



ALTERNATIVE REPORT

to the list of issues (E/C.12/DNK/Q/6) dated 19 October 2018

**to be considered by the UN Committee on Economic, Social and Cultural Rights
during the examination of the 6th periodic report of**

DENMARK

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Introduction

Since Denmark's ratification of the UN Covenant on Economic, Social and Cultural Rights (CESCR) in 1972, the UN Committee on Economic, Social and Cultural Rights (the Committee) has undertaken five examinations of Denmark. In relation to the upcoming review of Denmark in October 2019, this report is submitted to the Committee as an alternative report to Denmark's state reports of 15 November 2018 and 6 August 2019, and it replies to the Committee's questions regarding progress made with respect to treaty implementation and compliance (LOIPR of 19 October 2018).

This report, which will focus mainly on the enjoyment of economic and social rights by asylum seekers and refugees in Denmark, is written by Danish Refugee Council and DIGNITY - Danish Institute Against Torture.

Positive developments

Since Denmark underwent its last review by the Committee in 2013, it has made progress in a number of areas concerning the implementation of the economic and social rights of asylum seekers and refugees in Denmark, notably with regard to assisting refugees to enter the labour market. By way of example, in 2016, the government and key stakeholders in the labour market made a tripartite agreement that included various initiatives to promote the aim of ensuring more refugees in employment, including by introducing the Basic Integration Education (in Danish "IGU") that is a 2-year program combining work experience with education.¹ The target group is refugees in the age of 18 to 40 years – in addition to their family members in the same age group - who have resided legally in Denmark for less than 5 years.² The program provides them with the opportunity to gain work experience from a Danish company or to enroll in educational training.³ The Basic Integration Education, which currently will run until 2022,⁴ provides a stepping stone to enter the Danish labour market by improving refugees' opportunities to get an ordinary job. Moreover, in the period from 2015 to 2018, the percentage of refugees and their family members who were in employment after three years stay in Denmark increased from 20 to 43 percentage.⁵

Issues of concern

However, in other areas, improvements are lacking and the recommendations of the Committee have not been implemented. Notably, Denmark maintains its position not to incorporate the CESCR into Danish law and not to ratify the Optional Protocol to the CESCR that would allow individuals to submit complaints to the Committee. Moreover, over the last years, we have witnessed **further restrictions on the enjoyment of economic and social**

¹ See further <https://uim.dk/filer/nyheder-2016/trepartsaftale-om-arbejdsmarkedsintegration.pdf>

² Law no. 623 of 8 June 2016.

³ During employment, they would enjoy the same rights as regular permanent employee (e.g. earn the right to unemployment benefit and the right to be paid holiday leave).

⁴ In 2019, the agreement was extended for further three years until 2021 (Law no. 562 of 7 May 2019).

⁵ Det Nationale Integrationsbarometer, referred to by Danish Refugee Council (May 2019): Begrænset beskæftigelsesmæssig effekt og negative sociale konsekvenser – en sammenfatning af forskningsbaseret viden om effekter af lave ydelser til flygtninge, p. 2.

rights by refugees in Denmark that would raise concerns under the CESCR. By way of example, during the former government, the Ministry of Immigration and Integration issued 114 amendments to legislation, mainly to the Danish Aliens Act, and policies in the period 2015 – 2019.⁶ The current government, which was appointed after the general election in June 2019, has published an agreement with its supporting parties (in Danish “forståelsespapir”)⁷ that explains the government’s general strategy for the coming years. Unfortunately, it seems likely that the “tough on immigration” policy, which was adopted by the previous government, will be continued with the so-called shift of paradigm as the backbone of Danish immigration policy (see further below).

The alternative report falls into two parts:

- **Part A** provides alternative replies to some of the Committee’s questions raised in the LOIPR and includes suggested recommendations.
- **Part B** addresses important issues that are not included in the list of issues. We have chosen to do so, because some of these issues give rise to concern regarding Denmark’s fulfilment of its international obligations under the CESCR.

The documentation presented in this report primarily derives from our ongoing monitoring of Danish law and practice within the areas of the CESCR, including advocacy activities carried out vis-à-vis the Danish government, parliament and relevant public institutions.

