

THE DANISH  
INSTITUTE FOR  
HUMAN RIGHTS

REPORT TO THE UN  
COMMITTEE ON  
THE RIGHTS OF  
PERSONS WITH  
DISABILITIES PRIOR  
TO ADOPTION OF  
LIST OF ISSUES

DENMARK 2019

## **REPORT TO THE UN COMMITTEE ON THE RIGHTS OF PERSONS WITH DISABILITIES PRIOR TO ADOPTION OF LIST OF ISSUES**

DENMARK 2019

Report to the UN Committee on the Rights of Persons with Disabilities in order to assist the Committee in the preparation and adoption of the list of issues prior to reporting under the simplified reporting procedure in its 21<sup>st</sup> session (March – April 2019).

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## **ABBREVIATIONS**

CRPD	The UN Convention on the Rights of Persons with Disabilities
DIHR	Danish Institute for Human Rights
EU	European Union
HRCG	Human Rights Council of Greenland
NHRI	National human rights institution
SDGs	The United Nations' Sustainable Development Goals
SHILD	Survey of Health, Impairment and Living Conditions in Denmark
UN	United Nations
WCAG	Web Content Accessibility Guidelines

# PREFACE

This report by the Danish Institute for Human Rights (DIHR) contains information to the UN Committee on the Rights of Persons with Disabilities (the Committee). The report aims to assist the Committee in the preparation and adoption of the list of issues prior to submission of the 2<sup>nd</sup> and 3<sup>rd</sup> periodic reports of Denmark regarding national implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD).

## **THE DANISH INSTITUTE FOR HUMAN RIGHTS**

DIHR is the national human rights institution (NHRI) of Denmark. DIHR was established in 1987 and is regulated by act no. 553 of 18 June 2012 on the Institute for Human Rights – Denmark’s National Human Rights Institution. DIHR is an independent, self-governing institution within the public administration and is established and functioning in accordance with the UN Paris Principles. DIHR is accredited as an A-status NHRI.

Since 2011, DIHR has been appointed as the independent mechanism for monitoring, promoting, and protecting the implementation of the CRPD in Denmark under Article 33(2) of the Convention. DIHR is part of the Danish independent monitoring framework together with the Danish Disability Counsel and the Danish Parliamentary Ombudsman. DIHR is also appointed as a National Equality Body in accordance with EU directives on equal treatment of all persons regardless of gender, race or ethnic origin.

DIHR monitors the human rights situation in Denmark and conducts academic research, analyses and reports on human rights issues. Moreover, DIHR writes public consultation memos in relation to new legislation and provides recommendations as to how human rights conventions can be implemented in Danish law. The monitoring work of DIHR relies greatly on surveys and statistics provided by DIHR and other organisations, including public authorities, universities and civil society organisations. In general, collaboration with key players and the inclusion of civil society is an important part of the work of DIHR.

DIHR has for several years been engaged in a project which aims at identifying a set of statistical outcome indicators to measure the implementation of the CRPD in Denmark.<sup>1</sup> This project has led to the production of The Disability Index (*Handicapbarometeret.dk*), a webpage, that displays the situation of persons with disabilities compared to persons without disabilities in relation to ten key areas of life. Each indicator consists of comparative data points and all indicators are disaggregated on sex, ethnicity, age, type of disability (physical or mental) and degree of disability (minor or major) in order to highlight the intersection between disability and these categories. The Disability Index mainly builds on a survey called SHILD, Survey of Health, Impairment and Living Conditions in Denmark, conducted by SFI – The Danish National Centre for Social Research, (now “VIVE”). The survey contains questions covering most of the ten indicators and answers from approximately 20.000 people in each wave. The first wave was conducted in 2012 and the second wave was collected in 2016.<sup>2</sup> In six out of the ten indicators the Disability Index provides the opportunity to follow the development from 2012 to 2016. The Disability Index has been developed through an inclusive process with relevant national stakeholders, including SFI – The Danish National Centre for Social Research, (now “VIVE”), State authorities and a broad range of disability organisations.

## **COOPERATION WITH STAKEHOLDERS IN GREENLAND**

Denmark’s ratification of the CRPD also applies to Greenland and the Faroe Islands.

DIHR is appointed national human rights institution for Greenland and in addition designated as independent monitoring mechanism for the CRPD. The Greenlandic monitoring framework for the CRPD is composed of DIHR and the Human Rights Council of Greenland (HRCG).

The HRCG consists of 15 representatives reflecting the views of civil society organisations working with human rights and 3 representatives with observer

status from the Greenlandic government, the Greenland municipalities and the parliamentary ombudsman of Greenland. The council is commissioned to participate in the strengthening and consolidation of human rights knowledge and competence in Greenland.

DIHR works in close cooperation with the HRCG in order to monitor the promotion and protection of human rights in Greenland. In 2014 and 2016, DIHR and the HRCG jointly published a status report on the human rights situation in Greenland, including the rights of persons with disabilities. A similar report is to be published by DIHR and the Human Rights Council of Greenland in 2019.

In May 2018, the HRCG, DIHR, and the Greenlandic Ministry of Social Affairs and Justice concluded a cooperation agreement on the active involvement of persons with disabilities through their representative organisations in the process of monitoring the implementation of the CRPD in Greenland. The agreement establishes a number of joint activities in the years 2018-2020, including five round-table meetings with local representatives of the Greenlandic disability organisations situated in different regions of Greenland. The first three round-table meetings were held in November 2018. As a key part of the meetings, the participants were asked to reflect on what they consider to be the greatest challenges in the field of disability in Greenland. The last two meetings are planned for the spring of 2019.

In 2017, a national advocacy service for people with disabilities, Tilioq, was established in Greenland. Tilioq's mission is to promote the rights and interests of persons with disabilities in the Greenlandic society based on the CRPD. In November 2018, DIHR participated in a conference held by Tilioq with the aim of bringing together different stakeholders and taking stock of the implementation of the CRPD in Greenland.

The mandate of DIHR does not extend to the Faroe Islands – the other self-governed part of the Kingdom of Denmark. As a result, this report does not contain topics concerning the implementation of the CRPD in the Faroe Islands.



## **ABOUT THE REPORT**

This report contains suggested inquiries to the Committee on selected areas protected within the scope of the CRPD. Each suggested inquiry is presented with a short justification for the selected issue. The report is divided into two main sections. The first section concerns the implementation of the CRPD in Denmark and the second one focuses on the implementation of the CRPD in Greenland.

The selection of issues is based on recommendations from the Committee in its 2014 concluding observations on the initial report of Denmark.<sup>3</sup> Moreover, the selection is based on relevant human rights debates, legislative developments and recommendations given by DIHR or civil society through public consultation memos, thematic reports etc.

In the chapters on the situation in Denmark many of the selected issues is related to the findings of the disability index. As to chapters on Greenland, the justifications for the selected issues often relies on information provided by the Greenlandic civil society, particularly during the round-table meetings on 4 and 8 November 2018 and the conference hosted by Tilioq on 11 November 2018.

Seeing that the UN Sustainable Development Goals (SDGs) are grounded in international human rights treaties, global and national SDG indicators that are used for reporting on the implementation of the SDGs can also be used to measure challenges and progress in the implementation of the CRPD. In this regard, DIHR wishes to highlight our report on the linkages between the CRPD and the SDGs made in collaboration with International Disability Alliance.<sup>4</sup>

Danish and Greenlandic civil society organisations representing people with disabilities, the HRCG and Tilioq have been consulted in the drafting of the report.

