



## Convention on the Rights of Persons with Disabilities

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### Committee on the Rights of Persons with Disabilities

## Concluding observations on the combined second and third periodic reports of Denmark\*

### I. Introduction

1. The Committee considered the combined second and third periodic reports of Denmark<sup>1</sup> at its 737th and 738th meetings<sup>2</sup>, held on 23 August 2024. It adopted the following concluding observations at its 752nd meeting, held on 3 September 2024.

2. The Committee welcomes the combined second and third periodic reports of Denmark, comprising the information on Denmark and on the self-governed territories within the Kingdom, namely the Faroe Islands and Greenland, which was prepared in accordance with the Committee's reporting guidelines, including under the simplified reporting procedures. The Committee thanks the State party for its written replies to the list of issues prior to reporting<sup>3</sup>, and the additional information submitted by the State party.

3. The Committee appreciates the fruitful and constructive dialogue held with the large delegation, which included many representatives of relevant government ministries as well as representatives of the government ministries of the Faroe Islands and of Greenland. The Committee also expresses its appreciation for the active participation of the Danish Institute for Human Rights, in its capacity as the national human rights institution and independent monitoring mechanism pursuant to article 33 (2) of the Convention.

### II. Positive aspects

4. The Committee commends the State party on its efforts to review and amend its legislation, in particular its amendment in 2021 to the Criminal Code, including disability as a protected target in line with race, ethnicity, gender, etc. The Committee commends the Government of the Faroe Islands on its adoption of a law in 2024, establishing an independent monitoring mechanism which is scheduled to start operating on 1 January 2025.

5. The Committee commends that the Danish Government and several other parties in Parliament concluded a framework agreement in May 2024 for the disability sector, consisting of initiatives to benefit children, young people and adults with physical or psychosocial disabilities. It also commends the Danish Government on the development of a 10-year action plan for improving psychiatric care, which includes goals to reduce coercive measures by 2030. It commends the Government of Greenland for its adoption of an Action Plan For Compliance With UN Convention on The Rights of Persons With Disabilities 2024-2034.

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\* Adopted by the Committee at its thirty-first session (12 August–5 September 2024).

<sup>1</sup> CRPD/C/DNK/2-3

<sup>2</sup> See CRPD/C/SR.737 and CRPD/C/SR.738

<sup>3</sup> CRPD/C/DNK/QPR/2-3

6. The Committee commends the Danish Government on the commitments made at the Global Disability Summit in February 2022, and its enrolment in the Global Action on Disability-network (GLAD) in June 2022. It also commends the Danish Ministry of Children and Education on the establishment of the unit VIBUS - Knowledge Unit for children and young people with special needs with the main task to ensure the establishment of a professional basis for strengthening efforts for students with special needs.

### III. Principal areas of concern and recommendations

#### A. General principles and obligations (arts. 1–4)

7. The Committee is concerned that the Convention is not explicitly incorporated into the laws of Denmark, the Faroe Islands and Greenland. It is equally concerned at the reluctance by the State party's courts to take the Convention fully into account in all judgments relating to the rights of persons with disabilities.

8. **Recalling its previous recommendation<sup>4</sup>, the Committee recommends that the State party incorporate the Convention into the laws of Denmark, the Faroe Islands and Greenland, and take measures to further improve the direct application of the Convention by the courts and administrative bodies, including by making the Convention, the Committee's jurisprudence and its general comments integral part of systematic capacity building for all judges.**

9. The Committee is concerned that legislation of the Kingdom of Denmark does not systematically include a disability perspective and the human rights model of disability. It is also concerned by the lack of measures to revise and repeal discriminatory or retrogressive legislation on the rights of persons with disabilities, particularly:

(b) The Legal Incapacity and Guardianship, Act No. 1015 of 20 August 2007, not being based on a model of supported decision-making;

(c) The amendment of the Danish Building Regulations, Administrative Order No. 1399 of 12 December 2019, allowing for a reduction in the accessibility requirements of single-family houses.

10. **The Committee recommends that the Kingdom of Denmark conduct a comprehensive review of existing legislation to ensure compliance with the principles, definitions, rights and obligations under the Convention, repeal any legislation, including recent amendments, taking retrogressive measures and refrain from taking any retrogressive measures in the future, including in the current processes devising the policies of the new government.**

11. The Committee is concerned that no new national action plan for persons with disabilities has yet been put in place in Denmark, and that the foreseen action plan would only cover the fields of labour market and education. The Committee notes with concern that the Faroe Islands still lack a disability policy action plan, and that the new action plan in Greenland lacks ambition and is vague particularly in terms of implementation. It is further concerned about the lack of awareness about the Convention among national, regional and municipal authorities.

12. **The Committee recommends that the Governments of Denmark, the Faroe Islands and Greenland adopt national disability action plans that cover all rights and substantive areas under the Convention, including the fundamental change required by, among others, articles 12, 14, 15, 19, and 24, and establish concrete objectives, measurable targets, adequate budget, and indicators, to evaluate progress in the implementation of the plans. It also recommends that the Kingdom of Denmark strengthen periodic training about the Convention, among the municipal, regional and national authorities.**

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<sup>4</sup> CRPD/C/DNK/CO/1, para. 13

13. The Committee notes the State party's funding allocations for disability. It is, however, concerned about the uneven allocation of funds for persons with disabilities across municipalities. It also notes with concern that the increase in investments on institutions ("housing facilities") infringes on the rights of persons with disabilities to live independently and being included in the community.

