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**Replies from Denmark regarding: OHCHR questionnaire, Human Rights Council resolution 31/6 on the rights of persons with disabilities**

*1.Does your country have laws or other legislation, at any level of government, establishing disability as a prohibited ground for discrimination, including explicitly denial of reasonable accommodation, as discrimination on the basis of disability? If so, please provide references to the legislation and court decisions enforcing it. When applicable, please describe how these provisions are reflected in the exercise of specific rights like education, work and employment, health, and all others (500 words).*

In all areas of society Denmark continuously aims to secure a high human rights standard in our policy making and law making. All considerations concerning new legislation are carried out within the framework of Denmark’s human rights obligations. At the later stages, before the Government introduces a bill in Parliament, a thorough assessment is made in order to secure compliance with these obligations.

In accordance with article 33 in the Convention on Rights of Persons with Disabilities, The Parliament has nominated The Danish Institute for Human Rights as the independent body for the monitoring of the implementation of the convention in Denmark.

Furthermore, Parliament has elected an Ombudsman to investigate complaints concerning the public administration. The Ombudsman may state criticism and recommend that the authorities reopen a case and perhaps change their decision, but the Ombudsman cannot himself make decisions. The Ombudsman may consider legal questions, but not matters which require other specialist knowledge. The Ombudsman also monitors questions and issues on equal treatment of persons with disabilities.

There is no overall legislation on anti-discrimination in Denmark. However, Danish administrative law provides that all citizens are equal before the law. Danish public authorities are hence not allowed to discriminate citizens on any ground.

In the private sector in Denmark citizens are protected by the Act on Prohibition against Discrimination on Grounds of Race, Colour, National or Ethnic Origin, Belief or Sexual Orientation.

Furthermore the Act on Prohibition against Discrimination on the Labour Market provides protection for every citizen in the labour market. The law prohibits discrimination on the grounds of any of the following: race, colour, ethnic origin, religion or belief, sexual orientation, national or social origin, political opinion, age or disability.

Discrimination on the grounds of disability is hence prohibited on the labour market.

The Government is currently considering adequate measures to tackle discrimination on the grounds of disability outside the labour market.

*Act on Prohibition of Discrimination on the Labour Market*

Discrimination on the grounds of disability is expressly prohibited according to section 1 of the Act on Prohibition of Discrimination on the Labour Market etc.

According to section 3 herein the act applies to employers, persons engaged in guidance and training activities and to persons laying down provisions and making decisions on access to engage in self-employment.

The act prohibits direct and indirect discrimination on grounds of e.g. disability.

Direct discrimination occurs where one person is treated less favorably than another person has been or would be treated in a comparable situation, on the grounds of race, colour, religion or belief, political opinion, sexual orientation, age, disability or national, social or ethnic origin.

Indirect discrimination occurs where an apparently neutral provision, criterion or practice would place persons of a particular race, colour, religion or belief, political opinion, sexual orientation or national, social or ethnic origin or of a particular age or with a disability at a particular disadvantage compared with other persons unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.

*Denial of reasonable accommodation*

According to the Act on Prohibition of Discrimination on the Labour Market etc. (section 2 a) the employer shall take measures appropriate to the specific needs in order to give a person with a disability access to employment, to be employed, or to have progress in employment or to give a person with a disability access to education and training. However, this shall not apply if a disproportionate burden is thereby imposed on the employer. If such a burden is alleviated to a sufficient extent through public measures, the burden shall not be deemed to be disproportionate.

The denial of provision of reasonable accommodation can in some cases amount to discrimination.

*2. Does your country apply an objective test to determine if an accommodation requested by a person with disability is undue or disproportionate? If so, please describe the test and its different elements (500 words).*

According to the Act on Social Services aid is provided for persons with permanent impairment of physical or mental function. Social services are provided to compensate the needs following from reduced physical or mental function and improve the individual’s social and personal level of function and potential development.

The assistance provided under the Act on Social Services is based on a specific individual assessment of the recipient’s particular needs and circumstances and in consultation with the individual recipient. Therefore there is not an objective test.

*3. Does your country apply affirmative actions for combating structural discrimination against persons with disabilities? If so, please describe how are these measures being applied and enforced (500 words).*

The Act on Prohibition on of Discrimination on the Labour Market etc. does not prevent measures from being introduced to promote employment opportunities for older employees and persons with disabilities.

Persons with disabilities – regardless of disability – are covered by general employment policy measures. In addition, the Act on Compensation for persons with disabilities in employment, etc**.** applies. The objective of the Act on Compensation for Persons with Disabilities in Employment is to enhance and stimulate the possibilities of employing persons with disabilities and retaining them in the labour market, and to offer them the same possibilities of pursuing a trade or profession as persons without disabilities.