# EXECUTIVE SUMMARY

As to the human rights situation for persons with disabilities in Denmark, the Disability Index shows that in nine out of ten indicators persons with disabilities are in a disadvantageous position when compared to the rest of the population. The nine indicators being: (1) equality and non-discrimination, (2) violence, (3) accessibility and mobility, (4) freedom and personal integrity, (5) living independently and being included in the community, (6) education, (7) health, (8) employment, and (9) social protection.<sup>5</sup>

Moreover, the development in recent years appears to be pointing in the wrong direction. In five out of the six indicators, where there is a significant development, the numbers show that the situation for persons with disabilities has worsened from 2012 to 2016. This is the case in terms of inter alia freedom and personal integrity, accessibility and education.

With regards to the implementation of the CRPD in Greenland, there seems to be severe challenges when it comes to ensuring some of the core rights and freedoms for persons with disabilities. However, it is hard to accurately describe the human rights situation for persons with disabilities in Greenland and the development in the implementation of the Convention, as there is a lack of knowledge and quality data in the field of disability. In addition, the implementation of the CRPD in Greenland is challenged due to some the special characteristics of the Greenlandic society. The fact that Greenland is a geographically large area with a very low population density and a scattered population creates exceptional challenges in terms of accessibility, independent living and ensuring access to specialised services.

# CHAPTER 1

## DENMARK

### **ARTICLE 1-4 – PURPOSE AND GENERAL OBLIGATIONS**

In 2014, the Committee on the Rights of Persons with Disabilities (hereafter the Committee) recommended that Denmark reviewed the national disability action plan from 2013. However, this review never took place, and the 2013-action plan has now expired. Thus, there is currently no national disability action plan in Denmark.

#### **Suggested Inquiry:**

- Please indicate whether the State party is planning to produce a comprehensive national disability action plan with concrete and measurable targets for the implementation of the CRPD.

### **ARTICLE 5 – EQUALITY AND NON-DISCRIMINATION**

On 1 July 2018, a general ban on discrimination on the grounds of disability outside the labour market came into force.<sup>6</sup> The ban, however, does not include an obligation to provide reasonable accommodation nor an obligation to comply with existing accessibility standards.<sup>7</sup>

Hence, under Danish law there is still no effective legal protection against discrimination on the grounds of disability in the forms of denial of reasonable accommodation or lack of accessibility.

#### **Suggested Inquiry:**

- Please provide information about how the State party will ensure that persons with disabilities are effectively protected against discrimination in the forms of denial of reasonable accommodation and lack of accessibility.

### **ARTICLE 7 – CHILDREN WITH DISABILITIES**

The number of children who have been subject to coercion in psychiatric treatment has increased since 2011. In the years 2011 to 2013, on average 243 children per year were exposed to coercive measures, corresponding to 16.6% of all children admitted to psychiatric wards. In 2017, the figures had risen to 340 children and 21.8%.<sup>8</sup>

Furthermore, according to the Danish Psychiatric Act the use of forced admission to a hospital as well as forced treatment do not constitute 'coercion' if 1) the patient is under the age of 15 and 2) the holder of custody has consented to the admission or the treatment.<sup>9</sup> This means that a child below the age of 15 does not enjoy the procedural safeguards and standards provided for in the Psychiatric Act contrary to what applies to children over the age of 15 and adults.

**Suggested Inquiries:**

Please provide information about:

- Measures taken to reduce the use of coercive measures against children; and
- Whether the Danish Government will take initiatives to amend the legislation on coercion in the psychiatric system in order to ensure children under the age of 15 procedural safeguards and standards equivalent to those provided for children over the age of 15 and adults.

**ARTICLE 9 – ACCESSIBILITY**

In July 2017, an administrative order from the Danish Ministry of Transport, Building and Housing came into force which involved an amendment of the accessibility requirements for buildings in the Danish Building Regulations.<sup>10</sup> The amendment entailed that single-family houses are no longer subject to the provision in the Building Regulations<sup>11</sup> which prescribes that all external doors must provide level access to the ground floor of a building. This amendment has been strongly criticized for being a significant deterioration of the accessibility requirements for housing and thus a serious retrograde step for the right to accessibility for persons with disabilities.<sup>12</sup>

**Suggested Inquiries:**

Please provide information about:

- The development in accessibility to housing since 2014; and
- Measures taken to remove barriers to housing since 2014.

Since January 2008, an agreement has been in place which commits Danish public authorities to ensure that new public websites, or websites that are changed, follow the Web Content Accessibility Guidelines, WCAG 2.0.<sup>13</sup> These guidelines set up a standard to make websites more accessible for persons with different kinds of disabilities. However, in 2017 DIHR concluded in a report on digital communication in the municipalities that less than 57% of the municipalities had websites fulfilling the WCAG 2.0-standards.<sup>14</sup>

On 29 May 2018, an act on the accessibility of the websites and mobile applications of public authorities was passed, implementing the European Union Web Accessibility Directive, EU Directive 2016/2102.<sup>15</sup> However, the new act does not contain a specific complaint mechanism that ensures a uniform and reliable enforcement of the accessibility standards. Neither does it contain a possibility to sanction a lack of compliance with the requirements of the Act.<sup>16</sup>

**Suggested Inquiries:**

Please provide information about:

- What percentage of websites and mobile applications of public authorities fulfil the requirements of EU Directive 2016/2102; and
- How the State party will ensure that websites and mobile applications of public authorities fulfil the requirements of EU Directive 2016/2102.

**ARTICLE 12 – EQUAL RECOGNITION BEFORE THE LAW**

In 2014, the Committee recommended that Denmark reviewed the existing legislation and incorporated supported decision-making into Danish legislation in full conformity with article 12 of the Convention.<sup>17</sup>

Since 2014, there has been no major reform of the legislation regarding legal incapacity and guardianship with respect to incorporation of the principle of supported decision-making.

**Suggested Inquiries:**

Please provide information about:

- In what specific regulations and to what extent the principle of supported decision-making is incorporated; and
- Measures taken to replace substituted decision-making with supported decision-making, including with regard to consent for medical treatment, access to justice, voting, marriage and work.

**ARTICLE 14 – LIBERTY AND SECURITY OF THE PERSON**

According to the Danish Criminal Code, persons who at the time of a criminal act were not accountable due to mental illness or mental retardation can be exempted from punishment.<sup>18</sup> Instead, such persons may be sentenced to treatment.<sup>19</sup> The number of persons with disabilities who are sentenced to treatment has increased significantly during the past decades. In 2001, 362

sentences to treatment were passed.<sup>20</sup> In 2016, the figure had risen to 779 sentences to treatment.<sup>21</sup>

The applied measure of treatment in a specific case and the length of this measure depends on what is considered expedient for the prevention of further offences. Hence, there is no requirement that the measures of treatment must be proportionate in their severity to the seriousness of offences. Consequently, the length of sentences to treatment can be problematic when persons with disabilities are sentenced to up to five years or indeterminately for crimes that would have deprived them their liberty in a much shorter timespan if they had been given a prison sentence.<sup>22</sup>

Furthermore, in the Danish media, it has been suggested that long case processing times at the Danish Prosecution Service and the Medico-Legal Council imply a risk that court-ordered psychiatric patients will not be released from forensic psychiatric wards and institutions within a reasonable time after having been declared recovered.<sup>23</sup> These patients are thus confined for a longer period than their need for treatment necessitates.