**14. The Committee recommends that the Kingdom of Denmark, in close consultation with and with the active involvement of persons with disabilities through their representative organizations, ensure an even allocation of funds for the support of persons with disabilities across municipalities, monitor the use of disability funding, and address gaps in funding across disability sectors.**

15. The Committee is concerned about the lack of specific accessibility measures directed at persons with disabilities to the Consultation Portal in Denmark, allowing them to effectively take part in the consultation process. The Committee is also concerned at the lack of systematic and institutionalized engagement with persons with disabilities through their representative organizations in the development and implementation of legislation and policies to implement the Convention in Denmark, the Faroe Islands and Greenland.

**16. Recalling its General Comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention, the Committee recommends that the Kingdom of Denmark take steps to develop and implement legally entrenched procedures for close consultation with and active involvement of persons with disabilities through their representative organizations across all sectors, in all matters affecting them, and provide adequate accessibility to this end. It also recommends that the Kingdom of Denmark allocate sufficient time to allow organizations of persons with disabilities to conduct internal consultation among their membership across all disability sectors.**

## **B. Specific rights (arts. 5–30)**

### **Equality and non-discrimination (art. 5)**

17. The Committee notes with concern that:

(a) The Act No. 688 of 2018 on the prohibition of discrimination on the grounds of disability explicitly states that it does not impose any obligation to provide reasonable accommodation or accessibility, and its revision in 2020 introduced a duty of reasonable accommodation only in daycare and primary schools;

(b) No steps have been taken to introduce general, cross-cutting legislation against disability discrimination that extends protection beyond the labour market in the Faroe Islands;

(c) The Greenland's Inatsisartut Act on Equality and Anti-Discrimination does not contain a right to reasonable accommodation and mandatory rules on accessibility.

**18. The Committee recalls its general comment No.6 (2018), targets 10.2 and 10.3 of the Sustainable Development Goals and its previous recommendation<sup>5</sup>, and recommends that:**

**(a) The Government of Denmark amend the Act No. 688 of 2018 on the prohibition of discrimination on the grounds of disability to recognize the denial of reasonable accommodation as a form of discrimination, introduce an obligation of reasonable accommodation and ensure accessibility in all aspects of life, in compliance with the Convention;**

**(b) The Government of the Faroe Islands adopt new comprehensive cross-sectoral anti-discrimination legislation on disability that extends protection beyond the labour market and specifically provides for reasonable accommodation;**

<sup>5</sup> CRPD/C/DNK/CO/1, para.15

**(c) The Government of Greenland amend the Inatsisartut Act on Equality and Anti-Discrimination to guarantee an explicit individual right to reasonable accommodation and the right to accessibility.**

19. The Committee is concerned about the lack of measures taken to revise current legislation on insurance to repeal discriminatory provisions concerning premiums and health, life, travel and home contents insurance coverage for persons with disabilities, and to ensure equal access to disability-related entitlements, including compensation to cover additional costs of disability regardless of age or eligibility for the national pension scheme.

**20. The Committee recommends that the Kingdom of Denmark take measures, including legislation, to ensure that the right of persons with disabilities to have access to insurance, including insurance by private providers, on an equal basis and at the same cost as other citizens is guaranteed.**

21. The Committee is concerned about the lack of funding and resources of the Board of Equal Treatment, which results in a significant increase of the processing time for settling complaints about discrimination on the grounds of disability.

**22. The Committee recommends that the State party take appropriate measures to ensure that the Board of Equal Treatment has sufficient resources to greatly reduce case-processing time and to ensure effective enforcement of the rights of persons with disabilities.**

#### **Women with disabilities (art. 6)**

23. The Committee is concerned that the Act on Gender Equality has not been amended to specifically include women and girls with disabilities since the initial report of the State party. It is also concerned about the lack of disaggregated information and data collection on intersectional and multiple forms of discrimination against women and girls with disabilities.

**24. The Committee, recalling its general comment No. 3 (2016) on women and girls with disabilities, targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals and its previous recommendation<sup>6</sup>, recommends that the Kingdom of Denmark ensure that the perspective of gender and disability is included in its laws and policies, and in their implementation and evaluation. It also recommends that the Kingdom of Denmark ensure systematic data collection and periodic studies on the situation of women and girls with disabilities.**

#### **Children with disabilities (art. 7)**

25. The Committee notes that under the Child Act, children gain party status upon reaching the age of 10; however, it is concerned that children and young persons whose parents receive disability compensatory benefits due to the child's or young person's disability are still not considered parties in their own cases.

**26. Recalling its joint statement with the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities on the rights of children with disabilities<sup>7</sup>, the Committee recommends that the State party revise the Child Act to ensure that children and young persons with disabilities, whose parents receive disability compensation benefits, are granted party status on.**

27. The Committee notes that the Government of the Faroe Islands has recently initiated a preparatory work for drafting a Children's Act aiming at coordinating cross-sectoral welfare services and services for children and young people; however, it is concerned that organizations for persons with disabilities, including those of children and young persons with disabilities, have not yet been included in the process.

**28. The Committee recommends that the Government of the Faroe Islands take measures to closely consult and actively involve persons with disabilities, through their**

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<sup>6</sup> CRPD/C/DNK/CO/1, para.19

<sup>7</sup> See [www.ohchr.org/en/treaty-bodies/crpd/statements-declarations-and-observations](http://www.ohchr.org/en/treaty-bodies/crpd/statements-declarations-and-observations).

