and the Danish food industry. Within the last two years, the campaign has had a major positive effect on raising the awareness among consumers of the positive contribution to health of a diet rich in wholegrain. The wholegrain campaign has also from an industrial point of view been a major success, and the number of wholegrain products has doubled in a short span of time.

c. The Keyhole symbol

177. The Keyhole nutrition labeling can also be considered, to a large extent, as a PPP. The Keyhole Label is a voluntary nutrition label that stands for healthier choices of foods in terms of the content of fat, sugar, salt and dietary fibers. The purpose of the keyhole is to promote food products used on an everyday basis by an easily recognizable label showing that these are healthier choices within their own product category.

178. The Keyhole Label has been used since 2009 and can be found on products, as well as in the marketing of these products. In addition to pre-packaged foods, the Keyhole Label can also be used in catering. Approval as Keyhole Label users requires, among other things, nutritional knowledge and communication. The relevant documentation is evaluated by annual visits to the accredited catering establishment.

d) Trans Fatty acids (TFA)

179. In 2003, legislation banning industrial produced TFAs in food products was introduced. This legislation was introduced in close cooperation with the Danish food industry setting an example for others to follow and has had little or no negative effect on the food industry. Denmark continues to work for European legislation in this area, because legislation is the proper way to deal with an unnecessary ingredient that is a major concern for public health.

e. Green Growth Policy

180. Part of the Green Growth policy involves an increase of organic products on the Danish market.

f. Increase the intake of fruit and vegetables

181. Regular surveys on Dietary habits in Denmark have time after time revealed that the intake of fruit and vegetables is lower than the recommended 600 grams per day. These results and the importance of eating fruit and vegetables on a daily basis, lead to the formation of a PPP partnership “6 a day” in 1998. This has been a very successful partnership, which has resulted in an increase of average intake.

g. The Meal Partnership (whole food)

182. The Danish Meal Partnership is a PPP that aims at making it convenient and desirable to eat healthier. The Danish Meal Partnership is a collaboration between business, NGOs, and authorities in Denmark – and currently consists of 11 organisations. Since this partnership has existed for less than a year, results are not yet ready to be presented.

Articles 13 and 14 – The right to education

Reply to the issues raised in paragraph 23 of the list of issues

Children and primary and secondary school: Technical Vocational Education and Training

183. Equal opportunities for all children irrespective of their ethnic or other background continues to be a key goal within the education system. In order to help children with an ethnic minority background realise this goal and succeed within the education system, Denmark has taken a number of measures.

184. The main focus of these efforts is providing adequate support to bilingual pupils to help them overcome any language barriers to full and equal participation in the school system. From the age of 3 until approx. 6, children with a special need of support in developing their proficiency in Danish are offered targeted language development activities. In primary and lower secondary school, bilingual children with a need for language support have the right to receive instruction in Danish as a second language, which is a subject that can be taught in separate lessons, as part of the instruction in other subjects or as a combination.

185. Despite these efforts, children with an ethnic minority background on average continue to have lower academic results than their peers with a majority background. For example in PISA 2009, children with an immigrant background performed on average 70 points lower in reading than children with a majority background, and 38% of children with an immigrant background have reading results below level 2, indicating that they will face significant difficulties in completing a youth education. Socioeconomic background plays a major role, as this factor explains between 1/3 and 1/2 of the performance difference between the two groups. The efforts of schools addressing the challenges of children with an immigrant background seem to have positive effects, as second generation immigrants and first generation immigrants who arrive before the age of 6 perform significantly better than immigrants who arrive at the age of 6 or later.

186. Still, the results are a cause for concern, and the Ministry of Children and Education is continually striving to identify areas, where the effort of the education system towards meeting the needs of ethnic minority children needs to be further strengthened. For example, after carrying out several national evaluations of the efforts, Denmark decided to take part in the OECD thematic review “Migrant Education”. The project entailed producing a country report for Denmark, which analysed the efforts of the Danish school systems and suggested improvements in order to better meet the needs of minority students.

General measures to improve the quality

187. The evaluations and studies carried out identify a number of challenges and areas, where further efforts are required, including better support for the implementation of the framework for language development, making better use of the resources of ethnic minority parents, greater consistency of support for minority pupils and stronger support for an appreciative approach towards diversity. A number of initiatives have been taken to address these needs.

188. The most important element in the effort for improving the results of ethnic minority children is the overall quality of the school system. In order to strengthen this vital part of society, the Government has recently presented a proposal for reform of the public primary and lower secondary school. The central aims are inter alia creating a school that better helps all students realise their full potential and to reduce the impact of social background on academic results. In addition, the reform has emphasis on creating a more inclusive school with room for everyone, ethnic minority children included. In the area of guidance, a

reform from 2009 has meant that the resources in the guidance system is targeted towards young people who have or risk having difficulties choosing, enrolling in, or completing, a youth education. This ensures that the young people with the greatest needs, including vulnerable ethnic minority youths, benefit the most from the guidance system.

