

The Committee on Economic, Social and Cultural Rights
Office of the United Nations High Commissioner for Human Rights
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**SUPPLEMENTARY INFORMATION TO THE UN
COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL
RIGHTS ON RELEVANT TOPICS CONCERNING
DENMARK PRIOR TO THE ADOPTION OF LIST OF
ISSUES**

30 AUGUST 2018

This letter is prepared by the Danish Institute for Human Rights, and contains selected supplementary information to the UN Committee on Economic, Social and Cultural Rights on relevant topics concerning Denmark for the adoption of List of Issues.

The Danish Institute for Human Rights – Denmark’s National Human Rights Institution is a national human right institution in accordance with the UN Paris Principles and a National Equality Body in accordance with EU equal treatment directives.

The following information supplement the Danish State Report. The issues are selected based on its relevance to the fulfilment of rights protected by the Covenant and gives special attention to socially disadvantaged and marginalised groups in Danish society.

The following contain information regarding:

- Reduced social benefit levels
- Vulnerable residential areas
- Access to homeless shelters
- Criminalising conduct associated with homelessness
- Undocumented migrants access to health care

REDUCED SOCIAL BENEFIT LEVELS

Since 2013, a number of reforms and changes in social benefits schemes has been introduced. This includes a reform on cash benefits (*kontanthjælpsreformen*), the introduction of lower integration benefits for persons who have not resided in Denmark for 7 of the last 8 years, the 225 hours work requirement described in the State Report para. 139, a gradual accumulation of the right to child benefits based on the

length of residence and a 'benefit ceiling', which introduce a limit on the total amount of benefit that some recipients can receive.

In total, these changes have led to a reduced income for a significant number of people on social benefits. As appears from the State Report para. 159, the Government has discontinued the previous annual monitoring of economic poverty. However, based on the previous national poverty line the economic poverty has increased in recent years.

Further, the Government has during the summer of 2018, sent draft bills in public consultation, proposing among others a period of lower social benefits for persons convicted for gang-related crimes and a new residence requirement on unemployment benefits, restricting the right to unemployment benefits to persons who have resided in Denmark or the European Union for 7 of the last 8 years.

The Danish Institute for Human Rights has continuously stressed in its consultation responses that – though the different initiatives pursue a legitimate aim of increasing employment – reducing social benefit levels will have a negative impact on the living standard of some socially disadvantaged groups and that major changes in social services should be monitored and evaluated. Further, the institute has warned that residence requirements may result in an indirect different treatment of ethnic minorities and foreign nationals.

The Danish Institute for Human Rights kindly suggests the Committee to focus on the level of the lowest social benefits and the consequences hereof on the standard of living for socially disadvantaged groups.

VULNERABLE RESIDENTIAL AREAS

In March 2018, the government presented 22 proposals aimed at eliminating vulnerable residential areas in their political plan: "Denmark without parallel societies".

The plan contains a broad range of different initiatives covering various political and legislative areas. For example, the plan contains proposals regarding physically changing vulnerable residential areas and controlling access to social housing in these areas, strengthening police presence and creating economic initiatives for the municipal integration work. The plan proposes a more controlled allocation of children and students to day care institutions and high schools to avoid segregation, increased penalties for domestic violence and for public employees who fail to report children with social problems to the social welfare authorities.

With regard to access to social housing, the plan contains new definitions on 'vulnerable residential areas' and 'ghettos'. As part of the plan new restrictions will be laid down for housing associations and

municipalities to ensure that people on social benefits are excluded from moving to such areas.

The Danish Institute for Human Rights has noted that initiatives to better the living conditions in vulnerable residential areas can be seen as a part of the state's obligation to ensure the right to safe and adequate housing for residents living in such areas. However, the institute has also noted that some initiatives limit the access to affordable housing for people on social benefits and that some of the initiatives may result in an indirect different treatment of ethnic minorities and foreign nationals.

The Danish Institute for Human Rights kindly suggests the Committee to focus on access to affordable housing for people on social benefits and on negative effects that initiatives to counter vulnerable residential areas may have on ethnic minorities.

ACCESS TO HOMELESS SHELTERS

In 2017, the Danish Institute for Human Rights conducted a study on possible barriers for homeless people's access to social services.