#### **Suggested Inquiries:**

Please provide information about:

- Plans to amend the legislation on forced treatment in the penal system in order to ensure proportionality between offences and length of treatment sentences; and
- Planned measures to reduce the number of persons sentenced to forensic psychiatric treatment;
- Whether the Danish Prosecution Service has handled cases in which forensic psychiatric patients have been confined for a longer period than their need for treatment necessitated.

#### **ARTICLE 16 – PROTECTION AGAINST VIOLENCE**

The Danish Penal Code operates with several different maximum penalties for rape. The code states that rape in the form of intercourse which is obtained by violence, threats of violence, other kinds of force or by having intercourse with a person unable to physically resist is punishable by up to 8 years in prison.<sup>24</sup> However, rape in the form of intercourse that is obtained by exploiting another person's mental illness or mental handicap can only be punished by up to 4 years in prison.<sup>25</sup>

**Suggested Inquiries:**

Please provide information about:

- The reasons for the lower maximum penalty for exploiting mental illness or mental handicap to obtain intercourse, compared to intercourse obtained through using different kinds of force; and
- Measures ensuring that persons with mental disabilities are protected from rape on equal terms with persons without mental disabilities.

**ARTICLE 17 – INTEGRITY**

In Denmark, there is a widespread use of coercion in the psychiatric system. Despite an official strategy to reduce coercion in the psychiatric system, the number of psychiatric patients subjected to coercive measures has increased by 73 persons between 2014 and 2017. In 2017 coercive measures were applied to 6,152 persons which corresponds to 23.2% of all persons admitted to psychiatric wards.<sup>26</sup>

Forced physical restraint with belts is one of the most invasive measures available in the Danish psychiatric system. The use of forced physical restraint with belts amounted to 4,307 instances in 2017.<sup>27</sup> Of these restraints, 451 lasted more than 48 hours<sup>28</sup> – a decrease since 2014 when the use of forced physical restraint with belts lasting more than 48 hours was 808 instances.<sup>29</sup> Whereas, the use of long-term physical restraints has decreased, there has been an increase in the use of other coercive measures, including forced medication.<sup>30</sup> This might indicate that other coercive measures such as forced medication with tranquilizers merely replace long-term physical restraints with belts.

**Suggested Inquiries:**

Please provide detailed information about:

- Measures taken to limit the use of coercive measures in psychiatric institutions; and
- Steps taken to avoid the use of forced physical restraints with belts lasting more than 48 hours.

**ARTICLE 18 – LIBERTY OF MOVEMENT AND NATIONALITY**

In Denmark, foreigners can only achieve Danish citizenship by statute.<sup>31</sup> The Danish Parliament's Naturalization Committee is tasked with overseeing this process and has as one of its tasks to process dispensation cases.<sup>32</sup> Applicants

can be exempted from the citizenship requirements if they are incapable of fulfilling the requirements due to a disability.

In 2014, 97% of the dispensation applications for the requirements of knowledge of the Danish language and society were met. However, after a change in government, the number decreased drastically. In 2017, only 4% of the same type of applications were met.<sup>33</sup>

**Suggested Inquiries:**

Please provide information about:

- The reasons for the decrease in the number of dispensations from the Danish language and civic knowledge requirements from 2014 to 2017;
- Measures taken to ensure that persons with disabilities are not disadvantaged when applying for citizenship;
- Any expected changes to the rules or legal decisions affecting this topic.

**ARTICLE 19 – LIVING INDEPENDENTLY AND BEING INCLUDED IN THE COMMUNITY**

In 2014, the Committee noted with concern the increased construction of large institution-like residences for persons with disabilities. Apparently, this tendency has not been reversed. In 2016, 47% of all assisted living facilities had more than 30 homes, 20% had more than 60 homes and 11% had more than 100 homes.<sup>34</sup> There is still no ban on building large-scale institutions in Denmark and currently no mapping of the number of large institutions.

Furthermore, the legislative remedies on the use of force against residents at assisted living facilities are expected to be widened with an amendment of the Act on Social Services in 2019.<sup>35</sup>

**Suggested Inquiries:**

Please provide information about:

- The development in the size of assisted living facilities since 2014;
- Any plans to decrease, increase or otherwise regulate the construction and use of large institutions.

In 2017, the Danish Parliament decided to create 150 beds at specialized social psychiatric wards.<sup>36</sup> An admission to such a ward is a temporary one, which can be compared to an admission to a hospital. Despite this temporary nature, the responsible municipality is only allowed to admit on the condition that the



patient gives up his or her current place at an assisted living facility. This may put residents at assisted living facilities in a position where they must choose between receiving specialized social-psychiatric treatment and their current home.<sup>37</sup>

**Suggested Inquiry:**

- Please provide information on plans to ensure that people with mental disabilities will not be forced to choose between receiving specialized mental care and staying in their current home.

In 2017, the Danish Act on Social Services was amended to allow forced relocation of a resident from one assisted living facility to another for other reasons than the consideration of the needs of the resident. With the amendment it is now possible to relocate a resident based on his or her behaviour towards other residents or the staff. Such a forced relocation entails that the resident loses the opportunity to choose a place of residence.

**Suggested Inquiry:**

- Please elaborate on the grounds for depriving residents at assisted living facilities of the opportunity to choose their place of residence when they are being relocated due to aggression; and
- Please provide information on measures taken to improve the right of persons with disabilities to freely choose where to live.

**ARTICLE 23 – RESPECT FOR THE HOME AND THE FAMILY**

Under certain circumstances the Danish Adoption Act allows for forced adoption, entailing that the biological parents lose all parental rights and visiting rights. As a consequence of an amendment of the act in 2015 it is no longer a requirement to prove that the parents, due to e.g. a disability, will be permanently unable to care for the child. Now it is only required to prove that it is *plausible* that the parents will be permanently unable to care for the child.<sup>38</sup> The amendment has resulted in an increase in the number of forced adoptions.<sup>39</sup> Since 2015 the number of forced adoptions has on average been around five a year in comparison to on average of two forced adoptions per year in 2009-2014.<sup>40</sup>

The Danish legislation regarding support for parents with disabilities is scattered across different kinds of legislation and not uniformly practiced. If parents with disabilities do not receive the necessary help and support with filling the parental role, there is a risk that their children will be put up for forced adoption.<sup>41</sup>

**Suggested Inquiries:**

Please provide information about:

- Measures taken to ensure that no parents with disabilities lose their children to forced adoption due to lack of help and support; and
- Any plans to investigate the effects of the amendment of the Adoption Act on the rights of parents with disabilities.

#### **ARTICLE 24 – EDUCATION**

In 2014, the Committee recommended that Denmark should take measures to address discrepancies in accomplishment rates between pupils with and without disabilities at all levels of education.<sup>42</sup> Despite this recommendation the level of education for persons with disabilities has decreased from 2012 to 2016, whereas the level of education for persons without disabilities has increased. The percentage of persons with disabilities in the age of 30-40 years who had accomplished a vocational education or a short-, medium- or long cycle higher education was 74% in 2012 and 66% in 2016. The corresponding number for persons without disabilities was 84% in 2012 and 86% in 2016.<sup>43</sup>

#### **Suggested Inquiries:**

Please provide information about:

- Measures taken to investigate the reasons for the decreased accomplishment rates for persons with disabilities; and
- Measures taken to improve the level of education for persons with disabilities at all levels of education.

#### **ARTICLE 25 – HEALTH**

In 2014,<sup>44</sup> the Committee recommended Denmark to ensure that persons with disabilities have equal access to the highest attainable standard of health.