Specific interventions to support children from minorities

189. In addition to the overall measures to improve the school system, a number of initiatives have been taken that specifically aim at addressing the challenges faced by ethnic minority children. Since 2008, a task force for bilingual pupils have worked together with schools and municipalities to improve the schools' ability to meet the needs of bilingual children. The task force has offered advice and disseminated knowledge about good practise to all schools and municipalities, inter alia through a campaign in cooperation with a national television broadcaster. It has also provided focused assistance to five municipalities through holistic plans on how to improve the proficiency of bilingual pupils, including local strategies and networking, development of best practice, knowledge sharing and the inclusion of parents as support in the pupil's learning. In 2012, it was decided to extend the activities until the end of 2015, to increase its capacity and extend the area of activity to include day care institutions and other care facilities. In addition to extending the general counselling activities of the task force regarding knowledge concrete tools and best practice, 20 municipalities will now be able to benefit from cooperation with the task force on the basis of a holistic agreement. The task force is placed within a central unit, which gathers knowledge, policy, and counselling regarding teaching bilingual pupils.

Day Care

190. In the area of early childhood education and care, the legislative framework around language support was streamlined in 2010, laying down common rules for language assessment and support for all children – both bilingual and other children. In addition, a number of initiatives have been taken to improve the quality of the language support offer given to preschool children, including:

- A tool for language assessment for children at age 3, 5½ and 6, which has been developed in cooperation between several ministries and Local Government Denmark, the association of Danish municipalities. The tool contributes to the process of elaborating a profile of the child's language competences to allow the staff to plan pedagogical targeted activities and lead a dialogue with the parents regarding the language development of their child.
- A large-scale in-service training programme, where 6,000 pedagogical staff and key persons in the municipal administrations who work with language development were given research-based training based on how best to work with children and parents to support language development. DKK 34.5 m. was allocated to the project, and 96 out of 98 municipalities have taken part in the project.
- The Ministry for Children and Education has launched a research project aimed at strengthening the evidence base for the language development programmes for pre-school children aged 3 to 5. Eight million DKK has been allocated to the project, which runs from 2012-2015. 7,680 children participate.
- A research project with the aim of developing a programme based on dialogue reading for use by pedagogic staff in day care facilities to strengthen the language development of children with a particular focus on vulnerable mono-and bilingual children. DKK 16 m. has been allocated to the project, which runs from 2012-2015 and approx. 7,500 children take part in the intervention.

Primary and secondary school

191. In 2012, the Government launched an ambitious development program to strengthen the proficiency of bilingual pupils. The program runs over three years. During this period 14 schools spread out over six municipalities will work intensively to make language a priority in education. DKK 42 million has been earmarked for the project. The task force for teaching bilingual children is overseeing the project.

192. A recent study funded by the School Council, which advises the minister for children and education, examined the results of bilingual children in Denmark and Sweden with a view to determining inter alia the effect of the different approaches to mother-tongue teaching in the two countries. The study found a statistically significant – but small – positive correlation between mother-tongue teaching and academic results in some subjects, but due to the differences in the approaches of the two countries and uncertainties in the data material, it was not possible to draw any firm conclusions regarding the effect of mother tongue teaching on academic results.

193. In order to follow up on the results of this study, the Government has recently decided to allocate DKK 29.5 million to an ambitious experimental programme designed to examine the effects of different teaching modules that aim to develop or build on the mother tongue of minority students. These interventions include:

- more traditional mother tongue instruction;
- a new approach to teaching that develops as well as making use of mother tongue proficiency in minority languages in close cooperation with the instruction in other subjects in order to improve the students' learning in all subjects;
- other interventions aiming at increasing the linguistic and academic proficiency of students – particularly minority students – that do not include elements of instruction in minority languages.

194. As part of the programme, the results of different interventions on the academic proficiency and well-being of students will be monitored and compared in order to establish the effect of different approaches to improving the academic outcomes and well-being of minority students. Approx. 3,500 pupils from 210 schools will participate in the programme.

195. The Ministry of Children and Education has recently completed the development of national tests in Danish as a second language. The purpose of the tests is to map the competences and potential of bilingual children in relation to developing their proficiency in Danish in order to aid the teachers in supporting the language development of the child in the instruction in all subjects. The tests are IT-based and adapt to the level of proficiency of the individual pupil.

