

# Civil Society's suggestions to the UN Committee on the Rights of Persons with Disabilities regarding the 'List of issues prior to reporting' on the Kingdom of Denmark



February 2019

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## Introduction

This paper presents suggestions for the “List of issues prior to reporting” (LOIPR) to be adopted by the UN Committee on the Rights of Persons with Disabilities at its session in March/April 2019, highlighting areas in which Denmark, The Faroe Islands and Greenland have, in our view, made insufficient efforts to implement its commitments as set out in the UN Convention on the Rights of Persons with Disabilities (CRPD).

This paper springs from Danish civil society collaboration coordinated by Disabled People’s Organisations Denmark (DPOD). DPOD is an umbrella organisation representing 34 disability organisations with 340.000 members. The paper is based on inputs from DPOD member organisations and from several other organisations working in fields of relevance to disability.

The Faroe Islands and Greenland have also submitted their contributions, which are presented separately for the sake of clarity and in keeping with their wishes.

## Contribution from Denmark

### Contributing organisations:

DPOD and its 34 member organisations, Rare Diseases Denmark (Sjældne Diagnoser), Danish (Ex-)Users of Psychiatry (LAP), Better Psychiatry (Bedre Psykiatri), Amnesty International, DIGNITY, Danish Association of Persons Working on Flexible and Less Demanding Terms (LAFS), The National Council for Children (Børnerådet).

## 1. General principles and obligations (Articles 1-4)

### General obligations (Article 4)

1. In 2014, the UN Committee on the Rights of Persons with Disabilities recommended that the Government of Denmark review its National Disability Action Plan in order to broaden its coverage and make its commitments more concrete. This has not occurred. In September 2018, 60 civil society organisations and the Danish Institute for Human Rights called on the government to present a new cross-sectoral disability policy action plan, but this was declined.<sup>1</sup>

*To the Government of Denmark, please provide information on:*

a) *Progress towards implementation of a new disability policy action plan with targets, indicators and budgets covering all substantive rights and sectors.*

2. Contrary to the recommendation (in paragraph 13) issued in 2014, the UN Convention on the Rights of Persons with Disabilities (CRPD) has yet to be incorporated into Danish law. It is clearly our impression that many national, regional and municipal authorities have little knowledge of the Convention, of the rights of persons with disabilities and of their own obligations to implement them.

*Please provide information on:*

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<sup>1</sup> The letter is described and the signatory organisations are listed here (in Danish): <https://menneskeret.dk/nyheder/organisationer-faelles-opraab-regeringen-danmark-mangler-handicappolitisk-handlingsplan>

- a) *Progress towards incorporating the CRPD into Danish law.*
- b) *Measures to ensure that the CRPD is actively used by all courts of law and authorities, including regional and municipal governments.*

3. There has been no systematic and active involvement of Danish disability organisations in crafting and carrying out laws and policies of importance to persons with disabilities, including those recommended by the UN Committee on the Rights of Persons with Disabilities.

*Please provide information on:*

- a) *Measures to include persons with disabilities and their organisations systematically in implementation, monitoring and decision-making regarding initiatives of relevance to persons with disabilities.*

## **2. Specific obligations**

### **Equality and non-discrimination (Article 5)**

4. On 1 July 2018, new legislation providing for a general ban on disability-related discrimination went into effect (Act on Prohibition of Discrimination on Grounds of Disability).<sup>2</sup> However, its Art. 3 states: that there is no obligation to ensure reasonable accommodation or accessibility. These exemptions do not, in our opinion, live up to the requirements of the CRPD.

*Please provide information on:*

- a) *The justification for the new legislative ban on disability-related discrimination failing to provide for reasonable accommodation and accessibility.*
- b) *Plans to abolish these exemptions in the legislation.*

5. A quarter of all persons with disabilities have their requests for insurance turned down, or they are required to pay higher premiums or accept reduced coverage due to their health issues or impairments.<sup>3</sup> This practice has thus far been legal in Denmark. It leaves persons with disabilities at a disadvantage, for instance during travel abroad or when taking out health and life insurance for themselves and their next of kin. This discrimination concerns not only health and life insurance but also other types of insurance like house contents insurance and travel insurance.

*Please provide information on:*

- a) *The extent to which persons with disabilities are able to take out insurance on an equal footing with others.*
- b) *Measures, including legislative bills, to guarantee persons with disabilities equal rights to insurance.*

6. Some state benefits needed by persons with disabilities to live their lives as other people do are withdrawn at the age of eligibility for the national pension scheme (*folkepension*). This leaves persons with disabilities at a disadvantage when reaching the official pension age.

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<sup>2</sup> Law No. 688 as of 8 June 2018 <https://www.retsinformation.dk/Forms/R0710.aspx?id=201823>

<sup>3</sup> Cf. the research report from VIVE (2017): "Personer med handicap. Levevilkår og hverdagsliv" [Persons with disabilities. Living conditions and daily lives], pages 105-108 [https://pure.sfi.dk/ws/files/1045522/personer\\_med\\_handicap\\_pdfa.pdf](https://pure.sfi.dk/ws/files/1045522/personer_med_handicap_pdfa.pdf)

Danish social services legislation provides for persons with disabilities being accompanied for 15 hours a month. If this entitlement has been granted prior to eligibility for the national pension scheme, it is preserved into pensionable age. However, it cannot be granted to those who have already reached pensionable age.

Danish social services legislation provides for financial compensation to cover additional costs due to disability. However, this entitlement does not apply after the age of eligibility for the national pension scheme.

*Please provide information on:*

- a) *Initiatives to abolish age discrimination regarding access to being accompanied and compensated for additional costs due to disability.*

### **Children with disabilities (Article 7)**

7. Involuntary psychiatric hospitalisation and treatment are still used against minors under 15 years of age. The government has declared the objective of reducing the use of coercion, but instead it has increased, as measured against the baseline set by the government itself.<sup>4</sup>

In keeping with the Psychiatry Act, patients under 15 years of age subjected to coercion without the consent of their parents have the right to complain and to be assigned a patient advisor. However, both the right to complain and the services of a patient advisor are forfeited when parents do consent to coercion.

*Please provide information on:*

- a) *Data on the use of involuntary hospitalisation and other types of coercion in psychiatry, including involuntary treatment of minors under 15 years of age since 2010.*
- b) *Measures to reduce the use of coercion against minors under 15 years of age.*
- c) *Measures to ensure that minors under 15 years of age subjected to coercion gain the right to complain and to have access to a patient advisor.*

### **Awareness-raising (Article 8)**

8. In 2014, the UN Committee on the Rights of Persons with Disabilities, having encouraged the raising of awareness throughout society about disability and the promotion of a positive image of persons with disabilities, also recommended (in paragraph 25) informing about the CRPD and the rights that it enshrines. However, understanding and knowledge regarding persons with disabilities and their rights are still found wanting. According to a survey, 14% of all persons with disabilities experience discrimination. Among those with “severe disabilities”, this figure is as high as 40%.<sup>5</sup>

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<sup>4</sup> Cf. the most recent monitoring report on the use of coercive measures from the Danish Health Authority (2018), pp.40-42. <https://www.sst.dk/da/udgivelser/2018/monitorering-af-tvang-i-psykiatrien-juli-2017-juni-2018>

<sup>5</sup> Cf. the research report from VIVE (2017): “Personer med handicap. Levevilkår og hverdagsliv 2016” [Persons with disabilities. Living conditions and daily lives], pages 101-104 [https://pure.sfi.dk/ws/files/1045522/personer\\_med\\_handicap\\_pdfa.pdf](https://pure.sfi.dk/ws/files/1045522/personer_med_handicap_pdfa.pdf)

*Please provide information on:*

- a) *Progress towards drawing up a strategy with concrete and measurable targets with the aim of enhancing knowledge about persons with disabilities and their rights.*

## **Accessibility (Article 9)**

9. Contrary to the recommendations issued in 2014 by the UN Committee on the Rights of Persons with Disabilities (in paragraphs 26-27), Denmark has yet to adopt a comprehensive plan to ensure that all persons with disabilities have access to facilities, information and services. Furthermore, there has been no overall mapping of accessibility conditions for persons with disabilities.

The UN Sustainable Development Goal on sustainable cities and communities contain targets on inclusive urbanisation (11.3) and universal access to safe, inclusive and accessible green and public spaces for persons with disabilities (11.7).