The number of persons with disabilities who experience that they have a good health has decreased with 2-3% from 2012 to 2016.<sup>45</sup>

A report published in 2014 showed that the mortality rate for persons with learning disabilities is approximately 14.5 years shorter than for persons without learning disabilities.<sup>46</sup>

Another report published in 2017 found that the health condition of persons with disabilities was generally worse than that of persons without disabilities in terms of sleeping worse, having more pain, smoking more, drinking more alcohol and more often being overweight.<sup>47</sup>

**Suggested Inquiries:**

Please provide information about:

- Measures taken to investigate the causes of the higher mortality rate and worse overall health conditions for persons with disabilities;
- Measures taken to address the health inequality between persons with disabilities and persons without disabilities.

**ARTICLE 27 – WORK AND EMPLOYMENT**

In 2016, only 56% of persons with disabilities in Denmark were employed. The corresponding number for persons without disabilities was 77%. Thus, almost half of all persons with disabilities are unemployed. Moreover, there is a notable employment gap between persons with disabilities and persons without disabilities.<sup>48</sup>

**Suggested Inquiries:**

Please provide information about:

- Plans to investigate the reasons for the inequality for persons with disabilities in terms of employment rates; and
- Measures taken to increase the percentage of persons with disabilities working in the open labour market.

**ARTICLE 31 – STATISTICS AND DATA COLLECTION**

The main data source regarding living conditions for persons with disabilities in Denmark is SHILD – Survey of Health, Impairment and Living Conditions in Denmark. SHILD, however, only surveys people between the ages of 16-64.<sup>49</sup> This leaves a knowledge gap when it comes to children with disabilities and people above the age of 64.

The first two waves of SHILD in 2012 and 2016 were financed through the rate adjustment pool, which was a pool of public funds allocated for projects in the areas of social work, health and employment. As part of the Danish Finance Act 2019 the rate adjustment pool ceased to exist by 1 January 2019.

**Suggested Inquiries:**

Please provide information about:

- Plans to ensure a sufficient, consistent and reliable funding for a regular survey of living conditions of persons with disabilities in Denmark such as

SHILD in the future; and

- Any plans to ensure more statistical data on the living conditions of persons with disabilities below the age of 16 and above the age of 64.

## CHAPTER 2

### GREENLAND

#### **ARTICLE 1-4 – PURPOSE AND GENERAL OBLIGATIONS**

In 2014, the Committee recommended Greenland to adopt a dedicated disability policy action plans to effectively implement the CRPD. However, such a national disability action plan has not yet been adopted.

In its 2014 concluding observations, the Committee also recommended the State party to undertake training programmes to facilitate the active application and implementation of the CRPD by the officials of State and municipal authorities in Greenland, including by providing guidance to the municipalities on the implementation of the respective acts on social services in observance of the Convention's provisions.

In Greenland, disability is mainly treated as an isolated, peripheral legal and political area, mostly dealt with in terms of regulation in the social field. There is very little cooperation across sectors and a lack of disability mainstreaming in policies, practices and legislation.<sup>50</sup>

Furthermore, there is a severe lack of training with regards to disability rights across the parts of the public sector that engage professionals and staff working with persons with disabilities.<sup>51</sup>

#### **Suggested Inquiries:**

Please provide information about:

- Any plans for a national disability action plan to implement the CRPD in Greenland;
- Measures taken to ensure a higher degree of cooperation between the sectors in relation to disability policies;
- Initiatives taken to assess legislation and practices with regards to their implications for persons with disabilities;
- Measures taken to ensure the full and effective participation of persons with disabilities and their representative organizations in the design, implementation and review of all disability-related legislation and policies;

and

- Measures taken to ensure that staff working with persons with disabilities have the required qualifications to provide the assistance and services guaranteed by the CRPD.

#### **ARTICLE 5 – EQUALITY AND NON-DISCRIMINATION**

In 2014, the Committee urged the Government of Greenland to adopt new comprehensive cross-sectoral anti-discrimination legislation. Moreover, the Committee recommended Greenland to take steps to ensure that reasonable accommodation is provided in all spheres of society and to ensure effective legal remedies to persons with disabilities.

A general prohibition on discrimination on the grounds of disability has not been introduced in Greenland.

#### **Suggested Inquiries:**

Please provide information about:

- How adequate protection against discrimination on the grounds of disability will be ensured; and
- Measures taken to ensure that reasonable accommodation is provided in all spheres of society.

#### **ARTICLE 8 – AWARENESS**

In Greenland, people with disabilities are subject to prejudices and stereotypes, which entails that many persons with disabilities and their families feel inferior, stigmatized and marginalised. There is a need for more knowledge and information regarding persons with disabilities.<sup>52</sup>

#### **Suggested Inquiry:**

- Please provide information about measures taken to increase awareness about persons with disabilities and their rights in the Greenlandic society.

#### **ARTICLE 9 – ACCESSIBILITY**

The geographic and demographic situation in Greenland entails that a relatively low number of people are scattered across a large territorial area. Uneven roads and lack of accessibility to transport by sea and by air hinder the access for persons with disabilities to move between places in Greenland.<sup>53</sup>

As a result, many persons with disabilities only have access to public services and authorities digitally, rather than physically, making digital accessibility vital for accessing public services.

Thus, data on SDG 11.2 – By 2030, provide access to safe, affordable, accessible and sustainable transport systems for all, improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, women, children, persons with disabilities and older persons – is particularly relevant in a Greenlandic context, and so is the corresponding global indicator, 11.2.1 – Proportion of population that has convenient access to public transport, by sex, age and persons with disabilities.

**Suggested Inquiries:**

Please provide information about:

- Data on physical and digital accessibility and mobility for persons with disabilities in Greenland; and
- Measures taken to ensure accessibility to buildings, information and infrastructure, including means of transport and websites.

**ARTICLE 14 – LIBERTY AND SECURITY OF THE PERSON**

Like the Danish Penal Code, the Greenlandic Criminal Code allows for the court to sentence persons with mental illness or retardation to treatment instead of punishment.<sup>54</sup> The regulation is largely similar,<sup>55</sup> and the issues mentioned under article 14 in relation to Denmark is also applicable to Greenland.

**Suggested Inquiries:**

Please provide information about:

- Data on the number of persons sentenced to treatment in accordance with the Greenlandic Criminal Code, including the court-ordered measures of treatment and length of these measures;
- How long, on average, sentences to treatment are upheld; and
- The percentage of court cases regarding the annulment of a sentence to treatment that has resulted in the sentence being ended.

The Greenlandic Criminal Code allows for persons sentenced to forensic psychiatric treatment to be placed in Denmark.<sup>56</sup> In 2018, around 17 persons were admitted to the forensic psychiatric ward at Aarhus University Hospital. Even though this ward has a special section that provides particular care for

persons from Greenland, these persons are still placed far away from their home country, their families and networks.

**Suggested Inquiries:**

Please provide information about:

- The possibility for patients at Aarhus University Hospital to have their cultural and linguistic context and attachment to Greenland considered in their treatment;
- The number of available placements within Greenland for psychiatric patients sentenced to forensic psychiatric treatment.

**ARTICLE 17 – INTEGRITY**

In 2016, a report was made for Naalakkersuisut, the Government of Greenland, on the use of force within the psychiatric system. However, the report only focuses on forced psychiatric confinement.<sup>57</sup> Generally, little available data exists on the use of coercive measures in the psychiatric system, including information regarding psychiatric treatment of children which poses a challenge to address potential issues in this area.

