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# Advance Unedited Version

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## Committee on Economic, Social and Cultural Rights

### List of issues in relation to the sixth periodic report of the Denmark\*

#### I. General information

1. Please provide information on the cases in which domestic courts interpreted Danish legislation in conformity with the State party's obligations under the Covenant.
2. Please indicate whether further amendments to the Act on the Danish Institute for Human Rights are envisaged including as regards the processes for the selection and dismissal of the members of the Institute. Please also provide an update on the follow-up to the recommendations made in relation to NHRI models which would be suitable for the Faroese society.

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

##### Maximum available resources (art. 2)

3. With a view to assessing the maximum available resources mobilised and allocated for the realization of economic, social and cultural rights in the State Party, please update the information in paragraphs 18, 19 and 34 of the common core document, including for Greenland and the Faroe Islands as applicable, and supply missing data on the evolution over the past ten years of:
  - (a) The proportion of people below the poverty line as defined at national level, and the levels of inequality;
  - (b) Proportion of the public revenue that is financed through taxes;
  - (c) Rates of taxes levied on corporate profits, on personal incomes, and VAT (exclusive of VAT on luxury items, tobacco/alcohol or sugary drinks/snacks, and gasoline), respectively; and percentage of the total revenue from personal income taxes that are collected from the richest decile of the population;

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

(d) Public expenses as a percentage of the GDP and, within the total public expenses, proportion of the public budget that is dedicated to social priorities (employment, education, social security, food, health, water and sanitation, housing and culture); and

(e) Inflation-adjusted absolute levels of social spending.

#### **Climate change**

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

#### **Business and human rights**

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

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

6. Please explain the obstacles to the adoption of a comprehensive anti-discrimination legislation as recommended by the Committee at the review of the State party's last report. Please explain how victims of discrimination in the enjoyment of rights or on grounds that are not specified in the State party's various anti-discrimination legal provisions can seek remedies and indicate how effective available recourses are.

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

8. Please provide information to what extent the provisions on non-discrimination to be included in the new constitution of the Faroe Islands and implementing legislation is in line with the provisions of article 2(2) of the Covenant, taking into account general comment No. 20 on non-discrimination in economic, social and cultural rights.

9. Please provide information on the impact of discrimination experienced by immigrants and descendants of non-Western origin, as mentioned in paragraph 16 of the State report, on their enjoyment of economic and social rights, such as the right to work, education, housing and health. Please explain to what extent the

measures described in paragraphs 17 and 18 of the State report addresses this situation and describe any impact achieved.

**Equality between men and women (art. 3)**

10. Please provide information, including statistical data, on the impact of the implementation of the Act from 2013, on the creation of equal access for women to corporate management. Please provide more information about the initiatives taken by the State party and their impact on addressing the vertical and horizontal segregation de facto gender segregation in the labour market.

11. Please provide information on the impact of the efforts made by the State party to address gender stereotypes, to assess the value of unpaid care work performed primarily by women, and to support both men and women in sharing domestic and care responsibilities while pursuing their careers. Please also provide information on other specific measures taken by the State party, and the impact thereof, on addressing the negative social control among ethnic minorities, mentioned in paragraph 34 of the State report.

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

12. Please provide information on the impact of the inclusive measures taken to improve inclusive employment for persons with disabilities as mentioned in paragraph 43 of the State report, especially among persons with disabilities with reduced work capacity. Please provide information on the protection of persons with disabilities from unfair dismissal, in particular dismissal based on reduced work capacity related to disability.

13. Please provide information on the implementation of the tripartite-agreement and specially the “Integration Training Programme”, mentioned in paragraph 42 of the State report, including statistical data on the beneficiaries and on any impact on reducing unemployment among immigrants since its launch in 2016.

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

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

15. Please provide data on the percentage of workers covered by collective agreements. In the absence of a statutory minimum wage, please indicate how the State party ensures that the remuneration of workers not covered by a collective agreement provide them and their families a decent living. Please also indicate to what extent remedies available to workers not covered by collective agreements are accessible and effective, including by providing statistical data on the number of industrial actions by such employees in order to obtain a collective agreement regulating pay and the results of those actions.

16. Please provide information on the impact of measures taken by the State party, such as those described in paragraphs 235 to 237 of the State report, on the reduction of the gender pay gap, including in the Faroe Islands and in Greenland. Please also provide statistical data on cases brought under the Act of Equal Pay and on measures to ensure equal pay not only for equal work but also for work of equal value. Moreover, please indicate whether the State party plans to review the Act in

order to make the publication of gender-segregated pay statistics compulsory for companies with fewer than 35 employees.

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

17. Please provide information on the impact or any assessment of the reduction of the unemployment benefit period on the beneficiaries' rights to work, to an adequate standard of living and to social security. Please also explain why only 20% of people whose entitlement periods expired received temporary benefits as mentioned in paragraph 39 of the State report. Please also clarify what other forms of benefits are available to unemployed people who have exhausted their period of entitlement to unemployment benefits?

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

19. Please indicate what benefits are accorded to persons with disabilities whose disability pension was abolished following the 2013 reform. Please indicate the entitlement of persons with disabilities after the expiration of the 5-year support. Please also provide an assessment of the implementation of the rehabilitation model, especially with regard to availability and adequacy of benefits. Please clarify how the "inability to work again" criteria will be measured and set. Please provide information on the conditions persons under 40 can be granted a disability pension, if it cannot be evidently assessed that they would never be able to work again.

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

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

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

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

22. Please indicate how the State party reconciles its obligations to guarantee the right to adequate housing with the penal sanctions provided for homeless persons who "establish or reside in a camp which causes disturbance of public order" More generally, how does the State party reconcile its obligations under the Covenant with the criminalization of behaviours, such as begging, that are associated with a situation of deprivation of rights. Please also provide data on convictions handed down in relation to these situations.

23. Please provide statistical data on homelessness among people with migration background and Roma. Please provide further information about the targets set in the 2018-2021 Action Plan against Homelessness, especially for these two groups. Please also provide information regarding any measures taken to ensure sufficient

shelter capacity and to make them more accessible. Moreover, please provide statistical data on homelessness in Faroe Islands and information on the impact of the work undertaken by the Social Housing Association.

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

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

**Right to health (art. 12)**

26. Please provide information regarding any measures taken to address the barriers preventing unregistered migrants to effectively access health care services, which they are entitled to, including immunization and maternal care.

27. Please explain how the right to free and informed consent is implemented in the State party’s mental health care system, in light of the information provided in paragraph 187 of the State report.

**Right to education (art. 13)**

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

**Right to participate in cultural life and enjoy the benefits of scientific progress (art. 15)**

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

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

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