Technical Vocational Education and Training

196. The dropout rate among boys in vocational trainings program is higher than girls, and boys with minority background have the highest dropout rate compared to minority girls and Danish boys. It is important to bear in mind that students may drop out for many different reasons. According to some analysis, the large majority of ethnic minority youth who enter the vocational training programs, have proficiency challenges. Insufficient skills in math and Danish are the main challenges for ethnic minority youth in vocational training programs.

197. The dropout rate is much higher among those who enter the vocational programs with insufficient results from lower secondary school. The number of ethnic minority youth who leave the lower secondary school with poorer academic record than Danish students is

much higher. The ethnic minority males who leave the vocational training programs without completing it had poorer academic results from lower secondary schools.

198. Obtaining an apprenticeship can be a difficult task for students. The current economic downturn and lack of growth has increased the challenges for young people to get an apprenticeship. However, it seems like students with ethnic minority background face extra hurdles in obtaining an apprenticeship during their Vocational Training programs.

199. The colleges and vocational schools are aware of the hindrances faced by the ethnic minority youth regarding apprenticeship. Many vocational schools have begun to focus on developing their staff's and teachers' skills to encourage and motivate the minority youth, especially the boys. The Retention Caravan, which is a concluded project under the Ministry of Education, has had intense and continuous dialogue with vocational training schools and colleges with a high number of students with minority background. It is Retention Caravan's observation that an increase number of vocational colleges are beginning to be aware of the gap in dropout rates between male and female students.

Reply to the issues raised in paragraph 24 of the list of issues

200. The Government and Local Government Denmark pursue the clear objective that general primary and lower secondary school in Denmark must be inclusive and comprise the majority of children with special needs. A Danish analysis from 2010 gave an overview of the extent of segregation of children with special needs in special classes and special schools in Denmark and suggested a number of ways to achieve a more efficient use of resources. The relatively large segregation of children with special needs in Denmark found in the analysis does not harmonise with the objective of inclusion.

201. As part of the overall agreements on the economy of municipalities for 2011, 2012, and 2013, the Danish Government and Local Government Denmark agreed to work for a more inclusive general primary and lower secondary school so a larger proportion of pupils could be included. An inclusive primary and lower secondary school will free up resources that can, for instance, be used for strengthening general education in primary and lower secondary school. The Government has also presented a proposal for primary and lower secondary school, containing a host of initiatives to help reduce the number of pupils selected for segregated remedial instruction.

School development with a view to inclusion in general education

202. Funds have been earmarked for school development that increases inclusion and educational standards and reduces the volume of pupils referred to remedial instruction. There has been established a "Centre for Inclusion and Remedial Instruction" and a task force to help the local authorities adjust to inclusion. Remedial instruction and other special educational assistance can only be offered to pupils whose development requires special consideration or support, and whose needs cannot exclusively be met with the use of differentiated teaching and class formation within the general education framework. Hence, remedial instruction may not be implemented, if a pupil's difficulties can be remedied within the general framework of primary and lower secondary school.

Reply to the issues raised in paragraph 25 of the list of issues

203. **Asylum-seeking children** of school age are, like other children in Denmark, subject to compulsory school attendance. According to section 42 G in the Danish Aliens Act, asylum-seeking children of school age who are accommodated in an asylum centre must participate in separately arranged tuition or in tuition equivalent to the general requirements for separately arranged tuition.

204. Thus, asylum-seeking children must receive tuition which in content and coverage is equivalent to tuition received by bilingual pupils in the Danish public school, e.g. the tuition that takes place in primary school reception classes. In practice, the said children are normally taught in a school at the asylum centre which is run by the accommodation operator, or in the local primary school when the asylum centre is run by the municipality.

205. Furthermore, according to section 13 in the Executive Order on Education and Activation, etc., of Asylum-seekers and others, asylum-seeking children can in certain instances attend public school. A request for admission to a public school can be made, if the child in question is accommodated privately outside the asylum centres, and there is not any lodging facility offering training within a reasonable distance, or if teaching at the public school in special cases will be of benefit to the child.

206. **Children who are granted refugee status**, fall under the general rules on primary and secondary schools. These children thus attend ordinary schools on an equal footing with all other children and benefit from the measures described in the above remarks to question no. 23, to which reference is made. This is also the case for asylum-seeking children who attend ordinary primary and lower secondary schools according to an agreement with the local municipality.