In spite of this, inaccessible premises continue to be built. There is no legislation regarding outdoor areas aimed at securing access to parks, paths, bathing beaches etc. for persons with disabilities. Very few degree courses in the fields of architecture, construction and technology teach about accessibility and universal design. Research is insufficient in areas such as accessibility for persons with cognitive disabilities. , as required in pursuit of the

*Please provide information on:*

- a) *Plans for overall mapping of accessibility conditions for persons with disabilities.*
- b) *Presentation of a comprehensive plan with concrete objectives, timeframes, budgets, sanctions and evaluations to ensure accessibility to buildings, outdoor areas and technology.*
- c) *Initiatives to ensure that Denmark's commitments under the CRPD and pursuit of the UN Sustainable Development Goals are reflected in the country's planning, transport and road legislation.*
- d) *Initiatives to promote research and education in universal design.*

10. In 1998, "The Danish Building Regulations" began to require access to single-family dwellings without level differences. However, this requirement was abolished by the government in 2017. Today it is sufficient to prepare for same-level access to one of the building's outer doors on the ground floor<sup>6</sup>. In addition, obligatory installation of lifts has been waived in the case of extensions to or conversions of existing residential multi-storey buildings.

*Please provide information on:*

- a) *Initiatives to ensure that the Danish Building Regulations require one-family houses to be accessible to persons with disabilities.*
- b) *Initiatives to ensure that existing multi-storey buildings being extended or converted become accessible to persons with disabilities.*

11. Persons with disabilities face challenges in accessing two-storey buildings, for which no lift is required in the Danish Building Regulations.

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<sup>6</sup> <https://www.retsinformation.dk/Forms/R0710.aspx?id=196435#idcf741719-946f-469a-8437-41174e280062>

*Please provide information on:*

- a) *Measures in the Danish Building Regulations to require accessibility to two-storey buildings for persons with disabilities.*

12. Public transport is not accessible to persons with disabilities<sup>7</sup>. The boarding of trains is a particular concern due to differing platform heights. The acquisition of accessible low-floor trains is in the pipeline, and for these to ensure accessibility, the platform height must be standardised.<sup>8</sup>

*Please provide information on:*

- a) *Initiatives to ensure better access to public transport for persons with disabilities.*
- b) *A long-term plan to ensure standardisation of all train station platforms.*

13. Persons with hearing disabilities need video telephony with sign-language interpreting in order to be included in the community. It is a challenge that such services are only available within a limited timetable (8am to 8pm Monday to Thursday, and 8am to 6pm on Fridays) rather than round the clock. Video sign-language interpreting is mainly confined to social services, as it is difficult to get other sectors (e.g. the health system) to cover the costs.

*Please provide information on:*

- a) *Progress towards ensuring that persons with a hearing disability get access to sign-language interpreting via video telephony round the clock.*
- b) *Initiatives to ensure access to sign-language interpreting via video telephony across all sectors.*

### **Situations of risk and humanitarian emergencies (Article 11)**

14. In 2014, the UN Committee on the Rights of Persons with Disabilities recommended (in paragraph 31) developing and enforcing accessible alert systems or protocols, and organising training for rescue and emergency personnel in providing persons with disabilities with the necessary support and protection in the event of risk situations or emergencies. Feedback from disability organisations indicate a lack of progress in this area.

*Please provide information on:*

- a) *The extent to which alert systems in Denmark are fully accessible to persons with disabilities.*
- b) *Plans to guarantee persons with disabilities the necessary assistance and support in the event of risk situations or emergencies.*

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<sup>7</sup> Cf. the research report from VIVE (2017): "Personer med handicap. Levevilkår og hverdagsliv" [Persons with disabilities. Living conditions and daily lives], pages 89-90 [https://pure.sfi.dk/ws/files/1045522/personer\\_med\\_handicap\\_pdfa.pdf](https://pure.sfi.dk/ws/files/1045522/personer_med_handicap_pdfa.pdf) and a survey conducted among members of the Danish Society of Accident Victims about lack of accessibility in public transport <https://www.ulykkespatient.dk/service/nyheder/manglende-tilgaengelighed-i-den-kollektive-trafik/>

<sup>8</sup> Initial survey by the Danish Transport, Construction and Housing Authority from 2016 <https://www.ft.dk/samling/20151/almdel/tru/bilag/294/1640862.pdf>



15. Persons with hearing disabilities are at risk of sleeping through a fire alarm at night, since many municipal authorities are unwilling to grant funds for devices that connect smoke alarms to the existing disability aids system, arguing that these do not significantly improve the daily lives of persons with hearing disabilities.

*Please provide information on:*

- a) *Plans to ensure funding of disability aids that can be life-saving in a risk situation or emergency.*

### **Equal recognition before the law (Article 12)**

16. The principle of ‘supported decision-making’ as an alternative to guardianship and other forms of substituted decision-making have not been properly incorporated into Danish law and practice. The concept of supported decision-making does not feature in the Legal Incapacity and Guardianship Act, though this was recommended in 2014 by the UN Committee on the Rights of Persons with Disabilities (in paragraph 33).

The Danish Legal Incapacity and Guardianship Act purports to represent the interests of persons under guardianship. In practice, persons with psychosocial disabilities under guardianship are placed at a disadvantage when it comes to defending and enforcing their rights. For example, guardians are not obliged to assist a person under guardianship in complaining about rejection of disability-compensating benefits and the like.

*Please provide information on:*

- a) *Data on trends in the number of persons with disabilities under guardianship.*
- b) *Measures to support persons with psychosocial disabilities in looking after their own interests in relation to state authorities.*
- c) *Measures to protect legal capacity by promoting supported decision-making in The Danish Legal Incapacity and Guardianship Act.*

### **Liberty and security of person (Article 14)**

17. A new law provides for detention and involuntary treatment of persons with somatic disorders, targeting patients with psychosocial disabilities who resist treatment and are considered incapable of giving informed consent. (Act on the Use of Coercive Treatment in Somatic Health Care on Persons Lacking the Capacity to Consent).<sup>9</sup>

No measures to promote supported decision-making has been taken, and easy access to data on the use of coercion has not been provided for.

*Please provide information on:*

- a) *Data on the use of coercion in the treatment of somatic disorders.*
- b) *Measures to prevent the use of coercion in the treatment of somatic disorders.*
- c) *Transparent monitoring of the use of coercion in the treatment of somatic disorders.*

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<sup>9</sup> Law no. 655 of 08 June 2017: <https://www.retsinformation.dk/forms/R0710.aspx?id=191818>

18. Court-ordered involuntary treatment is particularly used against persons with psychosocial disabilities considered unfit for regular punishment. Such sentences may also entail loss of liberty, and the duration of treatment is often indefinite. The number of such sentences has doubled since 2001. About 40% of court-ordered involuntary treatment is of indefinite duration.<sup>10</sup> Contrary to a recommendation issued by the UN Committee on the Rights of Persons with Disabilities in 2014 (in paragraph 35), no effective steps have been taken to address the substantial legal protection problems in this area.

*Please provide information on:*

- a) *Data on trends in the use of court-ordered involuntary treatment by type of disability.*
- b) *Measures to improve the legal protection of persons with disabilities who commit a criminal offence.*
- c) *Measures to ensure that persons with disabilities enjoy the same rights as others who commit a criminal offence.*

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

19. A reduction in the use of coercion in psychiatry has not been achieved. Belt restraint and involuntary medication are some of the methods that continue to be used in psychiatric wards, despite the recommendation issued in 2014 by the UN Committee on the Rights of Persons with Disabilities to prevent this (in paragraph 39).

*Please provide information on:*

- a) *Data on coercion in psychiatry, including involuntary ambulatory treatment.*
- b) *Measures to phase out or reduce the use of coercion, including methods such as belt restraint and the like.*

20. The Danish Psychiatry Act provides for so-called involuntary follow-up after discharge from hospital. A senior doctor in a psychiatric ward may, on certain conditions, order the police to bring in a non-psychotic patient after discharge for involuntary ambulatory treatment.<sup>11</sup>

*Please provide information on:*

- a) *The justification for resorting to involuntary ambulatory treatment of non-psychotic patients with psychosocial disabilities.*
- b) *Measures to phase out the use of involuntary ambulatory treatment.*

### **Protecting the integrity of the person (Article 17)**

21. Persons with severe disabilities are eligible for funding of personal assistants for support, care and company (citizen-controlled personal assistance, acronym in Danish: BPA). Municipal governments are responsible for supervising the scheme. The disability organisations find that supervision taking place in the citizen's own home can be exceedingly intrusive and

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<sup>10</sup> Law no. 655 of 08 June 2017

<sup>11</sup> Section 4a of the Danish Psychiatry Act: <https://www.retsinformation.dk/forms/r0710.aspx?id=174248>

intimidating. There are examples of round-the-clock supervision and observation processes for prolonged periods in the citizen's own home.