**Suggested Inquiries:**

Please provide information about:

- Data on the use of coercive measures in the psychiatric department in Greenland, both in relation to forced psychiatric confinement and other coercive measures; and
- Psychiatric treatment of children in Greenland, including the number of children under the age of 18 who are part of the psychiatric system and special rules and procedures followed when treating children.

**ARTICLE 19 – LIVING INDEPENDENTLY AND BEING INCLUDED IN THE COMMUNITY**

Not much information is currently available on the degree of institutionalisation in Greenland, making it hard to identify issues in this area.

**Suggested inquiries:**

Please provide information about:

- The number of persons with disabilities who are currently living in institutions in Greenland or abroad;



- Measures in place to ensure that persons with disabilities have the opportunity to stay out of institutions, at their own home or with others; and
- Procedures in place to ensure that persons with disabilities have the highest degree of independence possible within the existing institutions.

Many persons with disabilities are either placed in institutions in Denmark<sup>58</sup> or choose to move to Denmark or other countries, possibly with their families, because they experience that the care and support provided in their municipality in Greenland is insufficient.<sup>59</sup> This means that many persons with disabilities do not have access to care in their own language or to care taking into account their cultural context.

**Suggested Inquiries:**

Please provide information about:

- Measures taken to make available the necessary professional and financial resources in order to ensure respect of the rights of persons with disabilities to live with their families and be included in the community; and
- The number of children with disabilities not living with their families, including those placed in institutions, and detailed data on measures taken to ensure deinstitutionalization of children with disabilities.

**ARTICLE 24 – EDUCATION**

There is a lack of teachers with expertise for special education classes.<sup>60</sup> Teachers with expertise in special education are only in charge of 2 percent of the regular special education and 9 percent of the extensive special education in the primary schools.<sup>61</sup>

The schools in hamlets and smaller towns cannot always offer special education or support for children with disabilities. If a school cannot accommodate a child's needs, the municipality has to offer education and housing at another school.<sup>62</sup> This often leads to children having to stay far away from their parents and well-known settings.

**Suggested Inquiries:**

Please provide information about:

- The percentage of school children excluded from regular classes and placed in special education classes;

- Measures taken to ensure that children with disabilities on all levels of the educational system can be included in regular classes; and
- Measures taken to ensure that teachers on all levels of the educational system have the qualifications needed in order to educate students with different kinds of disabilities.

### **ARTICLE 27 – WORK AND EMPLOYMENT**

In 2014, the Committee recommended the State party, including Greenland, to take all necessary measures to significantly increase the percentage of persons with disabilities working in the open labour market.

Not much information is currently available regarding employment of persons with disabilities in Greenland. For this reason it is hard to identify specific issues in this area.

#### **Suggested Inquiries:**

Please provide information about:

- The percentage of persons with disabilities in Greenland currently employed;
- The development since 2014 in the number of persons with disabilities employed;
- Disability aid schemes and regulations in place with the purpose of advancing the opportunity for persons with disabilities to obtain and maintain employment; and
- Measures taken to increase the percentage of persons with disabilities working in the open labour market.

### **ARTICLE 31 – STATISTICS AND DATA COLLECTION**

In 2014, the Committee recommended the State party to systematize the collection, analysis and dissemination of data, disaggregated by gender, age, disability and region; enhance capacity-building in this regard; and develop gender- and age-sensitive indicators, paying due regard to the need to move from a medical-based to a human rights-based approach to disability.

The importance of availability of high-quality, timely and reliable data disaggregated by disability and other characteristics is also one of the global SDG targets (SDG 17.18). Since the SDGs are grounded in international human rights treaties, global and national SDG indicators that are used for reporting on the

implementation of the SDGs, can also be used to measure challenges and progress in the implementation of the CRPD.

The only larger data collection regarding living conditions for persons with disabilities in Greenland is administrative data from registers, mainly gathered by the municipalities. This data is gathered inconsistently, and the methods vary between municipalities, making the data hard to compare.<sup>63</sup>

The only statistical overview of the situation for persons with disabilities produced by the authorities has so far focused exclusively on social services. Thus, it does not contain information about other vital parts of everyday life for persons with disabilities, such as education, employment, political participation etc.<sup>64</sup>

**Suggested Inquiries:**

Please provide information about:

- Measures taken to systematically collect data and statistics on living conditions for persons with disabilities in Greenland;
- The status on the development of national SDG indicators; and
- The topics covered and the quality of the existing data regarding living conditions for persons with disabilities in Greenland.

**OPTIONAL PROTOCOL**

Denmark's ratification of the optional protocol to the CRPD does not apply to Greenland due to a territorial exclusion.

**Suggested Inquiry:**

- Please provide information on any plans to withdraw the territorial exclusion for Greenland to the Optional Protocol.

# END NOTES

<sup>1</sup> The Danish Institute for Human Rights (Institut for Menneskerettigheder) (2015), The Gold Indicators, available in Danish at:  
<https://www.humanrights.dk/publications/gold-indicators>.

<sup>2</sup> See more on methodology in SHILD in the report by Anna Amilon, Lena Bech Bojsen, Stine Vernstrøm Østergaard & Anna Høeg Rasmussen (2017), Personer med handicap – hverdagsliv og levevilkår 2016, VIVE - the Danish Centre for Social Science Research (VIVE- Det Nationale Forsknings- og Analysecenter for Velfærd), p. 13ff, available in Danish at:  
[https://pure.sfi.dk/ws/files/1045522/personer\\_med\\_handicap\\_pdfa.pdf](https://pure.sfi.dk/ws/files/1045522/personer_med_handicap_pdfa.pdf).

<sup>3</sup> United Nations (UN), Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Denmark, 30 October 2014, document no. CRPD/C/DNK/CO/1, available at:  
<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAgkKb7yhsrcxgrMqyLrvLrl%2F6hod6mnZ5w6Or5OgmaXjKC%2BkJbNwXf58Tuqzhd07nnm2ksXJYLVUELVMje6X74w4dYLO91T2%2FW%2Ft8G8g3rUbOPHhh%2F51P>.

<sup>4</sup> The Danish institute for Human Rights (Institut for Menneskerettigheder) and the International Disability Alliance, The rights of persons with disabilities and the Sustainable Development Goals, 2018, available at:  
<https://www.humanrights.dk/publications/rights-persons-disabilities-2030-agenda-sustainable-development>.

<sup>5</sup> The only indicator not showing persons with disabilities to be at a disadvantage is participation in political life.

<sup>6</sup> Denmark, Act no. 688 of 8 June 2018 on the Prohibition of Discrimination on the Grounds of Disability (Lov nr. 688 af 8. Juni 2018 om forbud mod forskelsbehandling på grund af handicap), available in Danish at:  
<https://www.retsinformation.dk/Forms/R0710.aspx?id=201823>.

<sup>7</sup> Denmark, Act no. 688 of 8 June 2018 on the Prohibition of Discrimination on the Grounds of Disability (Lov nr. 688 af 8. Juni 2018 om forbud mod forskelsbehandling på grund af handicap), section 3, available in Danish at:  
<https://www.retsinformation.dk/Forms/R0710.aspx?id=201823>.

<sup>8</sup> Denmark, The Danish Health Data Authority (Sundhedsdatastyrelsen), 'Tabel med årlige indikatorer, baseline og milepæl', yearly overview, indicators 9.01 and 9.02, available in Danish at:  
<http://esundhed.dk/sundhedsaktivitet/tip/Sider/tip03.aspx>.

<sup>9</sup> Denmark, The Psychiatric Act, consolidated act no. 1160 of 29 September 2015 (Psykiatriloven, lovbekendtgørelse nr. 1160 af 29. September 2015), section 1(4), available in Danish at:  
<https://www.retsinformation.dk/forms/r0710.aspx?id=174248>.