Finally, it should be emphasized that the present government – like its predecessors – has continued to provide moral and financial support to NGOs mandated to provide support to asylum seekers and refugees in Denmark, and Danish authorities maintain a good and constructive dialogue and cooperation with us. By way of example, through its financial assistance to DIGNITY and other rehabilitation centres for torture victims, the Danish state contributes to the rehabilitation of torture survivors residing in Denmark and thus to the implementation of their right to health. Furthermore, the Danish Refugee Council appreciates its on-going agreement with the Danish state to offer free and independent legal counselling to asylum seekers in Denmark regarding their asylum cases.

Yours sincerely,

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CEO, DIGNITY

Mads Egeskov Sørensen,
Acting Secretary General, Danish Refugee Council

⁶ <http://uim.dk/gennemforte-stramninger-pa-udlaendingeomradet>

⁷ <https://ufm.dk/ministeriet/regeringsgrundlag-vision-og-strategier/regeringen-mette-rasmussens-forstaelsespapir>

PART A: Suggested recommendations to the list of issues

LOI para 1- General Information

1. Please provide updated information on the cases in which courts interpreted Danish legislation in conformity with the State party's obligations under the Covenant.

Danish courts' interpretation of Denmark's obligation under the Covenant

In its replies to the LOIPR, Denmark referred to three of the above-mentioned cases since 2012 (p. 2). In addition, we would add the judgement by the Supreme Court of 18 October 2010 (U2011.221H) related to the right to education.⁸

Suggested recommendation

We would like Denmark to explain whether there have been any cases since the judgement by the Supreme Court on 15 February 2012 (in Danish "starthjælp-dommen") and thus since the Committee's last review of Denmark.

Lack of incorporation of the Covenant into Danish law

In its Concluding Observations concerning Denmark (2013), the Committee stated that:

*The Committee recommends that the State party incorporate the International Covenant on Economic, Social and Cultural Rights into its domestic legislation, and improve the awareness and knowledge of the Covenant through human rights education and training programmes, including for the judiciary.*⁹

This recommendation has not been implemented. In December 2012, the Danish Government established a committee of experts on incorporation etc. within the human rights field that was asked to consider whether Denmark should incorporate UN human rights treaties into Danish law. In August 2014, the Committee issued its 527-page report (in Danish "*betænkning*") and the Committee did not recommend an incorporation of the ESCR.¹⁰ As a result, no political initiatives have been taken regarding incorporation. As it stands currently, there is no majority in parliament for a re-discussion of an incorporation of the CESC or any of the other UN human rights treaties.

Suggested recommendation

It is recommended to repeat the Committee's 2013 recommendation to Denmark.

⁸ Report no 1546/2014 on incorporation etc. in the human rights field, 14 August 2014, p. 56

⁹ E/C.12/DNK/CO/5, para. 4.

¹⁰ Report no 1546/2014 on incorporation etc. in the human rights field, 14 August 2014, available at: http://justitsministeriet.dk/sites/default/files/media/Pressemeddelelser/pdf/2014/Betaenkning_1546.pdf

Accession to the Optional Protocol of the Covenant

In its Concluding Observations concerning Denmark (2013), the Committee stated that:

The Committee encourages the State party to consider signing and ratifying the Optional Protocol on the International Covenant on Economic, Social and Cultural Rights.¹¹

In August 2014, the Committee of Experts reached the conclusion not to join the Optional Protocol. Thus, the above-mentioned recommendation has not been implemented. In relation to the other human rights treaties, which Denmark has ratified, Denmark has allowed individual complaints being submitted to the relevant UN Treaty Bodies. We would argue that individual access to the Committee would promote stronger application of the Covenant in Denmark, and that in light of the small number of court cases in which the CESCR has been interpreted (see above), such access would be timely.

Suggested recommendation

It is recommended to repeat the Committee's 2013 recommendation to Denmark.

