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IMPLEMENTATION OF THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties to the
Covenant, in accordance with Council resolution 1988 (LX),
concerning rights covered by articles 10 to 12

DENMARK */

[23 October 1986]

Introduction

1. The present report has been prepared in accordance with the general guidelines for second periodic reports on articles 10 to 12 of the International Covenant on Economic, Social and Cultural Rights, issued pursuant to Economic and Social Council resolution 1988 (LX). A general reference is made to the first report on articles 10 to 12 (E/1980/6/Add.15) considered by the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights at its 1981 session (E/1981/WG.1/SR.12).

2. In compliance with a request by the Sessional Working Group of Experts (E/1983/41, para. 24 (f)), the report is preceded by a brief general description of Denmark.

*/ The initial report concerning rights covered by articles 10 to 12 of the Covenant submitted by the Government of Denmark (E/1980/6/Add.15) was considered by the Sessional Working Group of Governmental Experts on the Implementation of the International Covenant on Economic, Social and Cultural Rights at its 1981 session (see E/1981/WG.1/SR.12).

3. An annex describing social services in Greenland is appended.
4. Metropolitan Denmark, which occupies approximately 44,000 square kilometres, is situated in northern Europe between the North Sea and the Baltic. Jutland, the peninsular part of Denmark, is joined to the European continent by a 68 kilometre frontier with the Federal Republic of Germany. The rest of the country is made up of 406 islands. Greenland and the Faroe Islands also form part of the Kingdom of Denmark.
5. The population, which grows at an average rate of 0.4 per cent annually, numbers 5,125,000 (Greenland, 49,000 inhabitants of Inuit and Danish descent; Faroe Islands, 39,000 inhabitants). The average life expectancy is 75 years.
6. Nine per cent of the population is employed in agriculture, 26 per cent in industry, 15 per cent in commerce, and 27 per cent in the public sector. The main occupation in Greenland and the Faroe Islands is fishing.
7. The per capita gross national product (GNP) is approximately \$US 12,900.
8. Over 50 per cent of the national budget is devoted to social welfare, housing, labour and education. Social benefits are available to all on an equal basis regardless of race, creed or ethnic origin. Economic problems have, however, brought about a review of social welfare schemes.

ARTICLE 10: PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

A. Protection of the family

9. The principal legislation is: Act No. 236 of 3 June 1967 on Family Allowances and Other Family Benefits, most recently amended by Act No. 54 of 20 February 1985; and Executive Order of the Ministry of Social Affairs No. 413 of 5 July 1984 on Social Assistance (Social Assistance Act).
10. Reference is also made to Denmark's initial report to the Human Rights Committee (CCPR/C/1/Add.51) in which the legal conditions for entering into marriage are described in the section on article 23 of the International Covenant of Civil and Political Rights.

Family allowance and youth benefit

11. Ordinary family allowance is payable to children under 16 years of age.
12. Increased family allowance is payable to children of single parents and children whose parents are both receiving a social pension.
13. Extra family allowance is payable to single parents who receive increased family allowance and who have the child living with them.
14. Special family allowance is payable to children under 18 years of age if neither or only one of the parents is alive, if parenthood has not been established, if one or both parents are receiving a pension or if, in pursuance of agreements with other States, a maintenance order cannot be drawn up which may form the basis of advance payment of child allowance. Special family allowance is payable in excess of ordinary, increased and extra family allowances.

15. As of 1 October 1985 the amount of ordinary family allowance is DKr 613 per quarter, the amount of increased family allowance is DKr 918 per quarter, the amount of extra family allowance is DKr 702 per quarter, and the amount of special family allowance is DKr 2,850 per quarter if neither parent is alive. In the other cases the amount of special family allowance is DKr 1,716 per quarter.

16. The full amount of family allowances is payable to families which, as of 1 January 1986, earn an income of DKr 190,000. In case of incomes over that amount the allowances are reduced or lapse. As of 1987 the maximum income will be DKr 194,000.