Article 15 – Cultural rights

Reply to the issues raised in paragraph 26 of the list of issues

207. Both the Danish Government and the Government of Greenland refer to the declaration made by the Danish Government, acceded to by the Greenland Home Rule Government, in connection with the Danish ratification of International Labour Organization (ILO) Convention no. 169 (1989) concerning Indigenous and Tribal Peoples in Independent Countries. According to this declaration, section 1, Denmark has only one indigenous people in the sense of the Convention, namely the indigenous population in Greenland (the Inuit). Moreover, the Danish Supreme Court has in accordance with the said declaration ruled that the Thule Tribe does not constitute a tribal people or a distinct indigenous people within or co-existing with the Greenlandic people as a whole (Supreme Court decision of 28 November 2003 case no. 489/1999 and 490/1999 – the Thule Tribe (the Ummannaq settlement) vs. the Prime Minister of Denmark [UfR 2004, p. 604 f.]), cf. ILO Convention no. 169, art. 1, s. 1, para. (a) and (b).

208. This does not mean that the Inughuit of Ummannaq are not capable of maintaining their identity and using their own language.

209. According to section 20 of Act. No 473 of 12 June 2009 on Greenland Self-Government, Greenlandic is the official language in Greenland. The Parliament of Greenland has passed a Parliament of Greenland Act no 7 of 19 May 2010 on language policy. The purpose of the act is among other things to ensure the Greenlandic language as a complete and community building language, to strengthen and develop the Greenlandic language as the mother tongue and as second language. According to section 3, para. 2 of the act, the Greenlandic language consists of 3 main dialects. The language spoken in Avanersuaq (Northwestern Greenland) is one of these Inuit dialects See also Section V of the national report of Denmark to the Working Group on the Universal Periodic Review (A/HRC/WG.6/11/DNK/1). Thus the right of the local population of Avanersuaq, including the Inughuit of Ummannaq, to use their own Inuit dialect is ensured.

210. The Inughuit of Ummannaq have – in the same way as other communities – the right to maintain their identity.

Reply to the issues raised in paragraph 27 of the list of issues

211. The equal right on access to culture is a fundamental principle for the Danish Cultural Policy. The legislation and institutional infrastructure in the field of culture and the general objectives of Danish cultural policy 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. Different policy measures have been taken to secure access to and participation in cultural activities for everyone living in Denmark.

212. The general measures are: decentralization, free entrance or discounts on Tickets, information technologies and digitizing, copyright and collective licenses, and audience development. The public funding system has secured that Denmark is geographically covered with a broad variety of cultural institutions, e.g. museums, theatres, orchestras, venues, libraries, music schools for children and young people, facilitating access to culture for everybody. Although Denmark is a small country with a population of approximately 5.6 million inhabitants, there are a large number of cultural institutions of different sizes, for example 150 museums, 88 theatres, 525 public libraries, and 98 music schools.

213. The cultural policy measures apply to everyone living in Denmark irrespective of ethnic, religious, linguistic or other background. Besides these general measures, there has also been taken initiatives focused on special groups and their access to, and participation in, cultural activities mainly: Children and Youth, The German minority and Artists with immigrant or intercultural background. The initiatives regarding artists with immigrant or intercultural background have been taken by The National Arts Council to ensure that artists and art projects of immigrant backgrounds receive a special introduction to the possibilities of obtaining public grants for art and culture in Denmark.

214. In the National Arts Councils action plan 2011-2015, it has been outlined how the Council will work with cultural diversity. Among other things, it is stated that "Cultural and artistic diversity is a collective name for a large number of good intentions which are important to the work of the National Arts Council: Cultural sustainability, freedom of expression and mutual respect, equal opportunities for all, irrespective of their sex, racial or ethnic origin, religion or belief, or social background".

215. The National Arts Council will focus on identifying and crossing social and cultural barriers experienced by the applicants, e.g. by expanding and developing the mentor mentoring scheme set up by the former art council on a trial basis. The Arts Council and its committees intend to discuss and specify their criteria for ensuring diversity and encourage applicants to challenge the aesthetic criteria of the Council with projects heading in new directions.

216. The mentoring scheme was created as part of the intercultural project of the Council in 2007-2011. The objective of the scheme has been to make visible a group of artists in Danish cultural life who have not been able to gain a foothold on the Danish art scene for different reasons. The basis is a classical mentoring scheme, where the aim is to realize and develop the mentee's abilities and skills. The mentor puts his/her experience, knowledge and insight at the disposal of the mentee and can thus be a resource who helps the mentee in gaining a stronger foothold, gives professional response and not least shares his/her experience, network and contacts. Between 20 and 25 mentor agreements have until now been set up between an intercultural artist and a professional, established artist. Within the framework of the mentoring scheme, there has also been information meetings for intercultural artists and seminars for art and cultural institutions. The objective is to meet the need for information and mark interculturalism as an important catalyst for the development of Danish art life.

217. Besides the initiative of the National Arts Council, work is ongoing in the associations of general education, sports associations, at libraries (e.g. Libraries at platforms for community centres) and many other cultural institutions to ensure – in a determined and targeted way – to make sure that there are platforms for intercultural meetings between the different cultures that exist at all levels of Danish society.