LOI para 9- Discrimination experienced by immigrants (art 2)

Please provide information on the impact of discrimination experienced by immigrants and descendants of non-Western origin, as mentioned in the State party's sixth periodic report, on their enjoyment of their economic and social rights, such as the rights to work, education, housing and health (E/C.12/DNK/6, para. 16). Please explain to what extent the measures described in the State party's sixth periodic report address this situation, and describe any impact achieved (paras. 17–18).

Increase in discrimination

As mentioned by Denmark¹², the proportion of immigrants and descendants who have experienced discrimination because of their ethnic background has increased from 45% in 2012 to 48% in 2018.

We would like to highlight that since 2014, the major Danish political parties have significantly changed their immigration policies and today "tough on immigrants" has become mainstream. Recently, a major change of legislation¹³ entered into force and entails a new **shift of paradigm** in Danish immigration policies so that in the future, refugees should be considered to stay only temporarily in Denmark and as a result their situation will generally be worse (e.g., the amount of "integration benefits" will be lower). In our view, in

¹¹ E/C.12/DNK/CO/5, para. 24.

¹² E/C.12/DNK/Q/6/Add. 1, para 16.

¹³ Law no. 174 of 27 February 2019.

the future with the shift of paradigm, we will likely see a further increase in the discrimination experienced by immigrations. Although their fundamental rights remain unchanged (e.g., refugees and their reunified family will still be entitled to language schooling, education, employment, health services and social benefits in Denmark), the overall agenda and key concepts have been changed. For example, the word “integration” has been replaced by “self-supporting and return programme”¹⁴, and refugees must sign a so-called residence and self-sufficiency declaration upon arrival in a local municipality.

In addition, we know that the negative signals produced by the “tough on immigration policy”, the change of the overall residence status in Denmark to temporary stay and the uncertainty about further restrictions create stress among refugees and their family members, especially among those who are already psychologically vulnerable because of past trauma. Thus, the new legislative amendments have impact on the rights of refugees in Denmark and will lead to uncertainty amongst refugees about their future and their integration in Denmark.

Suggested recommendation

We would urge the Committee to put focus on the above-mentioned issue and ask Denmark to monitor the development of discrimination experienced by refugees living in Denmark and initiate appropriate measures.

The right to health

In its two state reports, Denmark did not address the issue of discrimination experienced by immigrants on their enjoyment of the right to health.

We would like to highlight that refugees, who have lived in Denmark for more than three years, are required to pay for translation when accessing health services.¹⁵ Some exceptions are made in the legislation so that, by way of example, patients who due to physical or psychological issues have been unable to learn Danish are not required to pay for translation.¹⁶ As a response to a request by DIGNITY, the Ministry of Health and Elderly has confirmed that this exception could include victims of torture and other traumatised refugees who have not been in a position to learn Danish at a sufficient level.¹⁷ In addition to concerns regarding the implementation of the right to health (see further below), we would argue that the above entails lack of implementation of the key principle of equal access to health services in Denmark, and that this potentially involves indirect discrimination in violation of article 2 of the CESCR.

We urge the Committee to ask Denmark about the implication on the health system of the above-mentioned legislation; how is it implemented administratively and whether the new

¹⁴ <http://uim.dk/filer/integration/opholds-og-selvforsoergelseserklaering/opholds-og-selvforsoergelseserklaering-engelsk.pdf>

¹⁵ Law no. 729 of 8 June 2018.

¹⁶ Tolkebekendtgørelsen, se <https://www.retsinformation.dk/Forms/R0710.aspx?id=202255>

¹⁷ <http://www.ft.dk/samling/20171/lovforslag/L213/spm/35/svar/1487560/1891791.pdf>

mechanism on self-payment for translation has saved expenses on the state budget as it was one of the motivations for introducing the change.

Suggested recommendation

We would recommend to the Committee to ask Denmark to ensure no indirect discrimination of refugees who access health services in Denmark.

Right to family reunification

Refugees, who have obtained temporary residence permit pursuant to article 7 (3) of the Aliens Act, are not entitled to family reunification with partners or children until after three years after having obtained residence in Denmark.¹⁸

We would like to question why the above-mentioned refugees are not entitled to the same family reunification rights as refugees who have obtained residence permit pursuant to article 7 (1) or 7 (2) of the Aliens Act and who are entitled to seek family reunification immediately after having obtained a residence permit.