17. Youth benefit may be payable to young persons at the age of 16 and 17 towards their maintenance and education. As of 1 January 1986, the maximum of youth benefit is DKr 9,800 annually per child and is normally only payable in full if the annual household income does not exceed DKr 110,000 and the personal income of the young person does not exceed DKr 7,000 annually. Normally the benefit lapses if the personal income of the young person exceeds DKr 20,000 annually.

18. With effect from 1 January 1981, the Family Allowances and Other Family Benefits Act was amended so that statutory benefits were calculated on the basis of so-called social income (a concept introduced at that time) rather than taxable income. At the same time provisions were introduced to ensure that benefits payable under the Act were calculated on the basis of the expected future income, if the present income changed substantially in relation to the social income.

19. Apart from the biannual adjustments of family allowances to the cost-of-living index, welfare adjustments were implemented by an Act of 16 June 1980 as a consequence of an increase in the value added tax (VAT) from 20.25 per cent to 22 per cent.

20. Act No. 55 of 18 February 1981 provides for payment of special family allowance, if, in pursuance of agreement with other States, it is not possible to draw up a maintenance order, which may form the basis of advance payment of child allowance.

21. Act No. 694 of 21 December 1982 abolished, as of January 1983, the previous system whereby allowances were linked to the cost-of-living index and introduced instead a rate of adjustment of up to 4 per cent per annum.

22. Proposals for amending the rules for the adjustment of family allowances will be submitted to the Folketing before the end of 1986.

23. Special family allowance is not related to any other income of the family, the other allowances and benefits are income adjusted.

Table 1

Family allowance and youth benefit: 1985

Type	Amount (million DKr)	No. of persons entitled
Ordinary family allowance	1 456	899 000
Increased family allowance	417	122 000
Extra family allowance	230	87 000
Special family allowance, if no parent is alive	192	29 000
Special family allowance, in other relevant cases	215	33 000
Youth benefit, section 39	303	168 000

Eligibility for assistance under the Social Assistance Act

24. The Social Assistance Act applies to any person staying in Denmark who is in need of advice, financial or practical assistance, support for development or restoration of earning capacity, or care, special treatment or educational support, either for himself or for members of his family.

25. Entitlement to assistance in the form of continuing maintenance is conditional upon Danish nationality. Any woman who is married or last was married to a Danish citizen shall be treated as such. By agreement with other States or international organizations, persons who are not Danish nationals may become eligible for continuing maintenance while staying in Denmark.

26. Where a person who is neither a Danish national nor entitled to assistance in pursuance of an international agreement needs continuing maintenance, the Minister of Social Affairs or the authority designated by the Minister shall decide whether the person concerned should be repatriated. The Minister of Social Affairs has laid down regulations requiring persons who hold a public office or function to notify the local social welfare committee if, in the course of their work, they become aware of circumstances suggesting that a person is in need of social assistance.

Forms of assistance under the Social Assistance Act

27. The local welfare committee may offer single persons as well as families regular advice and guidance free of charge and shall, on its own initiative, make such offer to any person likely to be in need thereof.

28. It shall be the duty of the local social welfare committee to provide accommodation for a homeless family against payment, which shall not exceed the rental value of the lodgings or the normal rent or other housing costs in the locality for a family of that size.

29. It shall be the duty of the local social welfare committee to supervise the conditions under which children within its area live and to support their parents in their upbringing and care.

30. If a child is assumed to be in need of special support, the local social welfare committee shall make an inquiry into the child's situation and it is the duty of the committee to give special guidance and support to the person in whom parental authority is vested or who in actual fact takes care of the child.

31. The local social welfare committee may, if it is deemed necessary, give directions or orders for the child's care or treatment, appoint a personal adviser to the child or see to it that the child is placed away from his home temporarily. The local social welfare committee may pay the costs incurred by such measures. Payment for welfare services is based on special principles. Special rules of payment are fixed separately for each type of assistance and with due regard to the financial situation of each individual person.