**representative organizations, including organizations of children with disabilities, in the drafting process of the Children's Act.**

29. The Committee notes that almost all newborn children are screened for hearing loss in Denmark, and if a hearing loss of a certain degree is found, parents are offered their child receive a cochlear implant (CI) and a three-year Auditory-Verbal Therapy programme; however, the Committee is concerned that children with CI and their families are not offered Danish Sign Language training, which has negative consequences for children with CI who do not achieve an age-appropriate spoken language level.

**30. The Committee recommends that Denmark ensure children with CI and their parents receive Danish Sign Language training in a timely manner. It also recommends the Faroe Islands and Greenland take analogous measures.**

**Awareness-raising (art. 8)**

31. The Committee is concerned about ableism and prevailing stereotypes and prejudice towards persons with disabilities in society, and the low level of awareness in the population of the Kingdom of Denmark about the rights of persons with disabilities preventing inclusion of persons with disabilities in work, education and other areas of life. It is also concerned at the often-scarce respective knowledge of officials in many state, regional and municipal authorities, and the absence of periodic, regular and continuous awareness-raising measures aimed at general public, public officials and private actors on the rights of persons with disabilities under the Convention, including in the mass media and on the Internet.

**32. The Committee recommends that the Kingdom of Denmark devise and adopt a long-term national strategy, in close consultation with and with the active involvement of persons with disabilities through their representative organizations, to raise awareness among the general public, the government, including legislative bodies, the administration and the judiciary, private sectors and persons with disabilities themselves and to combat stereotypes, and monitor its impact.**

**Accessibility (art. 9)**

33. The Committee notes with concern:

(a) The recent and ongoing repeal of legal accessibility obligations, including the amendment to the Danish Building Regulations on single-family houses, and the draft amendment to the Greenland's Inatsisartut Act on accessibility requirement for public buildings and facilities;

(b) The lack of a comprehensive strategy and plans to ensure accessibility in all areas of the Convention;

(c) The insufficient implementation of accessibility and universal design in public transportation and services, hindering mobility and participation of persons with disabilities;

(d) The barriers in the digital environment preventing access for persons with disabilities to information and communication.

**34. Recalling its general comment No. 2 (2014) on accessibility, the Committee recommends that the Kingdom of Denmark, in close consultation and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Review legislation in all parts of the Kingdom of Denmark which provides for exemptions from compliance with accessibility standards in buildings, including single-family houses and services and extend legal accessibility standards to all public spaces, buildings and services open to the public;**

(b) **Adopt and implement a national strategy, with a duty for municipal authorities to set up plans and monitor compliance, to identify existing barriers to accessibility and provide the human, technical and financial resources necessary to remove these barriers and ensure the accessibility of, inter alia, buildings, including new buildings and buildings being renovated, historic buildings and roads with cobblestones, transportation, information and communication, including information**

**and communications technologies, and other facilities and services open or provided to the public, for all persons with disabilities;**

**(c) Conduct awareness-raising training, spread information and promote understanding about the concept of universal design among public officials, including architects, engineers, personnel who are “working on the ground” with pavements, slopes, train stations, new technology;**

**(d) Take measures to apply the Web Content Accessibility Guidelines and remove barriers preventing universal and equal access for persons with disabilities to websites and digital communications;**

**(e) Provide live assistance and intermediaries, including guides, readers, and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public.**

35. The Committee is concerned that the existing remote interpreting service for persons with hearing impairments in the area of social affairs and housing is only available between 8am and 3pm on weekdays, and only for a limited number of authorities, restricting their right to contact public authorities, particularly in case of emergencies, and to be included in society.

**36. The Committee recommends that the Kingdom of Denmark take measures to ensure that persons with hearing impairments have access to remote interpreting 24 hours a day and to all relevant authorities.**

#### **Situations of risk and humanitarian emergencies (art. 11)**

37. The Committee is concerned about the lack of an overarching disability-inclusive strategy for coordination of prevention and response measures in Denmark, the Faroe Islands and Greenland in relation to disaster risk reduction, climate change and emergency management and for the implementation of the Charter on the Inclusion of Persons with Disabilities in Humanitarian Action;

**38. Recalling the Sendai Framework for Disaster Risk Reduction 2015–2030, the Inter-Agency Standing Committee’s Guidelines on Inclusion of Persons with Disabilities in Humanitarian Action and the Committee’s Guidelines on deinstitutionalization, including in emergencies<sup>8</sup>, the Committee recommends that Denmark, the Faroe Islands and Greenland, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations: develop a uniform mechanism for the identification of refugees and asylum-seekers with disabilities, persons with disabilities in refugee-like situations, including persons under temporary protection from Ukraine, to ensure implementation of specific protection and safety measures and the provision of reasonable accommodation, and ensure equality of access to essential services and disability-related support, including accessible communication, accessible housing, adequate livelihoods, assistive devices and support for entering the labour market.**

#### **Equal recognition before the law (art. 12)**

39. The Committee is concerned about:

(a) The insufficient measures taken to repeal restrictions on legal capacity on the basis of actual or perceived impairment under the Legal Incapacity and Guardianship Act and its 2019 amendments;

(b) Scarce systematic and disaggregated data on the number of guardianships issued and the number of persons with disabilities who have regained legal capacity since the ratification of the Convention by the State party;

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<sup>8</sup> CRPD/C/5.