Among others, the study examined homeless people's access to shelters as shelters play a main role in efforts to support the homeless people.

Shelters are temporary housing where homeless people – without a prior consent from the municipality – can get a room, basic support and care. Shelters constitute therefor the lowermost level of social security for homeless people. The study concluded that the homeless shelters do not have the necessary capacity.

As appears from the State Report para. 163, homelessness in Denmark has continuously increased from 2009-2017. In 2017, 6,635 homeless people were registered in the week (week 6 in February 2017) the biannual homeless survey was conducted. Approximately 10 percent were 'sleeping rough', i.e. sleeping in public spaces. From 2001-2015 the shelters countrywide has had a capacity of 2100-2200 people in total. Especially in and around the main cities there is a lack of capacity.

The institute's study also concludes that, due to lack of clear appointment of responsibility, to ensure sufficient shelter capacity, homeless people are left to their own avail when trying to find an available shelter.

The Danish Institute for Human Rights kindly suggests the Committee to focus on the availability of homeless shelters as these constitute a most needed and basic service to homeless people.

CRIMINALISING CONDUCT ASSOCIATED WITH HOMELESSNESS

In recent years, there has been a heated public debate regarding homeless foreign nationals (mainly destitute EU citizens) and the public order issues precipitated by their presence in public spaces. Homeless foreign nationals are largely excluded from public funded shelters. The biannual survey on homeless people in Denmark from 2017, found 438 unregistered homeless migrants mainly in Copenhagen. Approximately 200 of the homeless migrants were 'sleeping rough', i.e. sleeping in public spaces.

In response to these public order issues, the Danish Government and the Danish Parliament have adopted a range of legislative initiatives aimed specifically at homeless foreign nationals. A ban has been introduced on establishing or residing in a camp which disrupts public order. Persons who, according to the police, have established or resided in a camp that disrupts public order, may be punished with a fine or imprisonment for up to 18 months. Persons who contravene this ban – including the first time they commit this offence – may be made subject to a zonal ban on residing in an entire municipality for up to 2 years.

Furthermore, the Danish Parliament has introduced tougher sanctions for begging on pedestrian streets, outside railway stations, inside or outside supermarkets or on public transport. Persons convicted of begging at these locations now receive 14 days' imprisonment for a first offence.

It is apparent from the various initiatives that the measures adopted are targeted at homeless foreign nationals. However, all of the measures are neutrally formulated and apply to any person who contravenes any of the various prohibitions.

The Danish Institute for Human Rights has continuously warned against criminalising conduct associated with homelessness, as the criminalisation further marginalise a group of vulnerable and socially disadvantaged people and makes it more difficult for them to satisfy their basic needs and fulfil their basic rights.

Against the background of the heated debate concerning homeless migrants, which preceded the adoption of the new measures, and the fact that the bills and other documents state that the measures are targeted at homeless foreign nationals, the Danish Institute for Human Rights has further stressed that the measures must not result in a discriminatory investigative and prosecution process.

The Danish Institute for Human Rights kindly suggests the Committee to focus on the recent initiatives to criminalise conduct associated with homelessness.

ACCESS TO HEALTH CARE SERVICES FOR UNDOCUMENTED MIGRANTS

As appears from the State Report para. 190-191, the access to health care services beyond acute hospital treatment for undocumented migrants depends on their registration with the immigration authorities. However, since undocumented migrants deter from registering with the authorities because of the risk of detention and deportation, the access to 'necessary health care services' for undocumented migrants is mainly theoretical.

The Danish Institute for Human Rights conducted in 2017 a socio-legal study on the access to health care services for undocumented children and pregnant women.

The study found that undocumented children and infants in practice do not have access to public primary health care services and standard childhood immunization programmes. The study further found that – except for acute hospital treatment – undocumented pregnant women do not have access to public antenatal and postnatal treatment, nor screenings for, vaccination against and treatment for contagious diseases.

The Danish Institute for Human Rights concluded that Danish health legislation and practice needed to be changed to comply with Denmark's international human rights obligations.

The Danish Institute for Human Rights kindly suggests the Committee to focus on undocumented children and pregnant women's access to health care services beyond acute hospital treatment.

Yours sincerely,

Christoffer Badse

DEPARTMENT DIRECTOR, MONITORING DEPARTMENT