32. If, by reason of sickness, maternity, failing employment opportunities, separation or divorce, national service or any other reason, a person is temporarily debarred from making enough money to support himself or his family, and if the necessary expenses are not covered by daily cash benefits or pensions, sufficient assistance shall be granted from public funds to counteract any substantial reduction in the previous standard of living of the person and his family. Assistance is granted on condition that the applicant as well as the spouse have fully utilized their employment opportunities. Additional assistance may be granted to meet reasonably justified non-recurrent expenses.

33. If necessary to enable a person to provide for himself and his family through his own resources in the future, the person concerned may be granted assistance towards training and education, provided that there are no other provisions for granting him subsidies for such purposes.

34. Assistance may be granted to a person who has incurred expenses for medical treatment, medicine, dental treatment, etc. that cannot be reimbursed under any other legislation, and to a person whose resources are insufficient to meet the expenses of a removal that is likely to improve the housing or employment conditions of himself or his family.

35. In order to ensure that a child may continue to live in his own home despite suffering from a chronic physical or mental handicap, provisions have been made to meet the necessary additional expenses due to the handicap. Furthermore, persons with a severe physical or mental handicap who live in their own homes shall be entitled to payment of the necessary additional expenses. Home help may be made available for the occasional relief of persons who take care of a child or an adult suffering from a physical or mental affliction in the home.

36. Temporary home help may be granted to carry out normal domestic duties where needed because of sickness, childbirth or convalescence. It is the duty of the local government authorities to provide a home help service in its area staffed by persons who have been specially trained for that task. Where a home is in need of home help but the local social welfare committee is unable

to provide the necessary help, financial assistance may instead be made available to cover the expenses of a domestic help employed by the family itself.

Day care institutions for children and young persons

37. The local council shall see to it that the necessary number of places in day care institutions are made available, and shall also arrange for private day care. The precise content of this obligation is determined by the local authorities, depending upon demographic conditions, number of persons in active employment, job availability, educational needs and other local conditions.

38. Since 1976 there has been an increasing demand for places in day care institutions which has resulted in a considerable increase in the number of places in such institutions and private homes. One reason for this development may be the fact that both parents are in active employment, but also recognition of the fact that, from an educational point of view, it is right for children, at least for some hours of the day, to take part in the activities offered by a day care institution. From 1981 to 1984 there has been an aggregate increase of 3,140 places corresponding to a 1 per cent rise.

39. Payment for places in day care institutions, etc., is calculated on the basis of 35 per cent of the operational costs. By Executive Order No. 541 of 16 January 1983, the Ministry of Social Affairs increased income limits for full or partial subsidy of parents' payment so that, as of 1 January 1984, a place partially free of charge could be granted if the household income did not exceed DKr 135,000:

<u>Income in DKr</u>	<u>Payment as percentage of full cost</u>
Less than 40 001	0%
40 001 - 41 000	5%
41 001 - 135 000	Payment increases by 1% for every increase of DKr 1,000 in income
135 000 or more	100%

40. Because of the differences in the level of services and local government subsidies the amount paid by parents differs substantially. By way of example, it may be mentioned that crèche charges in 1984 varied from DKr 600 to DKr 1,640 per month, and the charges for leisure time facilities from DKr 320 to DKr 885 per month.

41. Children suffering from a handicap may be accepted in an ordinary day care institution, in a day care institution with a unit for the handicapped or in a special day care institution under the county authorities, which may be established in connection with an ordinary day care institution.

42. There is a tendency to give priority to the principle of proximity and to minimize the level of intervention when placing handicapped children in day care institutions, and an increasing number of children suffering from a handicap are received in ordinary day care institutions.

43. Places in special day care institutions are free of charge for children with severe handicaps, whereas places in ordinary day care institutions for such children cost half of the ordinary parents' payment.

Supportive measures without consent

44. Act No. 130 of 31 March 1982 amending the Social Assistance Act modified the rules of procedure applicable in the social welfare committees' consideration of cases where children are placed outside the home without consent - with effect from 1 June 1982 - with a view to strengthening the legal position of parents and children in instances where children and young persons are placed outside their home.