(c) The lack of measures to repeal substitute decision-making systems and enact supported decision-making systems, and the inadequate support measures for persons with disabilities to exercise their legal capacity on an equal basis with others;

40. **Recalling its general comment No. 1 (2014) on equal recognition before the law, the Committee recommends the Kingdom of Denmark, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Amend the Legal Incapacity and Guardianship Act to guarantee full legal capacity to all persons with disabilities, and review existing guardianships and all remaining interdiction and incapacitation orders and adapt them to the new system of supported decision-making;**

(b) **Collect data on guardianship of persons with disabilities disaggregated by race, sex, gender, age, disability and other relevant status;**

(c) **Eliminate all forms of the existing substitute decision-making system and replace them with systems of supported decision-making that respect the will and preference of persons with disabilities in all areas of life, and develop a comprehensive strategy in the Kingdom of Denmark for the implementation of supported decision-making systems with appropriate and proportionate safeguards across all levels of national and municipal governments.**

#### **Access to justice (art. 13)**

41. The Committee is concerned about barriers to access to justice for persons with disabilities across Denmark, the Faroe Islands and Greenland, including:

(a) Insufficient provision of procedural and age-appropriate accommodations in judicial and administrative proceedings for the application of law, to facilitate effective participation in all aspects of the judicial system and in all legal proceedings;

(b) Limited knowledge and training within the administrative and judicial system about the rights of persons with disabilities, including the provision of individualised support, to ensure effective participation and disability and gender responsive interviewing techniques for children and adults with disabilities.

42. **Recalling the International Principles and Guidelines on Access to Justice for Persons with Disabilities prepared in 2020 by the Special Rapporteur on the rights of persons with disabilities and the Special Envoy of the Secretary-General on Disability and Accessibility, and endorsed by the Committee, the Committee recommends that Denmark, the Faroe Islands and Greenland, in close consultation with and with the active involvement of organizations of persons with disabilities, develop a strategy to ensure effective access to justice for persons with disabilities, in administrative and judicial proceedings for the application of law, covering all functions in such proceedings, including the following:**

(a) **Measures to amend procedural rules in criminal, civil, labour and administrative law that ensure procedural and age-appropriate accommodation for persons with disabilities, covering all functions, such as parties to a case, judges, magistrates, administrators, clerks and other court personnel, on a no-cost basis;**

(b) **Appropriate training for persons in the administrative and judicial system, including members of the judiciary, administrators, police officers, prosecutors and prison personnel, on the application of the rights under the Convention, to ensure the effective guarantee of access to justice.**

#### **Liberty and security of the person (art. 14)**

43. The Committee is concerned that:

(a) Legislation in the Kingdom of Denmark, including the Danish Act No. 655 of 2017 on the Use of Coercion in Somatic Treatment of Permanently Incapacitated Persons, allows, under certain preconditions, for the detention and compulsory treatment of persons

with intellectual and psychosocial disabilities who resist treatment and are deemed incapable of giving informed consent;

(b) Children and adolescents with disabilities can, on welfare grounds, be placed in secure residential institutions under prison-like conditions that also house youth detained for crime-related reasons;

(c) Denmark distinguishes between punishment and treatment, and Greenland between criminal sanctions and treatment, depending on whether or not the accused persons are considered “unfit to stand trial” on account of their impairment, and that a conviction to treatment is often longer than a sentence to ordinary punishment for the same crime would be, or even of indefinite duration.

**44. Recalling the Guidelines on the right to liberty and security of persons with disabilities<sup>9</sup> and its Guidelines on deinstitutionalization, including in emergencies<sup>10</sup>, the Committee recommends that the Kingdom of Denmark, in close consultation with and with the active involvement of persons with disabilities through their representative organizations:**

**(a) Repeal all laws and abolish all practices that allow for the deprivation of liberty on the basis of impairment and forced treatment, including mental health laws and institutionalization policies;**

**(b) Amend relevant legislation to ensure that children and adolescents with disabilities cannot be placed in secure residential institutions on welfare grounds;**

**(c) Initiate a structural review of the procedures used to sanction persons with disabilities deemed unfit to stand trial, and ensure that they do not get convicted to longer sentences than other persons, and that all guarantees of fair trial, such as the presumption of innocence, the right to a fair trial, and others, are fully guaranteed;**

**(d) Review all cases of deprivation of liberty of persons with disabilities currently in hospitals, institutions and other places of deprivation of liberty, due to a non-criminal court or administrative order, and transfer them to a community-based places of residence, freely chosen and with access to a range of community-based support services;**

**(e) Recognizing the Committee’s joint open letter with the Special Rapporteur on the rights of persons with disabilities of June 2021<sup>11</sup> and in its future participation in any process for an additional protocol or recommendation to the Oviedo Convention, do not support coercive measures and promote to establish a non-coercive framework on mental health.**

#### **Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

45. The Committee is concerned about:

(a) The prevalence and increasing use of coercion, forced treatment and restrictive practices in the State party, including physical and chemical restraints against children and adults with disabilities in social care and psychiatric institutions;

(b) Insufficient and ineffective oversight mechanisms across Denmark for children and adults with disabilities in places of detention, social care and psychiatric institutions, and a lack of implementation of recommendations from existing oversight mechanisms, including the national preventive mechanism.

<sup>9</sup> A/72/55, annex.

<sup>10</sup> CRPD/C/5.