Suggested recommendation

We would like to recommend the Committee to ask Denmark to explain how the above-mentioned rule is implemented without resulting in a violation of Article 2 CESCR.

Child benefits

As mentioned in more detail below, refugees are subjected to a graduation principle with regards to the right to child benefits that does not apply to Danes who have lived their entire life in Denmark. As the expenses related to raising a child in Denmark are the same for any parent, we would argue that this rule entails a risk of discrimination.

Suggested recommendation

We would like to recommend the Committee to ask Denmark to explain how the above-mentioned rule is implemented without resulting in a violation of Article 2 CESCR.

¹⁸ Law no. 102 of 3 February 2016. The law allows for certain exemptions, for example if the partner is a person with disabilities.

LOI para 24 - Right to adequate standard of living (art 11)

24. Please provide information on the 22 proposals aimed at eliminating vulnerable residential areas in the “One Denmark without Parallel Societies” plan. Please explain how the State party plans to prevent these initiatives from having any possible adverse effects on the right to adequate housing, especially for ethnic minorities and foreign nationals.

In March 2018, the former government presented a political plan “One Denmark without Parallel Societies” with 22 proposals aimed at eliminating the so-called ghetto-areas.¹⁹ One of the criteria for designating an area as “ghetto” is the number of immigrants from non-Western countries in the area (minimum 50%).²⁰ Residents in “ghetto” areas are subjected to some form of special legislation. By way of example, they risk double-punishment for criminality, and they risk losing their entitlement to child benefit (in Danish “børne- og ungedydelse”) if they do not leave their small kids to day-care (initially for three months that can be extended if they do not comply). We agree that learning Danish is key for kids’ learning and success in school, but we disagree that these objectives should be obtained through coercion and economic sanctions. These families already live on a minimum of social allowances and the child benefit is a necessary and very important supplement to their budget.²¹

Moreover, many Ghetto-areas are on the so-called “housing requirement list” (in Danish “boligkravlisten”). Areas on this list fulfil four criteria, including number of unemployed people and the average income pr. household.²² A person who live in an area on the list is not entitled to family reunification with a partner living outside Denmark. However, refugees, who are in risk of persecution in their home country, are exempted from this rule.

The new 22 proposals aiming at “Ghetto-areas” would have adverse effects on the right to adequate housing for ethnic minorities and foreign nationals, including refugees.

Suggested recommendation

We would recommend to the Committee to ask Denmark to evaluate the impact of the different initiatives and laws related to the Ghetto-plan on ethnic minorities and others living in “ghetto-areas”, including those who have been forced to leave their area.

¹⁹ Ghetto-law adopted by the Parliament in November 2018 and entered into force 1 January 2019.

²⁰ Two out of four other criteria also need to be fulfilled, see further <https://www.trm.dk/da/nyheder/2018/ny-ghettoliste>

²¹ See comments by the Danish Refugee Council to suggested legislation (in Danish): <https://flygtning.dk/media/4671986/hoeringssvar-vedr-forslag-til-lov-om-aendring-af-dagtilbudsloven-og-lov-om-en-boerne-og-ungedydelse-13072018.pdf>

²² <https://www.retsinformation.dk/Forms/R0710.aspx?id=202361>

Part B: OTHER SUGGESTED RECOMMENDATIONS

ISSUE 1: The right to family life (ART 10)

Right to family reunification

As explained above, the right to family reunification for refugees, who have obtained temporary residence permit pursuant to article 7 (3) of the Aliens Act, is delayed with three years after having obtained residence in Denmark. This rule was accepted by the Supreme Court of Denmark in a court judgement of 6 November 2017 in a specific case involving a refugee from Syria (Mosalam Albaroudi). The case is now pending before the European Court of Human Rights in Strasbourg.

On several occasions, we - together with the Danish Institute for Human Rights - have argued that the postponement of the right to family reunification is contrary to the obligation of the state to provide “the widest possible protection and assistance” to the family (CESCR Article 10 (1)).