45. To ensure that the members of the social welfare committees are given proper guidance when such cases are to be considered, a judge and a consultant educational psychologist must be present in cases of placement of children outside the home without the consent of the parents, or where transfer to the child's home is against the interests of the child. The judge conducts the hearing and sees to it that sufficient investigations have been carried out to reach a valid conclusion. Furthermore, he is to give the committee guidelines on the application of the Act and evaluate the information available, and the consultant is to give guidance on which solution is presumed the best one for the child.

46. With a view to ensuring that the parents are given proper guidance, a person is placed at their disposal who may plead their case vis-à-vis the social welfare committee. The parents are offered legal assistance free of charge to help them obtain insight into the documents of the case, in accordance with the Act on Public Access to Administrative Files, and to explain to them any legal problems. Parents and children (over 12) and any advisor are entitled to be heard by the committee.

47. In cases where it is necessary to intervene immediately, e.g. gross maltreatment, or if the parents are suddenly unable to take care of the children, the chairman of the social welfare committee may alone make a decision to place a child outside the home. Such cases must be subject to confirmation at three levels: the social welfare committee, a judge and a consultant educational psychologist must ascertain within seven days that the chairman had reason enough to intervene on a temporary basis. Then there is a grace period of one month in which the necessary basis for a solution must be established with a view to the final decision on the future of the child. Two thirds of the members of the committee must vote in favour of supporting measures if such are to be taken.

48. The parents are entitled to receive the reasons for the decision in writing, and the case must be reconsidered after one year.

49. Appeals against placement of children and young persons outside their home may be lodged with the Social Appeals Board and thereafter with the High Court of Justice. The rule governing legal assistance to the person having custody of the child also applies in cases brought before the Social Appeals Board.

50. Act No. 301 of 6 June 1984 amending the Social Assistance Act made it possible for the social welfare committee to place children and young

persons, without their parents' consent, in boarding schools and other residences of an institutional nature, whereas it was previously only possible to place them in residential homes or regular institutions under the county authorities.

Housing subsidies

51. Individual housing subsidies are given to households in order either to reduce their existing housing costs or to help them move to more favourable housing. These subsidies are usually called housing allowances and are designed to cover the adjustments necessary to obtain a reasonable relationship between household income and housing expenditures for those groups whose income is not sufficiently high to maintain proper housing.

52. Two schemes for individual housing subsidies have been set up to fulfil these objectives. One of them applies only to pensioners, while the other covers other low-income groups. Housing allowances to pensioners are given in respect of all housing categories, whereas subsidies to non-pensioners are given only to tenants.

53. The allowances are set for each household individually and are related primarily to the actual rent of the dwelling, household income, number of children and the size of the dwelling. Only households with incomes below a certain maximum are entitled to receive such an allowance.

54. In practice, a ceiling of the household's own payment is calculated on the basis of actual expenditure on housing, income, number of children, etc. If the actual expenditure on housing exceeds this ceiling allowances are given to cover the difference between the ceiling and the rent. Allowance to pensioners covers the entire difference while for non-pensioners the allowance only covers 75 per cent of the difference.

55. If household income increases, the subsidy is reduced, since the increase leads to a similar increase in the ceiling of the household's own payment. If the number of children in the household increases, however, the subsidy is increased.

56. Granting of housing allowances is generally not restricted to particular standards of dwellings, but the dwelling must contain a kitchen. As far as the size of the dwelling is concerned, restrictions have been made to prevent public relief being awarded to households living in excessively large dwellings. If there is a surplus of two or more rooms compared to the number of persons in the household, reductions are made in the allowance.

57. Central and local governments provide loans for housing deposits for low-income households. The purpose of this scheme is to help these families to overcome the financial obstacles in their search for decent housing. Loans are only granted to tenants in non-profit housing.