<sup>11</sup> See

[https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.ohchr.org%2Fsites%2Fdefault%2Ffiles%2FDocuments%2FHRBodies%2FCRPD%2FOpen\\_letter\\_Add\\_Prot\\_Ovi\\_Conv.docx&wdOrigin=BROWSELINK](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.ohchr.org%2Fsites%2Fdefault%2Ffiles%2FDocuments%2FHRBodies%2FCRPD%2FOpen_letter_Add_Prot_Ovi_Conv.docx&wdOrigin=BROWSELINK)



46. **Recalling its Guidelines on deinstitutionalization, including in emergencies<sup>12</sup>, the Committee recommends that the Kingdom of Denmark, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, take all legislative, administrative and judicial measures necessary:**

(a) **To prohibit the use of coercion, forced treatment and restrictive practices for children and adults with disabilities still in places of detention, social care and psychiatric institutions in the Kingdom of Denmark, establish alternative non-coercive, age-appropriate support measures that respect the will and preference, dignity and rights of persons with disabilities, and provide training to all medical and non-medical staff on these measures;**

(b) **To establish robust oversight mechanisms and strengthen existing oversight mechanisms across the Kingdom of Denmark to ensure regular inspections of places of detention, social care and psychiatric institutions, ensure regular public reporting to parliament and establish mechanisms to facilitate prompt implementation of recommendations.**

#### **Freedom from exploitation, violence and abuse (art. 16)**

47. The Committee is concerned about:

(a) The prevalence of many forms of violence against children and adults with disabilities in institutions, including social care and psychiatric institutions, particularly the prevalence of gender-based violence and the high incidence of sexual violence against women and girls with disabilities in institutions;

(b) The lack of accessible shelters and accessible procedures to obtain or retain services for persons with disabilities, including personal assistance, while residing in shelters, for all persons with disabilities, especially women and girls with disabilities;

(c) The inadequate implementation of the legal and policy frameworks to prevent and respond to exploitation, violence and abuse, including gender-based violence and abuse, across the Kingdom of Denmark.

48. **Recalling its statement of 24 November 2021 on the elimination of gender-based violence against women and girls with disabilities<sup>13</sup>, the Committee recommends that the Kingdom of Denmark, in close consultation with and with the active involvement of persons with disabilities through their representative organizations, including organizations of women and girls with disabilities, including Indigenous women and girls with disabilities:**

(a) **Further develop and implement comprehensive and effective violence prevention and response action plans across the Kingdom of Denmark that are underpinned by the principles and standards of the Convention, including through measures for law and policy reform and development, the inclusion of culture, gender and age specific requirements, responses that address all forms of violence against children and adults with disabilities in all settings, including in institutions, community awareness-raising strategies, access to justice, and the establishment of accessible culture, gender and age appropriate supports and rehabilitation;**

(b) **Render the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence applicable in the Faroe Islands;**

(c) **Ensure that the mandates of monitoring and oversight mechanisms across the Kingdom of Denmark, including the national preventive mechanism, extend to all forms of detention and institutional settings where children and adults with disabilities are detained or reside.**

<sup>12</sup> CRPD/C/5.

<sup>13</sup> See [https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2021/12/CRPD-Statement-25\\_11\\_2021-End-violence-against-Women-1.pdf](https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2021/12/CRPD-Statement-25_11_2021-End-violence-against-Women-1.pdf).

**Protecting the integrity of the person (art. 17)**

49. The Committee is concerned that legal and policy frameworks across the Kingdom of Denmark allow for sterilisation, contraception and abortion procedures on women and girls with disabilities under guardianship without their personal consent, including under the sections 109 and 110 of the Health Act.

**50. The Committee recommends that legal and policy frameworks across the Kingdom of Denmark are amended to prohibit sterilisation, contraception and abortion procedures on all women and girls with disabilities without their informed, free, and personal consent.**

51. The Committee is concerned that insufficient support is being provided to women with disabilities, in particular women with disabilities in institutions, to participate in all aspects of the IUD Inquiry in Greenland and to seek redress, and that the inquiry only examines the issue up until 1991.

**52. The Committee recommends that reasonable accommodation and disability specific supports are provided to women with disabilities, including women with disabilities in institutions, to participate in all aspects of the IUD Inquiry in Greenland and to seek redress, and that the inquiry is extended until the present day.**

**Liberty of movement and nationality (art. 18)**

53. The Committee is concerned about:

(a) The lack of support for refugees and asylum seekers with intellectual and/or psychosocial disabilities, and of persons with disabilities in refugee-like situations, in exercising their legal capacity during the asylum process;

(b) The marked decrease in the percentage of applicants with disabilities being granted exemptions from the stringent requirements for Danish citizenship, including knowledge and language tests.

**54. The Committee recommends that the Kingdom of Denmark:**

**(a) Provide reasonable accommodation, procedural accommodation and support to persons with disabilities during the whole duration of the procedure;**

**(b) Effectively support refugees and asylum seekers with disabilities and persons with disabilities in refugee-like situations in exercising their legal capacity, including by providing legal assistance throughout their asylum application procedure;**

**(c) Amend the rules on exemptions from requirements for citizenship for persons with disabilities who cannot, due to their impairment, fulfil them, provide persons with disabilities with the requisite procedural accommodations in the citizenship application procedure, and implement these provisions.**

**Living independently and being included in the community (art. 19)**

55. The Committee is concerned about the lack of a comprehensive, multisectoral deinstitutionalization strategy in the Kingdom of Denmark, and measures aiming towards increased institutionalization of persons with disabilities, particularly measures on expanding the circumstances under which persons with disabilities with high support requirements can be moved to different residential facilities without their consent. It is also concerned about the uneven scope of choice for persons with disabilities concerning the place of residence across municipalities, the limited access to and/or withdrawal of personal assistant schemes mainly affecting young persons with disabilities, deafblind persons and persons with complex support requirements.