<sup>10</sup> Denmark, Administrative Order no. 718 of 31 May 2017 amending the Administrative Order on the Publication of the Danish Building Regulations 2015 (BR15) (Bekendtgørelse nr. 718 af 31. Maj 2017 om ændring af bekendtgørelse om offentliggørelse af bygningsreglement 2015 (BR15)), Section 1, No. 7, available in Danish at:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=191611>.

<sup>11</sup> Denmark, Administrative Order no. 718 of 31 May 2017 amending the Administrative Order on the Publication of the Danish Building Regulations 2015 (BR15) (Bekendtgørelse nr. 718 af 31. Maj 2017 om ændring af bekendtgørelse om offentliggørelse af bygningsreglement 2015 (BR15)), annex 1, chapter 3.2.1(2), , available in Danish at:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=191611>.

<sup>12</sup> The Danish Institute for Human Rights (Institut for Menneskerettigheder), 'Høring over udkast til bekendtgørelse om ændring af bygningsreglement 2015 (BR15)', public consultation memo, 10 May 2017, available in Danish at:

[https://menneskeret.dk/sites/menneskeret.dk/files/05\\_maj\\_17/hoeringsvar\\_om\\_udkast\\_til\\_bekendtgørelse\\_om\\_ændring\\_af\\_bygningsreglement\\_2015.pdf](https://menneskeret.dk/sites/menneskeret.dk/files/05_maj_17/hoeringsvar_om_udkast_til_bekendtgørelse_om_ændring_af_bygningsreglement_2015.pdf);

Disabled People's Organisations Denmark (Danske Handicaporganisationer)

'Bekendtgørelse om ændring af bekendtgørelse om offentliggørelse af bygningsreglement 2015 (BR15)', public consultation memo, 8 May 2017, available in Danish at:

<http://prodstoragehoeringspo.blob.core.windows.net/1e400951-72c0-46ea-8d77-e9600f301c80/Bem%C3%A6rkninger.pdf>, p. 66-73; and The Danish

Association of the Physically Disabled (Dansk Handicap Forbund), 'Høringssvar fra Dansk Handicap Forbund vedr. udkast til bekendtgørelse om ændring af Bygningsreglement 2015 (BR15)', public consultation memo, May 2017, available in Danish at: <http://prodstoragehoeringspo.blob.core.windows.net/1e400951-72c0-46ea-8d77-e9600f301c80/Bem%C3%A6rkninger.pdf>, p. 55-58.

<sup>13</sup> Denmark, Agreement between the Danish government, Local Government Denmark and Danish Regions about the use of open standards for software in the public sector (Aftale mellem regeringen, KL og Danske regioner om anvendelse af åbne standarder for software i det offentlige), October 2007, available in Danish here:

<https://www.digitaliser.dk/resource/3778907/artefact/Aftaleom anvendelse af åbne standarder for software i det offentlige.pdf?artefact=true&PID=3778921>.

<sup>14</sup> Annette Faye Jacobsen (2017), Digital kommunikation i kommunerne, The Danish Institute for Human Rights (Institut for Menneskerettigheder), p. 65, available in Danish at:

[https://menneskeret.dk/sites/menneskeret.dk/files/media/dokumenter/udgivelser/forskning\\_2017/imr\\_digitalisering\\_2017\\_web.pdf](https://menneskeret.dk/sites/menneskeret.dk/files/media/dokumenter/udgivelser/forskning_2017/imr_digitalisering_2017_web.pdf).

<sup>15</sup> Act no. 692 of 8 June 2018 on accessibility of the websites and mobile applications of public sector bodies (Lov nr. 692 af 8. Juni 2018 om

tilgængelighed af offentlige organers websteder og mobilapplikationer), available in Danish here:

<https://www.retsinformation.dk/Forms/r0710.aspx?id=201794>.

<sup>16</sup> The Danish Institute for Human Rights (Institut for Menneskerettigheder), 'Høring over udkast til lov om tilgængelighed af offentlige myndigheders websteder og mobilapplikationer', public consultation memo, 24 October 2017, available in Danish here:

[https://menneskeret.dk/sites/menneskeret.dk/files/10\\_oktober\\_17/hoering\\_ov\\_er\\_lovforslag\\_til\\_lov\\_om\\_tilgaengelighed\\_af\\_offentlige\\_myndigheders\\_websteder\\_og\\_mobilapplikationer.pdf](https://menneskeret.dk/sites/menneskeret.dk/files/10_oktober_17/hoering_ov_er_lovforslag_til_lov_om_tilgaengelighed_af_offentlige_myndigheders_websteder_og_mobilapplikationer.pdf).

<sup>17</sup> United Nations (UN), Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Denmark, 30 October 2014, document no. CRPD/C/DNK/CO/1, available at:

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrIC AqhKb7yhxrgrMqyLrvLrl%2F6hod6mnZ5w6Or5OgmaXjKC%2BkJbNwXf58Tuqzhd o7nm2ksXJYLVUELVMje6X74w4dYLO91T2%2FW%2Ft8G8g3rUbOPHhh%2F51P>.

<sup>18</sup> Denmark, The Penal Code, Consolidated Act no. 1156 of 20 September 2018 (Straffeloven, lovbekendtgørelse no. 1156 af 20. September 2018), sections 16 and 69, available in Danish at:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=202516>.

<sup>19</sup> Denmark, The Penal Code, Consolidated Act no. 1156 of 20 September 2018 (Straffeloven, lovbekendtgørelse no. 1156 af 20. September 2018), sections 68 and 69, available in Danish at:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=202516>.

<sup>20</sup> Denmark, Ministry of Justice Research Division (Justitsministeriets forskningskontor) (2017), 'Nye foranstaltningsdomme i 2016', newsletter, 4 December 2017, p. 2, available in Danish at:

[http://www.justitsministeriet.dk/sites/default/files/media/Arbejdsomraader/Forskning/Forskningsrapporter/2017/foranstaltningsdomme\\_2016.pdf](http://www.justitsministeriet.dk/sites/default/files/media/Arbejdsomraader/Forskning/Forskningsrapporter/2017/foranstaltningsdomme_2016.pdf).

<sup>21</sup> Denmark, Ministry of Justice Research Division (Justitsministeriets forskningskontor) (2017), 'Nye foranstaltningsdomme i 2016', newsletter, 4 December 2017, p. 2, available in Danish at:

[http://www.justitsministeriet.dk/sites/default/files/media/Arbejdsomraader/Forskning/Forskningsrapporter/2017/foranstaltningsdomme\\_2016.pdf](http://www.justitsministeriet.dk/sites/default/files/media/Arbejdsomraader/Forskning/Forskningsrapporter/2017/foranstaltningsdomme_2016.pdf).

<sup>22</sup> The Danish Institute for Human Rights and the Council for Socially Marginalised People (Institut for Menneskerettigheder og Rådet for Socialt Udsatte) (2006), Brug af særforanstaltninger over for psykisk syge kriminelle i et menneskeretligt perspektiv, p. 169, available in Danish at:

[https://menneskeret.dk/files/media/dokumenter/udgivelser/ifmr\\_udred\\_4.pdf](https://menneskeret.dk/files/media/dokumenter/udgivelser/ifmr_udred_4.pdf).

<sup>23</sup> Ejbye-Ernst, A. (2017), 'Stoffer, afpresning og tabte liv bag hegnet: Den store fortælling om et psykiatrisk system i krise', Zetland, 6 July 2017, available in Danish at: <https://www.zetland.dk/historie/sOLV5PnV-aoNVBA0x-af6d6>.