B. Maternity protection

58. The principal legislation is: Act No. 262 of 7 June 1972 on daily cash benefit in the event of sickness or maternity, cf. Consolidated Act No. 81 of 5 March as amended by Act No. 218 of 16 May 1984 and Act No. 240 of 23 May 1984, guide of the Ministry of Social Affairs of 30 September 1983 and

supplement of 17 December 1984 on assistance in pursuance of section 42 of the Social Assistance Act to single parents, circular of 22 March 1985 issued by the Ministry of the Interior on guidelines for the preparation of the pre-natal care and midwifery schemes, and guidelines issued in March 1985 by the National Board of Health on maternity care and midwifery.

59. The new guidelines on maternity care and midwifery stress the following points:

Advice and guidance on any social problem, including employment problems, is offered free of charge by the social and health department of the local authorities,

In the case of pregnant women, guidance should not be limited to problems in connection with birth only, but whenever necessary a plan of assistance should be worked out to establish, maintain, or re-establish in the long term a situation acceptable to the child and the family concerned,

The services of the health care system include maternity care after (as well as before) delivery and in the early years of childhood,

Importance is attached to the woman's preference as to the examinations and the choice of place of delivery.

Individual information is accorded high priority.

60. Pregnant women are entitled to five examinations free of charge with a physician, three during pregnancy, and are also entitled to a number of examinations with a midwife, also free of charge. Furthermore, women are entitled to free midwifery services at a hospital or any other institution or at home. A pregnant woman may be offered additional examinations, if the physician finds it necessary.

61. The preventive programme includes individual health examinations, information and advice, as well as instruction and training in groups.

62. After the child has been born, the midwife will attend the mother twice, irrespective of whether the birth takes place at a hospital, at home or at an ambulatory unit.

Maternity benefits

63. Women who are absent from work because of pregnancy and childbirth are entitled to maternity benefit as of an estimated four weeks before the expected time of childbirth. Wage- and salary-earners, self-employed and assisting spouses are treated equally as of 1 January 1981 as far as maternity benefit in the event of pregnancy, childbirth and adoption is concerned.

64. After childbirth, benefit is payable to the parents of the child for up to 24 weeks during absence from work, of which 10 weeks' benefit, from the 14th week after childbirth, is payable to the father (before 1 July 1985 the periods were 20 and 6 weeks respectively). The parents may share the last 10 weeks of the benefit period.

65. Women who carry out domestic work in their own homes for at least one person besides themselves may, through insurance, secure the right to maternity benefit for four weeks.

66. The father of the child is entitled to benefit for up to two weeks during absence from work from the time of birth of the child or the arrival of the child in the home. (The father's right to maternity benefit was enforced as of 1 July 1984).

67. If a child is hospitalized immediately after childbirth owing to premature birth or too low birth-weight, the woman is entitled to maternity benefit for up to three months during the hospitalization of the child, with a corresponding postponement of the maternity benefit period, provided she does not resume work (entered into force on 1 July 1984).

68. Maternity benefits are calculated on the basis of the income of the previous calendar year registered with the taxation authorities. The minimum annual income for entitlement to maternity benefit is DKr. 11,139 as of 1 April 1985. If there is no registered annual income the woman may, however, qualify for maternity benefit if she has had a certain income from employment during the period leading up to absence because of childbirth.

69. The maximum amount of benefit has been DKr. 2,008 per week since 1 April 1985.

70. If an employer pays wages to an employee during the maternity leave the employer is entitled to reimbursement of the benefit by the local social and health department of the municipality where the person concerned resides.

71. The law offers protection against dismissal on grounds of maternity alone.

72. Entitlement to maternity benefit is not subject to any conditions regarding marital status, occupation, or Danish nationality. (The right of the father to receive benefits is not subject to the condition that the parents cohabit, but the father may be required to prove paternity. To qualify for maternity benefit the father must be with the child during his maternity leave).

