



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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14 April 2022

Excellency,

In our capacity as Chair and co-Rapporteurs for follow up to concluding observations of the Committee on Economic, Social and Cultural Rights, we have the honour to refer to the examination of the sixth periodic report of Denmark at the Committee's sixty-sixth session, held in 2019. In the concluding observations (E/C.12/DNK/CO/6), the Committee requested Denmark to provide, within 24 months, written information on the steps undertaken to implement the recommendations contained in paragraphs 13, 17 and 19 of the concluding observations.

The Committee welcomes the follow-up report (E/C.12/DNK/FCO/6) received in October 2021 under its follow-up procedure. The Committee examined the report at its seventy-first session, held from 14 February to 4 March 2022, and wishes to communicate the following assessment:

Paragraph 13: Retrogressive measures affecting refugees and migrants – Assessment: No progress. The State party, in its follow-up report, has stated, “[T]he Government pursues its policies in full accordance with Denmark’s international obligations, including the principles of necessity and proportionality. Any derogating measure will be temporary in nature and will only be applied for the period necessary to counter the emergency situation.” Apart from these remarks of an essentially general nature, the State party has failed to provide any information focusing on any measures, or intended measures, to reverse the retrogressive measures as set out in the concluding observations. These retrogressive measures curtail the right of refugees and in particular the refugees’ rights to family reunification, access to healthcare and social allowances, adequate housing and educational inclusion.

His Excellency
Mr. Morten Jespersen
Permanent Mission of Denmark to the
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The Committee notes the information provided by DIGNITY and the Danish Refugee Council that refugees, who have obtained temporary residence permit, pursuant to article 7(3) of the Aliens Act, are not entitled to family reunification with their partners or children upon having obtained residence in Denmark and that the waiting time for the family reunification adversely affects the health of refugees and their children. It also notes that following a judgment delivered by the European Court of Human Rights on 9 July 2021 in the case *M.A. v Denmark*, the State party is currently in a two-year waiting period before this group of refugees may obtain residence permit for their family members. Furthermore, the Committee notes with concern reports that refugees are required to pay for interpretation and transportation costs, which seriously hampers their access to medical treatment and health services. The severe limitations on child benefits and social benefits as well as the low pension paid to older refugees create undue hardship and negatively affect the standard of living of these refugees.

In light of the failure of the State party to provide a detailed account of implementation of this recommendation and the information provided by stakeholders, the Committee is of the view that there has been no progress in response to the Committee's recommendation. The Committee also requests the State party to provide in its next periodic report detailed information on measures taken to implement the recommendation and the progress made thereby.

Paragraph 17: National human rights institution in the Faroe Islands – Assessment: No progress.

The State party, in its follow-up report, has provided terse information that “the Government of Faroe Islands continues the work on looking at feasible solutions for the establishment of such a human rights institution for the Faroe Islands.” It has not provided any further information as to any work done or any steps taken for the establishment of a human rights institution in the Faroe Islands.

The Committee accordingly assesses that there has been no progress in response to the Committee's recommendation and requests the State party to provide in its next periodic report detailed information on measures taken to implement the recommendations and the progress made thereby.

Paragraph 19: Business and human rights – Assessment: Partial progress.

The Committee welcomes the State party's support for the European Commission's initiative to introduce a legislative proposal on mandatory due diligence and its close cooperation with the European Commission in this regard. The State party, in its follow-up report, has indicated that it has worked on the analysis of EU legislation and national legal requirements on due diligence, including as regards the possibilities for appeals and compensation at both EU and national levels and engaged in preparatory consultations.

The Committee notes the State party's stand that issues relating to remedy should be addressed at EU level to avoid unnecessary confusion concerning rules and expectations for businesses as well as victims of economic, social, and cultural rights violations. The State party has also indicated that it awaits a legislative proposal by the European Commission later in 2021, while calling for the European Commission to carry out analyses of due diligence legislation, including the possibilities for victims to seek remedy through judicial and non-judicial mechanisms.

Furthermore, the Committee notes the information provided by the State party on the institution by law of a national OECD contact point (NCP Denmark) which is responsible for raising awareness of the OECD Guidelines for Multinational Enterprises and for dealing with complaints regarding non-observance of the Guidelines by Danish public and private entities. While noting the information provided by the State party on some positive outcomes resulting from the statements by the NCP Denmark, the Committee notes with regret that NCP Denmark is not a judicial entity and the statements issued by NCP Denmark are non-binding.

Accordingly, the Committee assesses that there has been partial progress in response to the recommendation and requests the State party to provide in its next periodic report information on the implementation of the recommendation and the progress made thereby.

The Committee looks forward to continuing its constructive dialogue with the State party, with a view to providing it with guidance in its efforts to ensure the effective implementation of the Covenant.

Please accept, Excellency, the assurances of our highest consideration.



Asraf Caunhye

Co-Rapporteurs for follow-up

Committee on Economic, Social and Cultural
Rights



Mikel Mancisidor

Mohamed Ezzeldin Abdel-Moneim

Chair

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