In January 2019, the Danish Refugee Council published a report concerning the conditions for refugees in Denmark that focused on the issue of the implications of the above-mentioned regulation, as well as of the temporary residence status granted to refugees and the low integration benefit that they receive.²³ The report, which is based on a survey of the experiences of 673 volunteers in Danish Refugee Council who works with refugee families, documented that many refugee families noted that the waiting time for family reunification with partners and children has a negative impact on their health and well-being. In addition, refugees are very stressed about their economic situation and its negative impact on their children.

By way of example, a volunteer in Danish Refugee Council has explained the following²⁴:

“The life of the family comes to a stand-still when you are waiting for a child. You cannot think of anything else.

Whenever challenges occur in relation to family reunification (and there are many), the family is about to collapse and the mother will become stressed, not sleeping, crying and will be devastated – and obviously this affects both the mother and the child”

²³ DRC (2019): Vi tager jo drømmene fra dem, available in Danish at https://flygtning.dk/media/5133282/vi-tager-jo-droemmene-fra-dem-undersogelse_lovaendringer_2019.pdf

²⁴ DRC (2019): ”Vi tager jo drømmene fra dem”. Citation in Danish: ”Familiens liv står stille når man f.eks. venter på et barn. Man kan ikke tænke på andet”. ”Hver gang der er udfordringer (og dem er der mange af) i forhold til familiesammenføringen, går familien helt i spåner, moderen bliver stresset, sover ikke, græder og er fortvivlet og det går selvfølgelig ud over både mor og barn”.

Suggested recommendation

We would recommend that refugees with article 7 (3) status would be entitled to family reunification on the same conditions as other refugees living in Denmark.

Right to divorce

It is not possible for refugees with article 7 (3) status of the Danish Aliens Act to seek divorce in Denmark, as it requires a permanent residence in Denmark.²⁵ A court case regarding the matter is now pending before Copenhagen First Instance Court, and a decision is expected in the autumn 2019.

Suggested recommendation

We would recommend that all refugees are entitled to seek divorce in Denmark.

Issue 2: The right to adequate standard of living (art 11)

Integration benefit

In 2015, Denmark introduced a new integration benefit for people who have not lived in Denmark for at least seven of the past eight years.²⁶ The target group was mainly refugees who have recently arrived in Denmark. In 2019, the law was further restricted as the integration benefit would be given to people who have not lived in Denmark for at least nine of the past ten years. In addition, people who fulfil that requirement but who had been in full employment for at least two years and six months would also be given the low integration benefit.²⁷

The integration benefit, which as of 1 January 2020 will change to “self-supporting and return benefit”, provides the following allowances before taxes:

- A single provider with one or more children:
 - DKK 12.143 per month.
 - This amount will be reduced with 2.000 DKK as of 1 January 2020.²⁸
- A married couple with one or more children:
 - DKK 16.996 per month.
 - This amount will be reduced with 1.000 DKK pr. person as of 1 January 2020.²⁹

²⁵ Justice Administration Act, Section 448f (1). See for example judgement by First Instance Court Frederiksberg, 15 August 2018 (case BS-25/42/2018-FRB).

²⁶ Law no. 1000 of 30 August 2015 entered into force 1 September 2015. Amended to expand the target group by law no. 300 of 22 March 2016.

²⁷ Law no. 743 of 8 June 2018.

²⁸ When the entitlement to 50% of the child- and youth allowance has been obtained after 3 years' residence in Denmark (Law no. 174 of 27 February 2019).

²⁹ This allowance will be reduced with 1.000 DKK as of 1 January 2020 when the entitlement to 50% of the child- and youth allowance has been obtained after 3 years' residence in Denmark. (Law no. 174 of 27 February 2019).

In comparison, a single provider over 30 years old with one or more children who receives normal welfare benefits in Denmark and are eligible for the full benefit receives DKK 15.180 per month, and a married couple with one or more children receives DKK 30.360 per month.³⁰

It is worth noting that the integration benefit does not take into account the number of children in the household. Thus, in reality, a family with four children would have significantly less money pr. child than a family with one child.³¹

Moreover, there exists a maximum for the total sum of benefits that a person can receive. The so-called “benefit ceiling” (in Danish “kontanthjælpsloft”) entails a limit on the total amount of social benefits (including integration and housing benefit and a special benefit for housing that some may be entitled to receive). The lowest level of the “benefit ceiling” applies to persons who receive the integration benefit.