*Please provide information on:*

- a) *The use of supervision and observation in the citizen's own home.*
- b) *Measures to ensure that supervision in the homes of citizens with disabilities respect the right to privacy and integrity of the person, and that it conforms to the principle of proportionality.*

### **Living independently and being included in the community (Article 19)**

22. Some persons with "severe disabilities" can be in mortal danger without round-the-clock monitoring for reasons such as severe epilepsy, risk of choking due to dysphagia, respiratory problems etc. However, if they are incapable of functioning as an employer, assigning tasks to others, there is no legal basis for providing such monitoring in the citizen's own home. Accordingly, many such citizens have to move into institution-like types of residence against their will.

*Please provide information on:*

- a) *Plans to ensure that citizens with disabilities in need of round-the-clock monitoring are genuinely able to choose their own residence.*

23. In 2014, the UN Committee on the Rights of Persons with Disabilities expressed concern (in paragraph 43) over the trend towards building large-scale institution-like residences for persons with disabilities. No steps have been taken to reverse this course and ensure that disability-related support entitlements are granted regardless of the type of housing chosen.

The legislative authority to use coercion against persons with disabilities living in institution-like residences has been expanded. For instance, a recent parliamentary agreement includes provisions to facilitate the use of alarm and tracking devices and to use force in acute situations.<sup>12</sup>

*Please provide information on:*

- a) *Measures to ensure the right to choose one's own residence and reduce the percentage of persons with disabilities living in institution-like residences.*
- b) *Legislative measures taken since 2014 to abolish the use of coercion in social services and special-needs residences against persons with disabilities.*
- c) *Measures to promote alternatives to coercion and support self-determination among persons with disabilities.*

### **Personal mobility (Article 20)**

24. Persons with disabilities suffer severe health complications if they fail to receive the most suitable aids, such as a catheter or wheelchair, being given a standard product instead. For

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<sup>12</sup> See the agreement (in Danish) here: <https://socialministeriet.dk/nyheder/nyhedsarkiv/2018/aug/aftale-paa-plads-om-bedre-regler-om-magtanvendelse-over-for-voksne-mennesker-med-psykisk-handicap/>

instance, when it comes to wheelchairs or aids attached to the body, an in situ individual assessment is required to determine what fits each person.

*Please provide information on:*

- a) *Initiatives to make legislation more stringent, making clear that the most suitable disability aids should be chosen.*

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

25. Persons with disabilities lack access to information in society (e.g. on public transport, in hospitals, courtrooms, police stations and banks) due to insufficient initiatives to ensure accessibility to information. This applies, for instance, to urgent messages provided exclusively over loudspeakers and to information for persons with intellectual disabilities.

*Please provide information on:*

- a) *Initiatives to ensure that persons with disabilities gain access to communications in society.*

26. Contrary to the recommendation issued in 2014 by the UN Committee on the Rights of Persons with Disabilities (in paragraph 47), Denmark has yet to take measures to strengthen knowledge creation and develop a professional environment for Braille writing. Nor has a Braille Council been set up.

*Please provide information on:*

- a) *Initiatives to ensure that Braille is recognised as an important communication tool for persons with visual disabilities.*
- b) *Documentation of progress in the teaching of Braille.*
- c) *Progress towards setting up a Braille Council.*

27. In 2014, the UN Committee on the Rights of Persons with Disabilities recommended (in paragraph 45) recognition of the right of persons with congenital and acquired deafness to learn and communicate in Danish sign language. Nevertheless, teaching in Danish sign language is not offered to children born without hearing who have received a cochlear implant. Municipalities and hospitals also advise their parents not to communicate with their children in sign language.

Persons with hearing disabilities face challenges in participating in society (education, employment, healthcare, culture) due to rejection of requests for interpreting. There is a lack of an overall coordinating authority capable of assessing interpreting needs and available resources. For example, although an interpreter can be assigned to someone with a hearing impairment if the doctor considers it to be necessary for treatment, disability organisations frequently report that doctors or health staff decline to call in an interpreter.

*Please provide information on:*

- a) *Initiatives, including an action plan, to promote sign language in order to ensure that persons with hearing disabilities participate in all sectors of society.*

- b) *Initiatives to ensure that everyone with congenital as well as acquired deafness, including children born without hearing and given cochlear implants, obtain the right to be taught and communicate in Danish sign language.*
- c) *Measures to enable funding of sign-language interpreting in all sectors, including healthcare.*
- d) *Measures taken to make more hours of sign-language interpreting available for private purposes.*
- e) *Measures taken to train sufficient sign-language interpreters to meet the demand for their services.*

### **Respect for home and the family (Article 23)**

28. The disability organisations report that parents with disabilities fail to receive the support required by social legislation to take on their parenting role.<sup>13</sup> This insufficiency of support for parenting capacity may ultimately lead to forcible removal or adoption of the child.

The disability organisations also report that the parenting capacity of a mother or father with a disability can be unjustifiably thrown in doubt in the processing of divorce cases. This may lead to denial of custody.

*Please provide information on:*

- a) *Initiatives to ensure that parents with disabilities get the support required for parenting.*
- b) *Measures to ensure that authorities assess parenting capacity based on knowledge about persons with disabilities and their rights enshrined in the CRPD.*

29. Significant challenges are reported regarding assistance and support when a child with disability turns 18 years old. Parents are not compensated for lost earnings if they take on the job of assisting and supporting their son or daughter after that age, at which the young person must relate to completely new authorities, rules and regulations. Municipal authorities often fail to prepare properly for the transition.

*Please provide information on:*

- a) *Initiatives to ensure that young persons with disabilities are not placed at a disadvantage in the transition to independent adult life compared to other young people.*

### **Education (Article 24)**

30. In 2014, the UN Committee on the Rights of Persons with Disabilities recommended (in paragraph 53) that legislation be amended so as to enable all children to go to a mainstream school with the support and accommodation that they need, in particular by imparting relevant topics in degree courses and in-service training for teachers and other staff. Currently, many children with disabilities continue to be exempted from certain subjects at school, teachers lack knowledge of disability, and pupils fail to receive necessary support.<sup>14</sup>

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<sup>13</sup> See also [the study by the Danish Institute for Human Rights “Ret til at være forældre” \[Right to be parents\] \(2014\)](#)

<sup>14</sup> See DPOD’s survey among parents with disabilities: <https://www.handicap.dk/politik/vidensbank/?text=dh+inklusionsunders%C3%B8gelse>

*Please provide information on:*

- a) Initiatives to ensure inclusion of pupils with disabilities in the regular teaching of the Danish folkeskole (compulsory education), including final exams.*
- b) Plans to give teachers appropriate competencies and necessary knowledge of disability.*
- c) Measures to ensure that schools are able to give pupils with disabilities necessary support and accommodation.*
- d) Plans to promote the use of specialist knowledge from special-needs schools in regular teaching.*
- e) Data on education results and patterns among children with disabilities who have been included in mainstream general education.*

31. When a child with a disability is included in regular teaching (with less than 9 hours of special education per week), the parents cannot submit a complaint to an impartial body about the child's schooling if they experience that their child is failing to receive sufficient teaching support. In 2014, the UN Committee on the Rights of Persons with Disabilities recommended (in paragraph 55) a legislative amendment to overcome this limitation in the right to complain. This recommendation has not been followed.

*Please provide information on:*

- a) Measures to ensure that parents of children with disabilities who are included in regular teaching and receive less than 9 hours of special education per week gain access to complain to an independent authority about their child's schooling.*

32. In 2014, the UN Committee on the Rights of Persons with Disabilities recommended (in paragraph 53) taking steps to ensure, at all levels of the education system, that persons with disabilities achieve the same accomplishment rates as other persons. The trend observed has been the opposite. The proportion of 30-40-year-olds with disabilities holding a professional qualification after completing a degree course fell from 74% in 2012 to 66% in 2016. Over the same period, this figure for persons without disabilities rose from 84% to 86%.<sup>15</sup>

*Please provide information on:*

- a) Measures to ensure that the educational level of persons with disabilities catches up with the population as a whole.*
- b) Initiatives to ensure that post-compulsory education becomes accommodating to the needs of students with disabilities and flexibly designed.*
- c) Measures to strengthen educational establishments' knowledge of disability and competencies in teaching students with disabilities.*

## **Health (Article 25)**

33. In 2014, the UN Committee on the Rights of Persons with Disabilities noted with concern (in paragraph 56) that persons with psychosocial disabilities have 15-20 years shorter life expectancy than other people. The situation has not improved, and no effective steps have been taken, e.g. systematic health checks, to ensure equal healthcare access for this group.