**56. Recalling its general comment No. 5 (2017) on living independently and being included in the community, its guidelines on deinstitutionalization, including in emergencies<sup>14</sup>, the report of the Special Rapporteur on the rights of persons with**

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<sup>14</sup> CRPD/C/5.

**disabilities on the transformation of services for persons with disabilities<sup>15</sup>, and its previous recommendation<sup>16</sup>, the Committee recommends that the Kingdom of Denmark, in close consultation with and with the active involvement of persons with disabilities through their representative organizations:**

**(a) Adopt multisectoral deinstitutionalization strategies for all persons with disabilities, including women and children with disabilities and persons with intellectual and/or psychosocial disabilities, with specific time frames and the requisite financial resources, ensuring that persons with disabilities have access to housing alternatives in their communities that are in keeping with their will and preference;**

**(b) Take measures to close existing institution-like residences, including group homes, and to prevent the relocation of persons with disabilities without their free and informed personal consent;**

**(c) Ensure that municipalities guarantee the right of all persons with disabilities to choose their place of residence regardless of the type of impairment or the complexity of support required; and provide the support required by persons with disabilities to participate in education, employment, cultural activities or to take part on social life and by avoiding reassessments.**

57. The Committee is concerned that:

(a) A large number of persons with disabilities in Greenland either have to choose to move to Denmark to seek adequate psychosocial and other supports, or are referred to Danish residential facilities by authorities, due to the lack of specialized support and qualified staff in Greenland, with the risk of being increasingly disconnected from their family, language and culture.

(b) Persons with disabilities in Greenland, in particular persons with intellectual and/or psychosocial disabilities, who are sentenced to detention in a psychiatric institution are often sent to an institution in Denmark, rendering visits by friends and family a near impossibility.

58. **The Committee recommends that Greenland:**

**(a) Further improve its efforts to provide quality support to persons with intellectual and/or psychosocial disabilities in Greenland, rendering relocations of persons with disabilities to Denmark obsolete, and ensure that the measures taken are culturally appropriate, considering that the vast majority of the population in Greenland is Inuit;**

**(b) Provide community-based housing and appropriate supports and ensure access to justice on an equal basis with others.**

#### **Freedom of expression and opinion, and access to information (art. 21)**

59. The Committee notes with concern that:

(a) It is difficult to access sign language interpretation due to the shortage of sign language interpreters, and that professionals working in nursing homes and residential facilities are not systematically trained in the use of Danish Sign Language, limiting the possibility of persons with hearing disabilities to express themselves and participate in everyday life;

(b) There are insufficient resources, particularly financial resources, for promoting and enhancing the knowledge and use of Braille.

60. **The Committee recommends that the Kingdom of Denmark:**

**(a) Take measures to guarantee the right to access interpretation in Danish Sign Language in Denmark, Greenlandic Sign Language in Greenland and Faroese Sign Language (Føroyskt Teknmál) on the Faroe Islands, especially through the**

<sup>15</sup> A/HRC/52/32.

<sup>16</sup> CRPD/C/DNK/CO/1, para.43

**training of a sufficient number of sign language interpreters, and provide the requisite funding for the use of Danish Sign Language. It also recommends that the Kingdom of Denmark take measures to ensure training for Danish Sign Language professionals working in nursing homes and residential facilities.**

**(b) Take measures to ensure adequate funding for promoting, preserving and enhancing the knowledge and use of Braille, especially through the introduction of common teaching methods.**

#### **Respect for privacy (art. 22)**

61. The Committee is concerned that no efforts have been made to amend the Psychiatric Act, which allows psychiatric hospitals to transfer strictly private and confidential information to third parties without the consent of the person concerned.

**62. The Committee recalls its previous recommendation<sup>17</sup> and urges Denmark to amend the Psychiatric Act so as to prohibit the transfer of the private and confidential information of patients in psychiatric hospitals to third parties without the consent of the person concerned, in order to comply with the principle of respect for privacy. It recommends the Faroe Islands and Greenland adopt analogous legislation.**

#### **Respect for home and the family (art. 23)**

63. The Committee is concerned about situations in which parents with disabilities receive insufficient or belated support, which may significantly influence the assessment of their parenting skills and, as a consequence, may deny them their right to exercise parental responsibility. It is also concerned about the increase in the number of adoptions carried out without the consent of the parents in recent years.

**64. The Committee recommends that the Kingdom of Denmark adopt legislative and policy measures to ensure effective and timely support for parents with disabilities and for parents of children with disabilities to raise their children in a family setting. It also recommends that the Kingdom of Denmark further improve its measures to ensure that the disability of a parent or the disability of a child is not a permissible ground for adoption, and monitor the adoption process accordingly.**

#### **Education (art. 24)**

65. The Committee is concerned that the number of children attending school in segregated school settings has increased in the last 10 years, and that barriers to inclusive education, including the lack of reasonable accommodation and essential services, such as assistive devices and personal assistance, have resulted in school refusal and involuntary absence of children with disabilities, in particular students with intellectual disabilities and autism; it is also concerned that students with disabilities in vocational schools drop out at a much higher rate than their co-students without disabilities.