The Danish Constitution provides that citizens in Denmark are entitled to a subsistence minimum and in compliance with human rights law protection against discrimination (Section 75(2)). However, the Danish Institute for Human Rights has concluded that

“ ...it seems highly probable that there are individuals in Denmark receiving integration benefits who cannot support themselves or their family. Moreover, these individuals do not receive the public benefits they need to uphold a subsistence income. This is especially true of single males or females who have recently arrived in Denmark and couples with two or more children. This is because families with more than one child do not receive a greater integration benefit than families with one child despite higher costs of living, and because individuals who have recently arrived in Denmark have not yet become (fully) eligible for child and youth support and child allowance.”³²

We know that many refugees, who receive integration benefits, are experiencing a dire financial situation and suffering from the hardships as a consequence of the low level of benefit. They are very limited in their possibilities to maintain social relationships and participate in activities outside the home. This situation affects children who are not able to attend social activities (sport and other leisure activities). By way of example a psychologist working with DIGNITY has told the following story³³:

³⁰ Institut for Menneskerettigheder (2018): Familier på integrationsydelse. En analyse af økonomi, afsavn og social eksklusion i et menneskeretligt perspektiv.

³¹ Note that on 3 September 2019 the government and its supporting parties agreed on a temporary allowance for families who receive integration benefit or who have reached the benefit ceiling. This rule will enter into force January 2019. See further: https://bm.dk/media/10660/aftaletekst_boernetilskud.pdf

³² Institute for Human Rights (2018), p. 9.

³³ Helene Lund, psychologist at DIGNITY, editorial in Politiken, February 2019.

A Kurdish father of four children, who originally was from Syria, told me that his son of 14 years had stolen a pair of headphones from Føtex with the aim of selling them so that he could afford to join an excursion organized by his school. The father told me that previously he would have argued with the son and sanctioned him for this act that was in violation of the family's fundamental values, but that now he has lost all energy to be the father that he wishes to be and once was. The son describes his life as a life in limbo. His parents, who have previously supported him in getting an education, seeking integration and participating in social events, are now passively and without emotions falling back into hopelessness.

Moreover, we know from reports that the effects on employment of the integration benefit is very low and only exist temporarily whereas there are no positive effects on employment in the long run, and the low benefit has serious negative social consequences.³⁴

Suggested recommendation

We would recommend Denmark to abolish the integration benefit and to provide refugees, who currently receive this benefit, with the allowance that others are entitled to.

Graduation principle with regards to child benefits and pension

Refugees gradually earn the right to child benefits (for children below 18 years) and pension.

The graduation principle with regards to child benefits was re-introduced in 2015³⁵ and was further restricted in 2018 when the right would be gradually owned over a period of six years.³⁶ The consequences of the low integration benefit - in combination with the restriction on the child benefit - are severe and mean that more children in refugee families live in poverty than other children.

The graduation principle also applies to pension for refugees, and it was restricted further in 2018 when the entitlement to full pension depended upon the number of years that the person had lived in Denmark from the age of 15 until age of pension. In order to be entitled to full pension, the requirement is now having lived 9/10 of the time in Denmark. Thus, by way of example, a person who retires at the age of 65 years, is entitled to full pension if s/he has lived 45 years in Denmark since the age of 15 years. This also applies to pension provided prior to the normal retirement age due to ill-ness etc. (in Danish "førtidspension").³⁷

³⁴ DRC (May 2019): Begrænset beskæftigelsesmæssig effekt og negative sociale konsekvenser.

³⁵ Law no. 995 of 30 August 2015.

³⁶ Law no. 1402 of 5 December 2017.

³⁷ Law no. 995 of 30 August 2015 and Law no. 442 of 8 May 2018.