The Act on Compensation for Disabled Persons in Employment contains three schemes:

*Personal assistance for persons with disabilities in employment*

Subsidies may be granted to a business for the remuneration, etc., of a personal assistant. Personal assistance can be offered to unemployed people, wage earners and self-employed businessmen who have a need for special personal assistance on account of physical or mental impairment. The objective of the scheme is to offer persons with disabilities the same possibilities of pursuing a trade or a profession as persons without disabilities. The personal assistance is to aid the person with functions following from the job and for which the person concerned has a need for special personal assistance due to his or her functional impairment.

Support may also be offered to employees who, on account of permanent and severe physical or mental impairment, have a need for personal assistance outside normal working hours to take part in general supplementary and further training in the relevant job.

*Wage subsidies on employment of newly educated people*

With a view to gradual inclusion into the labour market of a disabled person who has completed an education programme of at least 18 months' duration, which can entitle the person to membership of an unemployment insurance fund, support may be granted to employment with a public or private employer for a period of up to two years after the programme was completed. Employment with subsidies will only be awarded if the person has not obtained employment that has produced experience in the field for which the education programme qualifies him or her. Wage subsidies may be granted for a period of up to one year.

*Preferential access*

When filling a vacant position, public employers are under an obligation to give a disabled person who has difficulty finding employment in the ordinary labour market preferential access to the vacant position if, in the opinion of the employer, the person with disability has the same qualifications as the other applicants.

*4. Does your country have laws, policies and strategies for combating discrimination against women and children with disabilities? Please, describe how these policies are reflected in your legislation and policy frameworks (500 words).*

Denmark does not have a national action plan or strategy specifically on the rights of women and children with disabilities. The Ministry of Social Affairs and the Interior published an overview of national policies regarding persons with disabilities (“Handicappolitisk redegørelse”) in January 2016 of the different initiatives to strengthen the inclusion of persons with disabilities in society, labour market, education systems etc. The overview also includes initiatives for women and children with disabilities e.g. inclusion in the education system and empowerment of families with children with disabilities. The overview will be updated every other year and will also focus on the implementation of the UN Convention on the Rights of Persons with Disabilities and the UN recommendations given to Denmark in 2014.

In 2014 Denmark established an Antidiscrimination Unit. The unit will throughout 2016 conduct research on discrimination against persons with disabilities. Furthermore the Danish Disability Council has worked on changing the attitudes towards persons with disabilities and fighting prejudices.

In September 2014, Denmark was examined by the UN Committee on the Rights of Persons with Disabilities. After the examination the Committee has given ’Concluding observations’, including 30 recommendations on the process on the CRPD implementation in Denmark. Denmark has to report to the Committee no later than august 2019. In the years to come, Denmark will focus on meeting the recommendations of the Committee.

*5. Does your country monitors and collects disaggregated data on discrimination against persons with disabilities, including gender, age and impairment disaggregation?*

In 2015, the Danish Disability Council conducted a survey on the population’s attitudes and actions against people with disabilties in the labour market, education system and the social communities.

Furthermore in 2015, a survey on hate crimes in Denmark was conducted. The survey also included the population’s experiences on hate crime due to disabilities.

The Danish National Centre for Social Research (SFI) has published a report on disability and employment. The survey covers 2002 onwards and is published every two years. The next release is in 2017.

Knowledge about disability and employment on the Danish labour market on the basis of data is collected in this study.

<http://www.sfi.dk/publikationer/handicap-og-beskaeftigelse-udviklingen-mellem-2002-og-2014-3068/>

*6. Has your country appointed a focal point and a coordination mechanism to review or implement policies under Goal 10 of the Sustainable Development Goals, particularly targets 10.2 and 10.3? If so, please describe how this mechanism will involve persons with disabilities in the reporting process to the High-Level Political Forum and what are the measures to ensure that policy review and implementation under this goal adopts international human rights standards for persons with disabilities, including the adoption of indicators and data collection to inform said indicators.*

The Danish Government is committed to the new Sustainable Development Goals, which fit well into the Danish agenda on inclusion. Right now, the Danish government is working on an action plan for Denmark's national and international follow-up on the SDGs. Denmark’s extensive 2030 agenda requires the involvement of many policy areas as well as coordination amongst all Ministries. Generally, Denmark will build on the existing experiences with sustainable growth, and further develop a strong welfare system and international cooperation.