**66. Recalling its general comment No. 4 (2016) on the right to inclusive education, the Committee recommends that the Kingdom of Denmark, in close consultation with and with the active involvement of persons with disabilities through their representative organizations:**

**(a) Include children with disabilities in quality, inclusive education, and remove the barriers that have prevented effective transition from special education to quality inclusive education;**

**(b) Address attitudinal barriers preventing inclusion of children with disabilities in education, including by improving qualifications for teachers in inclusive education methodologies and training tools, and undertaking organizational changes at schools and system-wide;**

**(c) Provide the requisite support structures, including sign language;**

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<sup>17</sup> CRPD/C/DNK/CO/1, para.51

**(d) Produce a set of national guidelines for early identification of the risk of students with disabilities to drop out of school and ensure equal access to education for all children, on an equal basis with others, including by ensuring that students with disabilities have the opportunity to take vocational education and disability-responsive training.**

#### **Health (art. 25)**

67. The Committee is concerned at the information that the average life expectancy for persons with intellectual and/or psychosocial disabilities is significantly lower than that of the rest of the population; it is also concerned at information that persons with disabilities do not participate in the national preventive health programmes on an equal basis with others, including in screenings for cervical cancer, breast cancer and bowel cancer.

68. **Recalling its previous recommendation<sup>18</sup>, the Committee recommends that the Kingdom of Denmark ensure that persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities, have access to the highest attainable health, on an equal basis with others. It also recommends that the Kingdom of Denmark take measures, including outreach and accessibility measures, to increase participation of persons with disabilities in public health programmes such as screenings for cervical cancer, breast cancer, and bowel cancer.**

#### **Habilitation and rehabilitation (art. 26)**

69. The Committee is concerned about the insufficient access to habilitation and rehabilitation services by persons with disabilities, and the insufficient adaptation of such services to specific requirements.

70. **The Committee recommends that the Kingdom of Denmark take measures to secure access for persons with disabilities to comprehensive and cross-sectoral habilitation and rehabilitation services. It further recommends the Kingdom of Denmark ensure that assistive devices and personnel with expertise in the specific requirements of persons with disabilities are available.**

#### **Work and employment (art. 27)**

71. The Committee welcomes the various initiatives and amendments to reduce discrimination and prejudice preventing persons with disabilities from accessing the labour market, including the amendment of the Danish Act on Prohibition of Discrimination on the Labour Market on the provision of reasonable accommodation in the labour market, designed to improve and enhance the employment of persons with disabilities until 2025 in Denmark (with 60% of 16–64-year-olds with disabilities as compared to 86% of persons without disabilities employed in 2022). It notes, however, that the employment difference of 26% gives rise for concern. It is also concerned that no long-term programs and measures have been adopted to raise the awareness of employers on inclusion, to train social workers on disability-specific expertise, or to adapt employment programs accessible to all persons with disabilities, including seniors with disabilities, and render them disability-responsive.

72. **Recalling its general comment No. 8 (2022), the Committee recommends that the Kingdom of Denmark, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, adopt a long-term employment strategy to promote full inclusion of persons with disabilities, including women with disabilities in the open labour market, including:**

- (a) Targeted, time-bound and financed action plans across all sectors of the economy;**
- (b) Awareness-raising measures against prejudice against persons with disabilities;**
- (c) Training of employment system staff, including human resource personnel and career advisors, on specialised knowledge of disability;**

<sup>18</sup> CRPD/C/DNK/CO/1, para.57

**(d) Provide disability-responsive support to persons with disabilities in their search for employment and in their efforts toward entrepreneurship;**

**(e) Ensure that older employees with disabilities, who have not yet reached retirement age, have the possibility to stay in the workforce.**

#### **Adequate standard of living and social protection (art. 28)**

73. The Committee is concerned about the decreasing number of persons with disabilities receiving financial benefits covering additional disability-related expenses under Section 100 of the Social Services Act, and the termination of such benefits when reaching retirement age. It is also concerned that the Social Services Act does not allow for the grant of 15 hours of accompaniment per month for activities outside the home to persons with disabilities older than 67, even though it may be kept if it was granted before reaching the age of 67.

**74. The Committee recommends that, in close consultation with and the active involvement of persons with disabilities through their representative organizations:**

**(a) Denmark revise the Social Services Act to ensure that persons with disabilities, including persons with disabilities who have reached retirement age, keep their benefits for disability-related expenses and the provision of accompaniment;**

**(b) The Faroe Islands and Greenland enact analogous legislation to the same end.**

#### **Participation in political and public life (art. 29)**

75. The Committee notes that the amendment to the Guardianship Act introduced a form of partial deprivation of a person's legal capacity which does not result in incapacitation of the right to stand and vote in general elections and referendum; however, it is concerned that the full deprivation of a person's legal capacity is still in use and is still depriving persons with disabilities of their political rights. The Committee is also concerned that persons with disability have a significantly lower electoral turnout than other persons, due, in part, to inaccessible polling stations, ballots, voter meetings and election information and material.

**76. The Committee recommends that the Kingdom of Denmark, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

**(a) Guarantee the right of all persons with disabilities to vote and to stand for election without exception or exclusion;**

**(b) Render polling stations and ballots accessible and provide electoral information and material in accessible formats, and provide supports required by persons with intellectual and/or psychosocial disabilities to effectively exercise their right to vote.**

#### **Participation in cultural life, recreation, leisure and sport (art. 30)**

77. The Committee is concerned about the lack of measures to ensure that persons with disabilities enjoy access to cultural material, television programmes, films, theatre and other cultural activities, in accessible formats, and access to places of cultural performances or services, such as theatres, museums, cinemas and libraries, tourism and sport services.