<sup>24</sup> Denmark, The Penal Code, Consolidated Act no. 1156 of 20 September 2018 (Straffeloven, lovbekendtgørelse no. 1156 af 20. September 2018), section 216, available in Danish at:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=202516>.

<sup>25</sup> Denmark, The Penal Code, Consolidated Act no. 1156 of 20 September 2018 (Straffeloven, lovbekendtgørelse no. 1156 af 20. September 2018), section 218, available in Danish at:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=202516>.

<sup>26</sup> Denmark, The Danish Health Data Authority (Sundhedsdatastyrelsen), 'Tabel med årlige indikatorer, baseline og milepæl', yearly overview, indicators 9.07 and 9.08, available in Danish at:

<http://esundhed.dk/sundhedsaktivitet/tip/Sider/tip03.aspx>.

<sup>27</sup> Denmark, The Danish Health Data Authority (Sundhedsdatastyrelsen), 'Tabel med årlige indikatorer, baseline og milepæl', yearly overview, indicator 1.03, available in Danish at:

<http://esundhed.dk/sundhedsaktivitet/tip/Sider/tip03.aspx>.

<sup>28</sup> Denmark, The Danish Health Data Authority (Sundhedsdatastyrelsen), 'Tabel med årlige indikatorer, baseline og milepæl', yearly overview, indicator 1.11, available in Danish at:

<http://esundhed.dk/sundhedsaktivitet/tip/Sider/tip03.aspx>.

<sup>29</sup> Denmark, The Danish Health Data Authority (Sundhedsdatastyrelsen), 'Tabel med årlige indikatorer, baseline og milepæl', yearly overview, indicator 1.11, available in Danish at:

<http://esundhed.dk/sundhedsaktivitet/tip/Sider/tip03.aspx>.

<sup>30</sup> Denmark, The Danish Health Data Authority (Sundhedsdatastyrelsen), 'Tabel med årlige indikatorer, baseline og milepæl', yearly overview, indicators 3.01, 3.02, 3.03, 6.01 and 6.02, available in Danish at:

<http://esundhed.dk/sundhedsaktivitet/tip/Sider/tip03.aspx>.

<sup>31</sup> Act no. 169 of 5 June 1953, the Danish Constitution (Lov nr. 169 af 5. Juni 1953, Danmarks Riges Grundlov), section 44(1), available in Danish at:

<https://www.retsinformation.dk/forms/r0710.aspx?id=45902>.

<sup>32</sup> A description of the Committee is available in English at the Danish Parliament's website:

<https://www.thedanishparliament.dk/en/Committees/Committees/The%20Naturalization%20Committee>.

<sup>33</sup> B.T. (2017), 'Færre får dispensation ved statsborgerskab', 31 October 2017, available at: <https://www.bt.dk/politik/faerre-faar-dispensation-ved-ansoegning-om-statsborgerskab>.

<sup>34</sup> Based on numbers drawn from tilbudsportalen.dk, which has a database of the offers of assisted living. Included in the numbers are offers that are validated for at least one offer of long-term assisted living and offers which are under the social authority supervision.

<sup>35</sup> Denmark, Ministry of Children and Social Affairs (Børne- og Socialministeriet), 'Aftale på plads om bedre regler om magtanvendelse over for voksne mennesker med psykisk handicap', 31 August 2018, available in Danish at: <https://socialministeriet.dk/nyheder/nyhedsarkiv/2018/aug/aftale-paa-plads-om-bedre-regler-om-magtanvendelse-over-for-voksne-mennesker-med-psykisk-handicap/>.

<sup>36</sup> Act no. 691 of 8 June 2017 regarding the change of the Act on the use of force in the psychiatry and the Act on health (establishing special beds in the psychiatric department) (Lov nr. 691 af 8. Juni 2017 om ændring af lov om anvendelse af tvang i psykiatrien og sundhedsloven (Oprettelse af særlige pladser på psykiatrisk afdeling)), available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=191819>.

<sup>37</sup> The Service Act, Consolidation Act no. 102 of 29 January 2018 (Serviceloven, lovbekendtgørelse nr. 102 af 29. Januar 2018), § 108, section 4, available in Danish here: <https://www.retsinformation.dk/Forms/R0710.aspx?id=197036>.

<sup>38</sup> Act no. 530 of 29 April 2015 regarding the change of the act on adoption, the act on social service, the act on parental responsibility and the act on the rule of law and administration in the social area (relaxing the rules on adoption without consent and more) (Lov nr. 530 af 29. April 2015 om ændring af adoptionsloven, lov om social service, forældreansvarsloven og lov om retssikkerhed og administration på det sociale område (Lempelse af betingelserne for adoption uden samtykke m.v.)), available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=169834>.

<sup>39</sup> Bill no. 121 of 28 January 2015 regarding the change of the act on adoption, the act on social service, the act on parental responsibility and the act on the rule of law and administration in the social area (relaxing the rules on adoption without consent and more) (Lovforslag nr. 121 af 28. Januar 2015 om ændring af adoptionsloven, lov om social service, forældreansvarsloven og lov om retssikkerhed og administration på det sociale område (Lempelse af betingelserne for adoption uden samtykke m.v.)), preparatory work, section 3.1.2, available in Danish here: [https://www.ft.dk/samling/20141/lovforslag/L121/som\\_fremset.htm](https://www.ft.dk/samling/20141/lovforslag/L121/som_fremset.htm).

<sup>40</sup> Denmark, Minister of Children and Social Affairs (Børne- og Socialministeren), Answer to question no. 32 from the supervision authority after § 71, 22 May 2018, available at: <https://www.ft.dk/samling/20171/almdel/%C2%A771/spm/32/index.htm>.

<sup>41</sup> The Danish Institute for Human Rights (Institut for Menneskerettigheder), Ret til at være forældre, 2014, available in Danish at: [https://menneskeret.dk/files/media/dokumenter/udgivelser/ret\\_til\\_at\\_vaere\\_foraeldre\\_pdfa.pdf](https://menneskeret.dk/files/media/dokumenter/udgivelser/ret_til_at_vaere_foraeldre_pdfa.pdf).

<sup>42</sup> United Nations (UN), Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Denmark, 30 October 2014,



document no. CRPD/C/DNK/CO/1, available at:

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAgkKb7yhsrxgrMgyLrvLrl%2F6hod6mnZ5w6Or5OgmaXjKC%2BkJbNwXf58Tuqzhd o7nnm2ksXJYLVUELVMje6X74w4dYLO91T2%2FW%2Ft8G8g3rUbOPHhh%2F51P>.

<sup>43</sup> Numbers are available in Danish at [handicapbarometer.dk](http://handicapbarometer.dk).

<sup>44</sup> United Nations (UN), Committee on the Rights of Persons with Disabilities, Concluding observations on the initial report of Denmark, 30 October 2014, document no. CRPD/C/DNK/CO/1, available at:

<http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPrICAgkKb7yhsrxgrMgyLrvLrl%2F6hod6mnZ5w6Or5OgmaXjKC%2BkJbNwXf58Tuqzhd o7nnm2ksXJYLVUELVMje6X74w4dYLO91T2%2FW%2Ft8G8g3rUbOPHhh%2F51P>.

<sup>45</sup> Numbers are available in Danish at [handicapbarometer.dk](http://handicapbarometer.dk).