Suggested recommendation

We would recommend that refugees do not have to follow a graduation principle and that they would be entitled to the above-mentioned benefits on the same conditions as other persons.

Right to housing

Further restrictions on the right to housing for refugees have been introduced. The new shift of paradigm in immigration policies entails that refugees, who have recently arrived in Denmark and who have obtained a residence permit, would not be entitled to permanent housing but only to temporary housing, and as a result, they may end up living in temporary housing for a long time or indefinitely.³⁸ In practice, temporary and permanent housing differ significantly. The former is often of bad condition and there is no guarantee that refugees would not be moved to another housing whereas refugees with permanent housing would be considered the tenders with the rights pursuant to Danish legislation. These restrictions have severe consequences for refugees who have no network in Denmark, not been signed up for public housing, and who have no savings.

We know of an example in which a single refugee was forced to live in the same apartment with another single refugee whom she did not know. This caused problems with regards to different sleeping patterns, uncertainty, limited private life and it resulted in various conflicts. We also hear of conditions including shared kitchen and bathroom, rot, low heating and cramped conditions.

A volunteer in Danish Refugee Council reported the following case¹: “The family was placed in a house in a rural area that was old, leaky and with very expensive heating. The children were often sick because it was impossible to heat the house. A single mother with five children cannot afford moving to the city.”

Suggested recommendation

We would recommend Denmark to reintroduce the right to permanent housing for refugees.

³⁸ Law no. 174 of 27 February 2019.

Issue 3: The right to health (art 12)

Payment of translation

As mentioned above refugees, who have lived in Denmark for more than three years, are required to pay for translation when accessing health services. We would argue that this – in addition to indirect discrimination – involves a violation of their right to health.

Suggested recommendation

We would recommend that refugees would not be required to pay for translation as this hampers their access to health services in Denmark.

Transportation

Traumatized refugees can receive treatment at DIGNITY's center for rehabilitation if their medical doctor makes a referral. However, many of them are not entitled to reimbursement of their expenses for transportation to DIGNITY located in Copenhagen, and they cannot afford to pay for the cost on their own. Unfortunately, this leads to a situation in which many traumatized refugees do not receive treatment.

Suggested recommendation

We would recommend that refugees, who access rehabilitation services in Denmark, are entitled to transportation from home to service provider.

Right to rehabilitation

DIGNITY has documented that on average refugees, who receive treatment at DIGNITY, do not receive such treatment until 16,7 years after arrival in Denmark. The national average, including all five centers of rehabilitation in Denmark, is 14,6 years of waiting.³⁹ As the same time, we know that the effect of treatment is highest if it happens as soon as possible.

Suggested recommendation

We would recommend that Denmark takes initiatives to ensure that traumatized refugees, who wish to access rehabilitation services in Denmark, are provided with the opportunity to do so as soon as possible from the time of arrival in Denmark, including by introducing early screening on arrival in Denmark or soonest possible hereafter (see below).⁴⁰

³⁹ DIGNITY (2019), Annex 1.

⁴⁰ See also recommendation by the UN Committee to Denmark in Concluding Observation 4 February 2016, para 23.

Screening of asylum seekers and refugees who are victims of torture

DIGNITY and Danish Refugee Council remain concerned about the lack of a procedure for the systematic screening and medical examination of alleged torture victims by qualified personnel throughout the asylum process – and about the subsequent health screening in the various municipalities that is no longer a compulsory requirement. This may affect the services provided to asylum seekers during the asylum procedure and to refugees living in Denmark.

Suggested recommendation

We would recommend that Denmark ensures that all asylum seekers and refugees are screened for torture.

Issue 4: The right to education (art 13)

Free higher education

Refugees with temporary protection status and their reunified family members, are not entitled to free higher education after high-school, e.g., at universities and other education institutions on equal terms with others. The new Social Democrat government, which was formed after the general election on 5 June 2019, entered into a political agreement with supporting parties that, *inter alia*, stipulates that the above-mentioned restriction on education would be removed.

Suggested recommendation

We would recommend the Committee to ask Denmark to confirm that refugees on article 7 (3) status in Denmark, and their reunified family members, will be entitled to free higher education.