**78. The Committee recommends that the Kingdom of Denmark, in close consultation with and with active involvement of persons with disabilities, through their representative organizations:**

**(a) Ensure that persons with disabilities have access to cultural material, television programmes, films, theatre and other cultural activities, to places for cultural performances or services, such as theatres, museums, cinemas and libraries, tourism services and sport services;**

**(b) Improve on its efforts to ensure that persons with disabilities, particularly children with disabilities, can effectively exercise their right to participate in cultural life, recreation, leisure and sport on an equal basis with others.**

79. The Committee is concerned that Greenland and the Faroe Islands have not yet ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled of June 27, 2013.

**80. The Committee recommends Greenland and the Faroe Islands ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled of June 27, 2013 and implement it.**

### **C. Specific obligations (arts. 31–33)**

#### **Statistics and data collection (art. 31)**

81. While noting the efforts to collect statistical data on persons with disabilities in the Kingdom of Denmark, including through the Survey of Health, Impairment and Living Conditions, the Committee is concerned that:

(a) Despite data collection through the SHILD surveys and the contributions to the development of indicators for living conditions by organisations of persons with disabilities and the Danish Institute for Human Rights, there are still insufficient systematic disaggregated data-collection and unified indicators concerning the rights of persons with disabilities, and a lack of participation of persons with disabilities in designing data collection systems;

(b) The Living Conditions and Labour Market Surveys lack permanent funding, and that the SHILD surveys did not receive funding in 2024.

**82. The Committee recommends that Denmark:**

**(a) Use the Washington Group on Disability Statistics short set of questions on functioning and the policy marker on the inclusion and empowerment of persons with disabilities of the Development Assistance Committee of the Organization for Economic Co-operation and Development, promote inclusivity and improve disability data collection systems, with data disaggregated by race, age, sex, gender, ethnicity, urban or rural location and migrant situation (CRPD/AZE/CO/2-3; CRPD/C/MRT/CO/1; CRPD/PRY/CO/2-3), and closely consult with and actively involve persons with disabilities, through their representative organizations, in the design of data collection and statistics.**

**(b) Provide the Living Conditions Survey, the Labour Market Survey and the SHILD surveys with sufficient permanent funding.**

83. The Committee is concerned at the very scarce statistical data on persons with disabilities, including women and children with disabilities, the barriers they encounter, and their living conditions in Greenland and the Faroe Islands.

**84. The Committee recommends that Greenland and the Faroe Islands, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, systematically develop data collection and statistical and research systems on persons with disabilities, the barriers they encounter, and their living conditions, that can form as a basis to formulate and implement policies that give effect to the Convention.**

#### **International cooperation (art. 32)**

85. The Committee recognizes that Denmark started reporting on the Disability Inclusion Marker from the Development Assistance Committee of the OECD in its international co-operation activities. It remains, however, concerned that the reported share of development assistance that includes persons with disabilities remains low and is not sufficiently supported by evidence. It is also concerned about only partial inclusion of disability in its international cooperation framework and about insufficient close consultation with and the active

involvement of persons with disabilities, through their representative organizations, in the development of international cooperation strategies and programmes.

**86. The Committee recommends that Denmark ensure that its development assistance adequately include persons with disabilities, that it adopt concrete measures to implement the European Consensus on Development to further advance the rights of persons with disabilities, and ensure close consultation with and active involvement of persons with disabilities, through their representative organizations, in the design of international cooperation agreements and programmes, specifically in the implementation and monitoring of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals.**

#### **National implementation and monitoring (art. 33)**

87. The Committee is concerned about:

(a) The limited extent to which a coordination mechanism has been implemented in the Faroe Islands and in Greenland;

(b) The uncertainties about the fulfilment of the Paris Principles and the involvement and full participation of persons with disabilities through their representative organizations of the new monitoring mechanism on the Faroe Islands starting operation on January 1, 2025;

(c) The lack of a monitoring mechanism fulfilling the requirements of the Paris Principles in which persons with disabilities through their representative organizations can fully participate in Greenland.

**88. Recalling its guidelines on independent monitoring frameworks and their participation in the work of the Committee<sup>19</sup>, the Committee recommends that:**

(a) **The Faroe Islands and Greenland establish focal points that effectively coordinate the implementation of the Convention within their respective governments;**

(b) **The Faroe Islands apply with the Global Alliance of National Human Rights Institutions (GANHRI) to accredit their newly created monitoring mechanism with A-status;**

(c) **Greenland establish a mechanism monitoring the implementation of the Convention that fulfils the Paris Principles Relating to the National Human Rights Institutions and apply with the Global Alliance of National Human Rights Institutions (GANHRI) to accredit their newly created monitoring mechanism with A-status.**

## **IV. Follow-up**

### **Dissemination of information**

89. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations contained in paragraphs 8 on incorporation of the Convention, 40 on legal capacity, and 58 on living independently.

90. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and Parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

91. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

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<sup>19</sup> CRPD/C/1/Rev.1, Annex.



92. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

**Next periodic report**

93. The State party has opted to report under the simplified reporting procedure for its periodic reports. Under the simplified reporting procedure, the Committee will transmit to the State party a list of issues prior to reporting at least one year prior to 24 August, 2031, the date by which the State party's fourth and fifth periodic reports are due. The replies of the State party to that list of issues will constitute its combined periodic reports.

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