<sup>46</sup> Esben Meulengracht Flachs, Susan Ishøy Michelsen, Peter Uldall og Knud Juel (2014), Sundhedstilstanden blandt voksne med udviklingshæmning, National Institute of Public Health (Statens Institut for Folkesundhed), 2014, p. 4, available in Danish at: <https://viden.sl.dk/media/7297/udviklingshaemning-blandt-voksne.pdf>.

<sup>47</sup> Anna Amilon, Lena Bech Bojsen, Stine Vernstrøm Østergaard & Anna Høeg Rasmussen (2017), Personer med handicap – hverdagsliv og levevilkår 2016, VIVE - the Danish Centre for Social Science Research (VIVE - Det Nationale Forsknings- og Analysecenter for Velfærd), p. 10, available in Danish at:

[https://pure.sfi.dk/ws/files/1045522/personer\\_med\\_handicap\\_pdfa.pdf](https://pure.sfi.dk/ws/files/1045522/personer_med_handicap_pdfa.pdf).

<sup>48</sup> Numbers are available in Danish at [handicapbarometer.dk](http://handicapbarometer.dk).

<sup>49</sup> See more on methodology in SHILD in the report by Anna Amilon, Lena Bech Bojsen, Stine Vernstrøm Østergaard & Anna Høeg Rasmussen (2017), Personer med handicap – hverdagsliv og levevilkår 2016, VIVE - the Danish Centre for Social Science Research (VIVE- Det Nationale Forsknings- og Analysecenter for Velfærd), p. 13ff, available in Danish at:

[https://pure.sfi.dk/ws/files/1045522/personer\\_med\\_handicap\\_pdfa.pdf](https://pure.sfi.dk/ws/files/1045522/personer_med_handicap_pdfa.pdf).

<sup>50</sup> Information provided by the Greenlandic civil society, particularly during the round-table meetings on November 4 and November 8, 2018 and at the conference hosted by Tilioq on November 11, 2018.

<sup>51</sup> Information provided by the Greenlandic civil society, particularly during the round-table meetings on November 4 and November 8, 2018 and at the conference hosted by Tilioq on November 11, 2018.

<sup>52</sup> Information provided by the Greenlandic civil society, particularly during the round-table meetings on November 4 and November 8, 2018 and at the conference hosted by Tilioq on November 11, 2018.

<sup>53</sup> Letter from KNIPK and Kattuffik Utoqqat Nippat to the relevant authorities, 25 November 2017, following up on the recommendations in the report by the Danish Institute for Human Rights (Institut for Menneskerettigheder) and the Council for Human Rights in Greenland (Inuit Pisinnaatitaaffiinut Kalaallit

Nunaata Siunnersuisoqatigiivi) (2016), Menneskerettigheder i Grønland – Status 2016, available in Danish at:

[https://menneskeret.dk/sites/menneskeret.dk/files/media/dokumenter/udgivelser/status/2015-16/groenland/menneskerettigheder\\_i\\_groenland\\_-\\_status\\_2016.pdf](https://menneskeret.dk/sites/menneskeret.dk/files/media/dokumenter/udgivelser/status/2015-16/groenland/menneskerettigheder_i_groenland_-_status_2016.pdf).

<sup>54</sup> Act no. 306 of 30 April 2008, Criminal Code for Greenland (Lov nr. 206 af 30. april 2008, Kriminallov for Grønland), sections 156-160, available in Danish at:

<https://www.retsinformation.dk/eli/lta/2008/306>.

<sup>55</sup> One difference is that those who are not sentenced to treatment indefinitely can only be held for three years in Greenland, as opposed to five years in the Danish legislation, c.f. Act no. 306 of 30 April 2008, Criminal Code for Greenland (Lov nr. 206 af 30. april 2008, Kriminallov for Grønland), section 158, 1, available in Danish at: <https://www.retsinformation.dk/eli/lta/2008/306>.

<sup>56</sup> Act no. 306 of 30 April 2008, Criminal Code for Greenland (Lov nr. 206 af 30. april 2008, Kriminallov for Grønland), sections 157, available in Danish at:

<https://www.retsinformation.dk/eli/lta/2008/306>.

<sup>57</sup> The Institution of National Doctors (Nunatsinni Nakorsaaneqarfik), Rapport vedrørende tvang i psykiatrien, August 2016, available in Danish at:

[https://www.peqqik.gl/-/media/Files/Publikationer/Rapporter\\_og\\_redegørelser/2016/UndersoegelseTvangPsykiatrien/Rapport-Tvang-i-Psykiatrien-DK.pdf?la=da-DK](https://www.peqqik.gl/-/media/Files/Publikationer/Rapporter_og_redegørelser/2016/UndersoegelseTvangPsykiatrien/Rapport-Tvang-i-Psykiatrien-DK.pdf?la=da-DK)

<sup>58</sup> The Greenlandic Government (Naalakkersuisut) (2016), Review of the disability sector, UPA FM 2016, p. 39-40, available in Danish at:

<https://naalakkersuisut.gl/~media/Nanoq/Files/Publications/Familie/DK/Naalakkersuisuts%20redeg%3%B8relse%20om%20status%20p%3%A5%20handicapped%3%A5det%20DA-1.docx>.

<sup>59</sup> Noah Mølgaard, 'Handicaptalsmand: Ikke godt nok', AG, 8 March 2018, available in Danish at: <http://sermitsiaq.ag/node/204111>.

<sup>60</sup> The Greenlandic Tax- and Welfare Commission (Skatte- og Velfærdskommissionen), Børn og unge – baggrundrapport marts 2011, report, 2011.

<sup>61</sup> The Danish Evaluation Institute (Danmarks Evalueringsinstitut), Grønlands Folkeskole – Evaluering 2015, 2015, p. 67, available in Danish at:

<https://naalakkersuisut.gl/~media/Nanoq/Files/Attached%20Files/Uddannelse/DK/Folkeskoler/Groenlands%20folkeskole%20evaluering%20da.pdf>.

<sup>62</sup> Administrative order of the Greenland Self-Government Authorities no. 4 of 9 February 1989 regarding school homes for pupils at primary school (Hjemmestyrets bekendtgørelse nr. 4 af 9. februar 1989 om kollegiepladser for folkeskolens elever), section 1, 1, available in Danish at:

<http://lovgivning.gl/Services/GeneratePdf?pdfurl=/Lov.aspx?rid=%7BCF734751-E793-40ED-B12E-9AB166EE6C0F%7D> and Inatsisartut Act no. 15 of 3 December 2012 regarding primary school (Inatsisartutlov nr. 15 af 3. december 2012 om

folkeskolen), section 40, available in Danish at:

<http://lovgivning.gl/lov?rid=%7BA9CD7C8F-DC91-4860-A7F0-B88BA752ED35%7D>.

<sup>63</sup> The Greenlandic government (Naalakkersuisut) (2016), Review of the disability sector, UPA FM 2016, p. 44, available in Danish at:

<https://naalakkersuisut.gl/~media/Nanoq/Files/Publications/Familie/DK/Naalakkersuisuts%20redeg%C3%B8relse%20om%20status%20p%C3%A5%20handicapr%C3%A5det%20DA-1.docx>.

<sup>64</sup> See for example the report by the Greenlandic government (Naalakkersuisut) (2017), Personer med handicap – Statistisk opgørelse over personer med vidtgående handicap, available in Danish at: <https://tilioq.gl/wp-content/uploads/2018/05/Statistisk-opg%C3%B8relse-over-personer-med-vidtg%C3%A5ende-handicap-i-Gr%C3%B8nland-2017-.pdf>.

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