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<sup>15</sup> Cf. the research report from VIVE (2017): "Personer med handicap. Levevilkår og hverdagsliv" [Persons with disabilities. Living conditions and daily lives.] <https://www.sfi.dk/publikationer/personer-med-handicap-13575/>

*Please provide information on:*

- a) Trends in excess mortality among persons with psychosocial disabilities.*
- b) Measures to reduce excess mortality, including early detection and health checks.*

34. Persons with disabilities are not participating on an equal footing with others in preventative healthcare. This may lead to overlooking disease. A survey shows, for instance, that only 16% of women with cerebral palsy in special-needs residences took part in national cervical cancer screenings.<sup>16</sup>

Persons with disabilities find it harder to arrive at health clinics, and thus to make use of the services of doctors, physiotherapists, dentists etc., due to lack of accessibility. According to data provided by the clinics themselves, only 45% of them are accessible to persons with disabilities.<sup>17</sup>

*Please provide information on:*

- a) Data shedding light on access to healthcare services, including preventative national cancer screenings.*
- b) Measures to ensure equal access to preventative healthcare services for persons with disabilities.*
- c) Data on physical and digital accessibility to healthcare services for persons with disabilities.*
- d) Strategies with target figures, timetables, budgets etc. to promote accessibility to healthcare services.*

35. A major health survey conducted in 2014 among persons with functional impairments showed that persons with disabilities have substantially poorer health and less access to those factors that foster healthy living. They experience poorer mental health, sleeping problems, stress, markedly higher intake of pharmaceuticals, more pain, worse self-assessed health etc.<sup>18</sup>

*Please provide information on:*

- a) Action plans and other measures to reduce health inequalities faced by persons with disabilities.*

36. Virtually all medical treatments in Denmark are guaranteed by law within 30 days. However, hearing aid treatment is not covered by this guarantee, as waiting times average over one year and may last more than two years. This discrimination against a particular disability group does not seem to adhere to any objective criteria.

*Please provide information on:*

- a) Justification for hearing aid treatment not being properly covered by the Danish healthcare system's treatment guarantee.*
- b) Data for trends in waiting times since 2013 disaggregated by region.*
- c) Measures to reduce waiting times and ensure that hearing aid treatment is provided on a par with other types of treatment.*

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<sup>16</sup> <http://tinyurl.com/yc3b622n>

<sup>17</sup> <https://www.dr.dk/nyheder/regionale/fyn/trapper-og-smaa-doere-handicappede-udelukkes-fra-mange-sundhedstilbud>

<sup>18</sup> <http://tinyurl.com/yajt689a>

## **Habilitation and rehabilitation (Article 26)**

37. The right to rehabilitation covers all torture survivors with disabilities. The state has the duty to organise, strengthen and disseminate rehabilitation services with the aim of achieving the greatest possible personal autonomy, full mental, physical, social and occupational capacity, as well as inclusion and participation in society.

*Please provide information on:*

- a) *Measures to implement the right to rehabilitation of torture survivors with disabilities.*

## **Work and employment (Article 27)**

38. At around 40%, the employment rate for persons with disabilities is much lower than for persons without disabilities. For some disability groups it is very low indeed, e.g. in the case of people with blindness or severely reduced vision, for whom the figure is as low as about 18%.<sup>19</sup>

Employers are prevented from hiring a deaf person when the municipality in charge of granting the subsidy considers the occupation to be incompatible with the functional impairment in question.

Prejudice among business leaders and colleagues continues to thwart efforts to hire and work alongside persons with disabilities.<sup>20</sup>

*Please provide information on:*

- a) *Data on employment trends for persons with and without disabilities.*
- b) *Measures to foster employment for persons with disabilities, including deaf people.*
- c) *Measures aimed at overcoming prejudice about persons with disabilities in the labour market.*

39. Persons with disabilities are at a disadvantage if they wish to remain in the labour market beyond pensionable age. This is because some of the schemes intended for persons with reduced working capacity are terminated upon reaching eligibility for retirement. This applies, for instance, to the employment scheme on flexible terms (*fleksjob*), which enables a person with a disability to work for a limited number of hours with a state subsidy to top up the salary to the equivalent of full-time.

*Please provide information on:*

- a) *Legislative measures making it possible for persons with disabilities to remain in the labour market beyond pensionable age.*

40. The unemployment rates of persons approved for subsidised employment on flexible terms (*fleksjob*) varies widely from one municipality to another. This gives rise to major disparities in the job opportunities for persons with disabilities.

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<sup>19</sup> See the report “De usynlige” [The invisible people], (2017), Aalborg University, [http://vbn.aau.dk/files/267339545/De\\_usynlige.pdf](http://vbn.aau.dk/files/267339545/De_usynlige.pdf)

<sup>20</sup> Idem.



*Please provide information on:*

- a) *Data on labour market participation among persons with and without disabilities.*
- b) *Data on unemployment of persons approved for subsidised employment on flexible terms disaggregated by municipality.*
- c) *Measures aimed at fostering labour market inclusion of persons with disabilities, including to overcome geographical disparities.*

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

41. Conditions for being granted an early retirement pension (*førtidspension*) before the age of 40 years have become markedly stricter. This has had an adverse effect on many persons with disabilities under that age, whose working capacity is too reduced to be self-supporting. They are not eligible for an early retirement pension, or they only become so after many years. This leads to an insufficient standard of living and a very tight budget for those affected.

It has also spawned numerous examples of long-lasting, degrading and highly stressful procedures with the aim of determining and developing the working capacity of persons with severe illness and disability.

*Please provide information on:*

- a) *Data on trends in the awarding of early retirement pensions since the reform went into effect.*
- b) *Measures to ensure a dignified and reasonable income for persons with disabilities with highly reduced working capacity.*

42. For many years, the transfer incomes of persons with disabilities (early retirement pension, social security benefits, working capacity assessment benefits and others) have risen at a slower pace than the income of the rest of the population. This is because transfer incomes have been adjusted by less than the average salary increase. Accordingly, the income gap between persons in employment and persons with disabilities dependent on state benefits has widened year by year. In late 2018, a majority of members of the Folketing (parliament of Denmark) agreed to seek to abolish this lop-sided and unfair adjustment system. However, firstly, a new system cannot be hammered out until after the next general elections, and secondly, there does not appear to be the political will to solve the problem completely for, for example, early retirement pensioners.

*Please provide information on:*

- a) *Data on income trends for persons with and without disabilities over the past 15 years.*
- b) *Data on income trends for persons with and without employment over the past 15 years.*
- c) *Measures aimed at reversing the gradual increase in the income gap between persons with and without disabilities.*

43. Persons without a job and without eligibility for compensation from the official Danish unemployment insurance scheme may be able to obtain social security benefits (*kontanthjælp*). However, a ceiling has been introduced for the maximum total financial assistance available, thus reducing disposable income. This measure impacts persons with disabilities more than others, partly because most people on social security have functional impairments, and partly because persons with disabilities find it harder to get a job.

*Please provide information on:*

- a) Data on how many persons on social security benefits (kontanthjælp) have a disability.*
- b) Measures to ensure that persons with disabilities are not placed at a disadvantage financially.*

44. Many people report increasing difficulty in obtaining government-funded disability-related assistance (care, compensation for additional costs of having a disability and the like).

*Please provide information on:*

- a) Trends in spending on disability-related assistance in the field of social services and employment creation, as measured in total figures and per beneficiary.*
- b) Measures aimed at gradually improving financial assistance to persons with disabilities.*

### **Participation in political and public life (Article 29)**

45. Danish guardianship legislation provides for legal incapacitation of citizens with disabilities. As per the Constitution of Denmark, this prevents them from voting (or running as candidates) in general elections for the Folketing (parliament of Denmark). The government has tabled a legal reform introducing a new option of only partial deprivation of a person's legal capacity, which entails, among other consequences, that the person retains the right to vote in general elections. However, the problem does not seem to be fully resolved. There will still be people under guardianship who are disenfranchised.

*Please provide information on:*

- a) Data on how many persons with disabilities have lost their voting rights in national general elections.*
- b) Legal initiatives to safeguard the voting rights of all citizens with disabilities.*

46. Persons with hearing disabilities have no access to television coverage of the work of the Folketing, since the Folketing's television service has no subtitles.

*Please provide information on:*

- a) Plans to make television coverage of the work of the Folketing accessible to persons with hearing disabilities.*

47. Contrary to the recommendations issued in 2014 by the UN Committee on the Rights of Persons with Disabilities (in paragraphs 60-61), access to polling stations, ballot papers, public debates and election materials continues to be a challenge for persons with disabilities in terms of inaccessible buildings, lack of audio induction loop systems, inaccessible ballot papers and election materials.

The disability organisations report that persons with disabilities are underrepresented in political life, and that holding a political office can be problematic for persons engaged in the subsidised employment scheme on flexible terms (*fleksjob*), as it can cause their working capacity to be assessed as greater than otherwise, thus potentially affecting their eligibility for the subsidised employment scheme.

*Please provide information on:*

- a) Initiatives to ensure that the entire election process becomes accessible to persons with disabilities.*
- b) Data on representation of persons with disabilities in political life.*
- c) Initiatives to ensure that persons with disabilities in subsidised employment are not limited in their right to hold political office.*

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

48. Many cultural institutions, such as theatres, museums and cinemas, are not accessible to persons with disabilities. The problem encompasses physical accessibility, e.g. to and within buildings, digital accessibility to apps and websites, contents accessibility by means of subtitles and sign-language interpreting of films, and lack of accessibility aids, such as audio induction loop systems and audio guides.

*Please provide information on:*

- a) Data on accessibility to cultural institutions.*
- b) Measures to improve accessibility to cultural institutions.*

49. Persons with disabilities lack accessibility to pay television media, as the non-public service suppliers do not offer accessibility services, such as sign-language interpreting, audio description, subtitling and audio subtitling.

*Please provide information on:*

- a) Measures, including an action plan, to ensure that non-public service television suppliers are obliged to ensure accessibility to media for persons with disabilities.*

## **3. Specific obligations**

### **Statistics and data collection (Article 31)**

50. Contrary to recommendations (in paragraphs 64-65) issued in 2014 by the UN Committee on the Rights of Persons with Disabilities to systematise the collection, analysis and dissemination of data, disaggregated by gender, age, disability and region, data on persons with disabilities are still found wanting, and there is no overall strategy to address this.

*Please provide information on:*

- a) Strategies for systematic collection of data on persons with disabilities, including in the field of social services, healthcare and employment creation.*
- b) Measures to ensure that surveys of living conditions of persons with disabilities are conducted regularly to collect SHILD data<sup>21</sup>.*

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<sup>21</sup> SHILD stands for “Survey of Health, Impairment and Living Conditions”, which is conducted by the Danish National Centre for Social Research (SFI).

## **International cooperation (Article 32)**

51. Article 32 commits Denmark to ensuring that international cooperation, including development cooperation, is inclusive towards and accessible to persons with disabilities. The Danish Ministry of Foreign Affairs has very little data to document whether and how the ministry and recipients of Danish development aid include persons with disabilities in their interventions. This is despite Denmark having signed the Charter on Inclusion of Persons with Disabilities in Humanitarian Action<sup>22</sup> and the ‘Leaving No One Behind’ principle underlying all of the UN Sustainable Development Goals.

*Please provide information on:*

- a) Data on the extent to which Denmark’s international cooperation and development aid are inclusive towards persons with disabilities.*
- b) Initiatives to ensure systematic mainstreaming of disability into all international cooperation and development aid.*
- c) Initiatives to ensure that disability is taken into account in practice in the implementation of policies and results documentation.*

## **Follow-up and dissemination of recommendations from the UN Committee on the Rights of Persons with Disabilities**

52. The recommendations from 2014 have not been systematically disseminated in accessible formats, including translation into sign language, despite a clear request to this effect by the UN Committee on the Rights of Persons with Disabilities (in paragraph 71).

*Please provide information on:*

- a) Measures to disseminate recommendations issued by the UN Committee on the Rights of Persons with Disabilities, including in sign language, to all citizens with disabilities.*

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<sup>22</sup> <http://humanitariandisabilitycharter.org>

## Contribution from the Faroe Islands

### Faroese organisations behind suggested ‘List of issues prior to reporting’ 2018

The umbrella organisation MEGD<sup>23</sup> is submitting the Faroese contribution on behalf of its 24 member organisations, which represent people with a wide array of disabilities in the Faroe Islands. At the overall political level, MEGD champions better compliance with the rights of persons with disabilities, regardless of their type of disability. Moreover, MEGD takes part in the cooperation of Nordic disability organisations. The MEGD member organisations work to improve living conditions and fulfil the rights of persons with particular disabilities within their respective spheres of interest.

The Faroe Islands is a self-governing constituent country within the Kingdom of Denmark, comprising 18 islands in the Northern Atlantic, situated between Scotland, Iceland and Norway. Its population is a tiny community of about 51,000 inhabitants. It is divided into 6 regions (*sýslur*) and 29 municipalities (*kommunur*), and has a total of seven ministries. Governance is shared between municipalities and the countrywide executive body known as the Cabinet of the Faroe Islands (*Føroya Landsstýri*). The latter is responsible for a major share of expenditure on education, healthcare and social welfare.

## I. General principles and obligations

### A. General principles and obligations (Articles 1-4)

1. In 2014, the UN Committee on the Rights of Persons with Disabilities recommended (in paragraph 11) the adoption of a dedicated disability policy action plan by the Government of the Faroe Islands to effectively implement the Convention on the Rights of Persons with Disabilities (CRPD). This recommendation has not been followed.

*To the Government of the Faroe Islands, please provide information on:*

a) *Expected date of submission of a dedicated disability policy action plan to effectively implement the CRPD.*

2. In 2014, the UN Committee on the Rights of Persons with Disabilities recommended (in paragraph 13) that the Government of the Faroe Islands ensure the incorporation of the CRPD into national legislation so as to make it applicable as law in the Faroe Islands.

This work has begun, but progress is slow.

*Please provide information on:*

a) *Steps to ensure that the CRPD is incorporated into national legislation, so as to make it applicable as law in the Faroe Islands.*

3. For children with autism, a standard approach known as “Tann góða tilgongdin”<sup>[1]</sup> (the good process) was drawn up for children with autism in 2014 in response to a recommendation. The aim was to ensure cross-sector coordination. This has been a good experience. However, a version of “Tann góða tilgongdin” has yet to be prepared for families and

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<sup>23</sup> MEGD: [www.megd.fo](http://www.megd.fo)

<sup>[1]</sup> AMR, Tilmæli: <https://d3b1dqw2kzexi.cloudfront.net/media/5431/tilmæli-um-at-skipa-eina-góða-tilgongd-hjá-familjum-við-barni-við-autismu-9-september-2014.pdf>

children with developmental disabilities, who need a specific plan and a professional to be in charge of a coordinated endeavour.

*Please provide information on:*

- a) *Initiatives to ensure that all children with disabilities benefit from professional coordination across sectors, so as to make assistance and support coherent and effective.*

## **II. Specific rights (Articles 5-30)**

### **Equality and non-discrimination (Article 5)**

4. In 2014, the UN urged the Government of the Faroe Islands (in paragraph 15) to enact comprehensive and cross-sectoral legislation against discrimination that extends protection to apply beyond the labour market. The Committee also recommended ensuring effective legal remedies for persons with disabilities, including the possibility of lodging complaints about discrimination. This has not occurred.

*Please provide information on:*

- a) *The expected date of enactment of comprehensive, cross-sectoral legislation against discrimination that extends protection to apply beyond the labour market and establishes that denial of reasonable accommodation is tantamount to discrimination due to disability.*
- b) *Initiatives to enable reporting of discrimination due to disability to the Complaints Board for Social, Family and Health Affairs (Kærunevndin í almanna-, familju- og heilsumálum)<sup>24</sup>.*

### **Awareness-raising (Article 8)**

5. In 2014, the UN Committee on the Rights of Persons with Disabilities encouraged (in paragraph 23) the Government of the Faroe Islands to devise and adopt a strategy with concrete and measurable targets, in consultation with organisations of persons with disabilities, to raise awareness throughout society – among the general public, the public and private sector, and persons with disabilities themselves – in order to promote a positive image of persons with disabilities and enhance knowledge about their rights. This has not occurred.

*Please provide information on:*

- a) *Progress towards adopting a strategy with concrete and measurable targets to raise awareness throughout society, promote a positive image of persons with disabilities and enhance knowledge about their rights.*

### **Accessibility (Article 9)**

6. In 2014, the UN Committee on the Rights of Persons with Disabilities recommended that the Government of the Faroe Islands adopt a comprehensive plan to ensure that all persons with disabilities have access to facilities, information and services, which would include concrete objectives, timeframes, budgets, sanctions and evaluations.

In 2017, the Public Building Act (*Byggireglugerðin*) was passed<sup>25</sup>. This is a step in the right direction. However, accessibility remains a major challenge in Faroese society in several fields, e.g. construction, transport and communication.

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<sup>24</sup> Føroya Kærustovnur: <http://kaerustovnur.fo/Default.aspx?ID=4>

Please provide information on:

- a) *The expected date of submission of a plan for education in universal design and accessibility standards for relevant professions, clarifying sanctions against those who fail to comply with these standards in keeping with the Public Building Act of 2017.*
- b) *Initiatives to ensure that public transport firms, such as Strandfaraskip Landsins (ferry routes)<sup>26</sup> and private suppliers such as Bygdaleiðir (bus routes)<sup>27</sup> and other services meet accessibility requirements.*
- c) *Timetable for introducing rules on digital accessibility to information technology and communications, as well as plans to promote public entities' responsibility for presenting information and communication on their website in accessible formats in keeping with international standards.*

7. In 2014, the UN Committee on the Rights of Persons with Disabilities recommended (in paragraph 29) that the Government of the Faroe Islands ensure access for people who are deaf and hard of hearing to all television programmes broadcast by KvF<sup>28</sup>.

KvF is the only public service channel on the islands, broadcasting local news and Faroese programmes. Since 2017, a series of documentaries have been subtitled and sign-language interpreting used in the news. However, it is far from sufficient that subtitling and sign-language interpreting are confined to programmes considered to be of “substantial interest and significance to society”.

Children using alternative means of communication also need children's programmes to use sign language.

Please provide information on:

- a) *Plans to ensure that all Faroese television programmes on KvF become accessible for people who are deaf and hard of hearing.*
- b) *Plans to ensure that television programmes for children also become accessible for children who are deaf and hard of hearing, and for those who use alternative means of communication.*

## **Living independently and being included in the community (Article 19)**

8. In 2014, the UN Committee on the Rights of Persons with Disabilities recommended (in paragraph 43) that the Government of the Faroe Islands amend the legislation on social services so as to enable persons with disabilities to choose where and with whom they live, while receiving the assistance necessary to live independently.

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<sup>25</sup> Lógasavnið. Kunngerð um bygningskunngerð 2017: <https://logir.fo/Kunngerd/72-fra-27-06-2016-um-um-bygningskunngerd-2017>

<sup>26</sup> Strandfaraskip Landsins: <https://www.ssl.fo/>

<sup>27</sup> Bygdaleiðir. <https://www.ssl.fo/>

<sup>28</sup> Kringvarp Føroya: <https://kvf.fo/>

It is extremely rare for Faroese persons with disabilities to be able to choose where and with whom they wish to live, while receiving the assistance necessary to live independently. There is a long waiting list, and persons with disabilities can expect to remain on it for several years during which social services are limited. Moreover, there is no law protecting persons with disabilities in the event of a strike. Many have had to leave their own home and move in with family or large-scale residential communities for the duration of the strike.

*Please provide information on:*

- a) *Plans for building more special-needs residences that are in keeping with the times, meet the standards of the Building Proclamation (Byggikunngerðin) of 2017<sup>29</sup>, accommodate diversity, are not too big, and satisfy different needs so as to enable persons with disabilities to choose where and with whom they wish to live.*
- b) *Plans for protecting persons with disabilities to spare them from having to leave their own home in the event of a labour strike.*

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

9. In 2014, the UN Committee on the Rights of Persons with Disabilities recommended (in paragraph 45) that the Government of the Faroe Islands recognise the right of all persons with congenital as well as acquired deafness to learn and communicate in sign language, take effective measures to promote sign language as a communication method, carry out research into sign language, including promoting the use of Faroese sign language in all areas of deaf persons' lives with a view to ensuring their participation in employment, education and cultural life.

The Cabinet of the Faroe Islands (chief executive body) recognised Faroese sign language as an official language on 5 June 2017, thus designating a representative of the deaf community as member of the Faroese Language Protection and Development Agency (Málráðið)<sup>30</sup>. Furthermore, a sign-language dictionary has been prepared.

Although a government proclamation provides for teaching of and in sign language, this is not being implemented. The disability organisations report that children with cochlear implants fail to receive the necessary follow-up and teaching as regards communication. There is no research whose objectives include promotion of sign language as a communication method.

*Please provide information on:*

- a) *Measures to uphold Faroese sign language as a communication method.*
- b) *Plans for offering teaching of and in sign language.*
- c) *Plans for launching research into the use of sign language in the Faroe Islands.*

10. The disability organisations report that public entities offer no information in sign language.

*Please provide information on:*

- a) *Measures to ensure that public information becomes available in sign language.*

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<sup>29</sup> Lógasavnið. Kunngerð um bygningskunngerð 2017: <https://logir.fo/Kunngerd/72-fra-27-06-2016-um-bygningskunngerd-2017>

<sup>30</sup> Málráðið: <http://malrad.fo/>



11. In 2014, the UN Committee on the Rights of Persons with Disabilities recommended (in paragraph 49) that the Government of the Faroe Islands give equal recognition to development and promotion of augmentative and alternative communication forms that are accessible to persons with intellectual as well as physical disabilities.

As of today, there is no organised plan for development and promotion of augmentative and alternative forms of communication.

*Please provide information on:*

- a) *Plans for development and promotion of augmentative and alternative communication targeted at persons with intellectual and physical disabilities.*

## **Education (Article 24)**

12. In 2014, the UN Committee on the Rights of Persons with Disabilities recommended (in paragraph 53) that the Government of Faroe Islands amend legislation to ensure inclusion of all children with disabilities in the mainstream education system with adequate support and accommodation, particularly through sufficient training of teachers and other employees in the school system in order to ensure quality education for pupils with disabilities.

The Faroese Basic Education Act points out the importance of a school for all in keeping with the UNESCO Salamanca Statement. However, Faroese schoolchildren still face challenges and often feel shut out from the community if they have disabilities within the autism spectrum, learning disabilities, deafness or other hearing impairments.

*Please provide information on:*

- a) *Measures to ensure that teachers who have pupils with disabilities always acquire the knowledge and professional background needed to ensure high quality in education.*
- b) *Measures to ensure that alternative teaching aids are available for students with disabilities who need them.*

13. Children with learning disabilities need effective language development support at an early stage. *Sernám* (a public body providing educational counselling for children up to 18 years of age)<sup>31</sup> lacks the capacity to teach all children, making it arbitrary whose language development gets sufficient support.

*Please provide information on:*

- a) *Measures to ensure the general language development of children with disabilities in pre-school and compulsory education.*

## **Health (Article 25)**

14. Persons with disabilities need access to healthcare. However, there is no overall policy in the Faroe Islands to ensure their participation in preventative healthcare services. As a result, persons with disabilities end up having cancer diagnosed at an advanced stage.

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<sup>31</sup> Sernám: <https://www.sernam.fo/>

*Please provide information on:*

- a) *Measures to ensure that persons with learning disabilities are offered regular preventative health checks.*

15. In the Faroe Islands, persons with mental health conditions have no emergency facilities. There are some casualty wards which treat somatic disorders, but they are not professionally competent to take care of someone with an acute mental health crisis. Nor is there any emergency helpline where persons with mental health problems can call to ask for assistance and advice.

*Please provide information on:*

- a) *Measures to ensure that persons with mental health problems have a psychiatric emergency facility to go to and an acute crisis helpline to call.*

16. The disability organisations report that specialist knowledge in the field of oligophrenia is unsatisfactory. Consultants visit from Denmark twice a year, and medication is often prescribed by telephone.

*Please provide information on:*

- a) *Plans to ensure that persons with learning disabilities and mental health conditions receive better treatment follow-up and effective assistance.*

17. The disability organisations find that the healthcare system should be better at providing sign-language interpreting in emergencies.

*Please provide information on:*

- a) *Measures to ensure the availability of sign-language interpreting in emergencies for those who need it.*

18. The disability organisations report that persons with chronic diseases, such as dementia, fail to be properly examined and diagnosed.

*Please provide information on:*

- a) *Measures to ensure that persons in need of examination are diagnosed.*

## **Habilitation and rehabilitation (Article 26)**

19. In the Faroe Islands there is no overall scheme for habilitation (called *viðlíkahaldsvenjing*) or rehabilitation (*endurmennning*). As a result, persons with chronic diseases are not guaranteed a habilitation and rehabilitation plan. The necessary continuous training can be expensive, as the persons affected have to pay some of it themselves.

*Please provide information on:*

- a) *Measures to ensure public funding of habilitation/rehabilitation for persons with chronic diseases.*
- b) *Measures to strengthen rehabilitation services by contributing towards counselling, knowledge and physical training so that persons with chronic diseases and their families get the coping tools required and thus improve their quality of life.*

The disability organisations report that employers lack satisfactory access to sign-language interpreting and that employers are not offered sign-language courses.

*Please provide information on:*

- a) *Measures to ensure that employers gain access to proficient sign-language interpreting and are offered sign-language courses.*

### **Work and employment (Article 27)**

20. In 2014, the UN Committee on the Rights of Persons with Disabilities recommended (in paragraph 59) that the Government of Faroe Islands take all necessary measures to significantly increase, as soon as possible, the percentage of persons with disabilities working in the open labour market.

At present, there is no system in the Faroe Islands to enable easy contact between employers and job-seekers.

*Please provide information on:*

- a) *Measures to ensure that more persons with disabilities join the labour market.*

### **Participation in political and public life (Article 29)**

21. In 2014, the UN Committee on the Rights of Persons with Disabilities recommended (in paragraph 61) that the Government of Faroe Islands amend relevant laws, including those governing municipal and national parliamentary elections so that all persons with disabilities enjoy the right to vote and stand for election regardless of whether they are under guardianship or other regimes. The Committee also recommended ensuring accessible ballot papers, election materials and polling stations, and to offer freely chosen, adequate and necessary assistance in order to facilitate voting for everyone.

Persons with learning disabilities may have a weak spoken language and difficulty reading, while blind persons cannot vote without assistance. The ballot papers look the same for everyone, with a long list of names and without photos of the candidates. There is no option of voting digitally.

*Please provide information on:*

- a) *Measures to ensure the availability of ballot papers that show photos of the candidates and that are digital so as to enable persons with learning disabilities and blindness to vote on their own without assistance.*

### **III. Specific obligations (Articles 31-33)**

#### **Statistics and data collection (Article 31)**

22. In 2014, the UN Committee on the Rights of Persons with Disabilities recommended (in paragraph 65) that the Government of Faroe Islands systematise the collection, analysis and dissemination of data disaggregated by gender, age, disability and geographical area/region, enhance capacity-building in this regard, and develop gender- and age-sensitive indicators.

As of today, collection of statistical data on persons with disabilities is non-existent in the Faroe Islands. Accordingly, there is no public and disaggregated data on persons with disabilities.

*Please provide information on:*

- a) *Plans to conduct systematic collection, analysis and dissemination of data that may provide a clear picture of the lives and needs of persons with disabilities, while fostering a human rights-based approach to disability.*

#### **National implementation and monitoring (Article 33)**

23. In 2014 the UN Committee on the Rights of Persons with Disabilities recommended (in paragraph 67) that civil society and particularly the organisations representing persons with disabilities participate regularly and fully in monitoring of implementation of the CRPD. The Government of the Faroe Islands should also take the necessary measures to establish or designate a coordination mechanism, and of an independent monitoring mechanism in the country. The Committee also recommended that the Government of the Faroe Islands establish a human rights institution for the promotion and protection of human rights in accordance with the Paris Principles.

There is no inter-ministerial civil service entity in the Faroe Islands. While the Ministry of Social Affairs (*Almannamálaráðið*)<sup>32</sup>, has been tasked with coordinating implementation of the CRPD, there are no independent monitoring mechanisms in the country.

*Please provide information on:*

- a) *Measures to ensure that civil society and in particular the organisations representing persons with disabilities participate regularly and fully in monitoring CRPD implementation.*
- b) *Plans for the establishment of an independent monitoring mechanism in the Faroe Islands.*

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<sup>32</sup> Almannamálaráðið: <https://www.amr.fo/>

## Contribution from Greenland

Greenland has delivered its own contribution to the ‘List of issues prior to reporting’ through the umbrella organisation Nunatsinni Inuit Innarlutillit Kattuffiat (Disability Organisations of Greenland), which represents the following four out of a total of five nationwide disability organisations:

- Inooqat – composed of parents of children with learning disabilities in Greenland
- ISI – Society for the Blind and Visually Impaired in Greenland
- KTK (Kalaallit Tusilartut Kattuffiat), Deaf Society of Greenland
- Autism Denmark – Greenland Chapter

Based on recommendations issued by the UN Committee on the Rights of Persons with Disabilities on 18 December 2014 to the Government of Denmark, we have attempted, in 12 sections below, to describe the major challenges in the disability sector in Greenland.

### 1. General principles and obligations (Article 1-4)

1. The UN Convention on the Rights of Persons with Disabilities (CRPD) went into effect in Greenland in 2009. In 2012, the Inatsisartut (parliament of Greenland) decided to order the Naalakkersuisut (Government of Greenland) to work for the CRPD’s implementation in the country. In 2014, the UN Committee on the Rights of Persons with Disabilities recommended (in paragraph 11) that the Government of Greenland adopt a dedicated disability policy action plan to effectively implement the CRPD. In their annual progress report from 2014, the Danish Institute for Human Rights and the Human Rights Council of Greenland recommended drawing up an overall action plan.

It poses a major challenge in Greenland that persons with disabilities have to deal with different sectors, which fail to communicate with one another. There seems to be no clear division of tasks and responsibilities. To solve this problem, the Naalakkersuisut has yet to table a cross-sectoral or any other kind of action plan.

*To the Government of Greenland, please provide information on:*

- b) Progress towards presenting a disability policy action plan with targets, indicators and budget covering all substantive rights and sectors.*

2. In 2014, the UN Committee on the Rights of Persons with Disabilities recommended (in paragraph 11) that the Government of Greenland support the work of the country’s disability organisations in order to ensure their effective participation in consultations on and implementation of the CRPD.

Furthermore, in regard to Article 33, the Committee recommended that the disability organisations participate regularly and fully in monitoring CRPD implementation.

The Naalakkersuisut has improved conditions for the disability organisations by setting up the institution of a spokesperson for persons with disabilities and by holding a number of seminars about the CRPD and the social services legislation in the pipeline. However, the Greenlandic disability organisations face the challenge of being very small and run by volunteers. None of them has a secretariat, employees with expertise, offices or meeting premises. In practice, this makes

them unable to provide proper feedback to the Naalakersuisut as regards consultations and CRPD implementation.

On 9 November 2018, four out of the five nationwide disability organisations founded the umbrella organisation Nunatsinni Inuit Innarluutillit Kattuffiat (Disability Organisations of Greenland). It is in the process of getting established, hoping to obtain support to set up a secretariat with hired expertise and, over time, acquire a Disability House where member organisations can keep their offices, hold meetings, courses etc.

*Please provide information on:*

- a) *Measures to ensure that the disability organisations obtain the support required to ensure their effective participation in:*
- *Consultations on CRPD implementation*
  - *CRPD implementation*
  - *Monitoring of CRPD implementation.*

3. In 2014, the UN Committee on the Rights of Persons with Disabilities recommended (in paragraph 13) that the State party ensure incorporation of the CRPD into national law. This has not occurred.

*Please provide information on:*

- a) *Measures to incorporate the UN Convention on the Rights of Persons with Disabilities into Greenlandic law.*

4. In 2014, the UN Committee on the Rights of Persons with Disabilities recommended (in paragraph 13) taking measures to facilitate direct application of the CRPD by the courts and authorities, train civil servants and provide guidance to municipalities on how to observe the CRPD's provisions in the administration of social services.

The **number one** challenge in the field of disability in Greenland is the lack of properly trained and stable staff. There are not enough professionals or even enough training of new professionals. Nor do the existing professionals receive sufficient skills upgrading. This applies to municipal authorities, schools and other educational establishments, psychiatric services, day-care facilities and everyone else in contact with persons with disabilities. Planning in this area is found wanting both at the municipal and national level.

The consequences are not confined to low quality or absence of support. It also leads to poor legal protection for persons with disabilities. Authorities are often unable to apply the law correctly, interpreting it differently from one municipality to another. Persons with disabilities receive insufficient counselling about their rights. Rejections of funding are communicated orally without informing about appeal rights. The processing of cases often takes a very long time.

*Please provide information on:*

- a) Measures to ensure that civil servants have the knowledge required to apply the CRPD correctly, particularly municipal officials who administer disability law in the fields of social services, education and employment.*
- b) Measures to ensure that the CRPD is actively used by all courts and authorities.*

## **2. Specific rights (Articles 5-30)**

### **Equality and non-discrimination (Article 5)**

5. In 2014, the UN Committee on the Rights of Persons with Disabilities urged (in paragraph 15) the adoption of new, comprehensive, cross-sectoral anti-discrimination legislation that extends protection to apply beyond the labour market. It also recommended taking steps to ensure that reasonable accommodation is provided in all spheres of society, without any exemption, and to ensure effective legal remedies, including access to complain about discrimination. In their progress report from 2016, the Danish Institute for Human Rights and the Human Rights Council of Greenland call on the Government of Greenland to introduce a general ban on discrimination.

Greenland does not currently prohibit discrimination against persons with disabilities either inside or outside the labour market.

*Please provide information on:*

- a) Measures to adopt general protection against discrimination due to gender, race, ethnic origin, disability, age, sexual orientation or religion, both inside and outside the labour market.*
- b) Measures to ensure equal opportunities for all persons with disabilities, including by mainstreaming the principle of equality into all legislative bills, policies etc.*
- c) Measures to amend criminal law so as to make it an aggravating circumstance in sentencing when the defendant was motivated by animus based on a group characteristic (known as a hate crime).*

### **Awareness-raising (Article 8)**

6. In 2014, the UN Committee on the Rights of Persons with Disabilities encouraged (in paragraph 23) the preparation and adoption of a strategy with concrete and measurable targets in order to raise awareness throughout society, promote a positive image of persons with disabilities and enhance knowledge about their rights.

This poses a massive challenge in Greenland, where prejudice regarding persons with disabilities is widespread. There is a pronounced lack of knowledge and information about what it means to be a person with disability. As a result, many persons with disabilities are treated in a degrading and discriminatory manner, so that they and their next-of-kin are made to feel inferior.

*Please provide information on:*

*a) Measures to enhance knowledge throughout society about persons with disabilities and their rights.*

### **Accessibility (Article 9)**

7. In 2014, the UN Committee on the Rights of Persons with Disabilities recommended (in paragraph 27) the adoption of a comprehensive plan to ensure that all persons with disabilities have access to facilities, information and services, which would include concrete objectives, timeframes, budgets, sanctions and evaluation. In their progress reports from 2014 and 2016, the Danish Institute for Human Rights and the Human Rights Council of Greenland also issued a series of recommendations in this field:

- 1) Collect systematic and extensive knowledge of a host of aspects related to accessibility.
- 2) Introduce a ban on discrimination based on lack of accessibility to buildings that are open to the public.
- 3) Inform key stakeholders about accessibility requirements.
- 4) Adopt clear accessibility standards for buildings, public websites and public transport, and ensure that these are enforced in practice.
- 5) Reintroduce obligatory courses in accessibility to buildings for relevant professionals.

The geography and demographics of Greenland make accessibility a massive challenge as regards, for instance, infrastructure, as much of the passenger transport takes place using small boats and helicopters.

*Please provide information on:*

- e) Measures to ensure accessibility to means of transport, buildings, outdoor areas and technology.*
- f) Plans for mapping out accessibility conditions for persons with disabilities.*

### **Equal recognition before the law (Article 12)**

8. In 2014, the UN Committee on the Rights of Persons with Disabilities recommended (in paragraph 33) that the Legal Capacity and Guardianship Act be reviewed to provide for supported decision-making that respects the person's rights, will and preferences.

Indeed, legislation in this area is obsolete in Greenland, as the country is still using a former Danish law (*myndighedsloven*) pertaining to family law, which Denmark has since replaced by a more modern Legal Capacity and Guardianship Act. There are no provisions for supported decision-making.

*Please provide information on:*

- a) Measures to modernise legislation in the field of guardianship.*
- b) Data for the use of guardianship.*



## **Living independently and being included in the community (Article 19)**

9. The right to choose where one wants to live: Greenland offers too few respite care services that enable persons with disabilities to stay with their next of kin, if they so wish. On the other hand, persons with disabilities are often forced to live with their next of kin, even if the next of kin do not have the resources to offer adequate support. There is a lack of halfway solutions and also insufficient focus on the transition from child to adult. Appropriate special-needs residences are very few, and often force people to share living quarters with others who are an ill fit. Specialised residences often exist far away from people's hometown, and in Greenland it is very hard to travel from one town to another, let alone all the way to Denmark, where some of these residences are located.

*Please provide information on:*

- a) *Measures to ensure that persons with disabilities become able to choose where to live.*

## **Education (Article 24)**

10. In 2014, the UN Committee on the Rights of Persons with Disabilities recommended (in paragraph 53) amending legislation to ensure the inclusion of all children with disabilities in the mainstream education system with adequate support and accommodation, in particular through sufficient training of teachers and other employees in the school system. Moreover, measures should be taken to address discrepancies in accomplishment rates between pupils with and without disabilities at all levels of education. In their progress reports from 2014 and 2016, the Danish Institute for Human Rights and the Human Rights Council of Greenland issued a series of recommendations:

1. Collect data in this field to be able to target efforts appropriately.
2. Introduce a ban on discrimination due to disability in the education system as well as a right to inclusive education and effective support in the mainstream school system.
3. Work to give educators the competencies to teach pupils with different types of disabilities.

There is a profound lack of educational services for persons with disabilities in Greenland. Many are parked in a special-needs class without efforts to enhance their opportunities or prepare them for qualifying exams.

*Please provide information on:*

- a) *Initiatives aimed at ensuring that pupils with disabilities can realise their full potential in mainstream schooling and fully complete the compulsory education final exam.*
- b) *Plans for giving teachers the right competencies and necessary knowledge of disability.*
- c) *Measures to ensure that schools can give pupils with disabilities adequate support and accommodation.*
- d) *Measures to follow the recommendation issued by the UN Committee on the Rights of Persons with Disabilities so that parents of children included in mainstream education with less than 9 hours a week of special education may complain about their child's school to an independent authority.*
- e) *Initiatives to ensure more flexible terms for students with disabilities in post-compulsory education.*
- f) *Measures to ensure that educational establishments obtain knowledge about disability and competencies in teaching pupils with disabilities.*

## **Work and employment (Article 27)**

11. In 2014, the UN Committee on the Rights of Persons with Disabilities recommended (in paragraph 59) taking all necessary measures to significantly increase, as soon as possible, the percentage of persons with disabilities working in the open labour market, including clear obligations on employers to afford reasonable accommodation to employees with disabilities. It is very difficult for persons with disabilities to join the labour market in Greenland. There is a lack of subsidised employment on flexible and less demanding terms and of other services that may help incorporate persons with disabilities into the regular labour market. Many suffer discrimination, as employers refuse to provide for reasonable accommodation, and many are turned into passive benefit recipients without the opportunity to contribute to their community.

*Please provide information on:*

- a) The employment situation for persons with disabilities.*
- b) Measures to promote employment of persons with disabilities.*
- c) Measures aimed at overcoming prejudice about persons with disabilities in the labour market.*
- d) Measures aimed at fostering the labour market participation of persons with disabilities on an equal footing with others, and at reducing geographical disparities.*

## **3. Specific obligations (Articles 31-33)**

### **Statistics and data collection (Article 31)**

12. In 2014, the UN Committee on the Rights of Persons with Disabilities recommended (in paragraph 65) systematising the collection, analysis and dissemination of data disaggregated by gender, age, disability and region, enhancing capacity building in this regard, and developing gender- and age-sensitive indicators. In their progress reports from 2014 and 2016, the Danish Institute for Human Rights and the Human Rights Council of Greenland recommended, in numerous sections, improving data collection as the basis for evidence.

Valid and detailed statistics are found wanting in Greenland. The data registration of the authorities is deficient and inconsistent. There are almost no studies based on high-quality data.

*Please provide information on:*

- a) Progress towards collecting systematic data on persons with disabilities in areas including social services, healthcare and employment.*
- b) Initiatives to ensure that surveys of living conditions of persons with disabilities are conducted regularly to collect SHILD data<sup>33</sup>.*

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<sup>33</sup> SHILD stands for “Survey of Health, Impairment and Living Conditions”, which is conducted by the Danish National Centre for Social Research (SFI).