73. Persons receiving maternity benefit in 1984 may be broken down as follows:

Women

Maternity benefit

Number of persons	32,619
Wages/salary-earners	31,816
Self-employed	803
Average number of benefit weeks:	
Wage/salary-earners	4.8
Self-employed	4.8
Average amount of benefit per week:	
Wage/salary-earners	DKr 1,842
Self-employed	DKr 1,500

Benefit in the event of childbirth or adoption

Number of persons	38,836
Wage/salary-earners	37,833
Self-employed	1,003
Average number of benefit weeks:	
Wage/salary-earners	14.7
Self-employed	13.8
Average amount of benefit per week:	
Wage/salary-earners	DKr 1,810
Self-employed	DKr 1,541

Men

Two weeks after childbirth or child's arrival at the home

Number of persons	8,018
Wages/salary-earners	7,694
Self-employed	324
Average number of benefit weeks:	
Wage/salary-earners	1.8
Self-employed	1.9
Average amount of benefit per week:	
Wage/salary-earners	DKr 1,993
Self-employed	DKr 1,871

Shared maternity leave

Number of persons	724
Wage/salary-earners	706
Self-employed	18
Average number of benefit weeks:	
Wage/salary-earners	3.3
Self-employed	4
Average amount of benefit per week:	
Wage/salary-earners	DKr 1,987
Self-employed	DKr 1,944

C. Protection of children and young persons

1. Preventive health schemes

74. The preventive health schemes whose target groups are children and young persons include: the infant health visitors scheme, medical examination of children between 0 and 7 years, vaccination programmes, school health service and child dental care. All these schemes have been established to reduce morbidity and mortality among children. However, today the concept has been changed to "children in need".

Infant health visitors

75. The principal legislation is: Act No. 409 of 13 June 1973 concerning infant health visitors schemes, as amended, Executive Order No. 162 of 27 March 1974 concerning infant health visitors schemes, and guidelines for the preparation of infant health visitors schemes, February 1985.

76. Responsibility for preparation of the infant health visitors scheme and for employment of the necessary infant health visitors lies with the local authorities. The State defrays 50 per cent of the costs while the local authorities pay the other 50 per cent plus the administration costs. Thus, infant health care is given free of charge.

77. The local infant health care scheme includes all children resident within the local district who are below school age and who do not attend either school or nursery class. The scheme should in particular make allowances for children with special needs and must include:

(a) General health information provided to parents on their child's physical and mental development including information on measures to promote health and prevent illness. This information may be given to parents in groups;

(b) Observation of the health of the individual child and arrangement of contacts with general practitioners and/or social treatment groups.

(c) Guidance and assistance, in co-operation with medical or social professionals, to parents whose children have special needs (including "reaching-out" casework).

78. The infant health care scheme can be organized in connection with school health care.

79. The infant health visitors scheme should in particular consider children with special needs.

Medical examination of children

80. The principal legislation is: Act No. 236 of 30 April 1946 on medical examination of children, as amended, Executive Order No. 309 of 10 June 1981 on medical examination of children, and guidelines on prophylactic examinations of children from 0 to 7 years.

81. All children below compulsory school age are entitled to up to eight preventive medical examinations by a doctor. The examinations should be made at the following ages: 5 weeks, 5, 10 and 15 months, and 2, 3, 4 and 5 years. Each examination must include a review of the child's medical history, an objective examination, a conclusion and instructions to the parents. The practitioner's fee in connection with these examinations is defrayed by the county authorities.

Vaccination programmes

82. The principal legislation is: Act No. 634 of 17 December 1976 concerning free vaccinations against certain diseases; Executive Order No. 77 of 4 March 1977 concerning free vaccination against infectious diseases etc., and guidelines of 10 March 1977 concerning free vaccination against infectious diseases, etc.

83. Any person below the age of 18 years with Danish citizenship or resident in Denmark may obtain free vaccinations against whooping cough, diphtheria, tetanus, polio and tuberculosis. The costs for the serum are defrayed by the State, while the fees in connection with the vaccinations are defrayed by the county authorities.

School health service

84. The principal legislation is: the School Health Service (Consolidation) Act No. 430 of 16 August 1974, as amended; Executive Order of 4 October 1982 on school health service; and guidelines on the preparation of the school health service.

85. The local council employs school doctors, school health nurses and assistants so that the preventive examinations of all children of school age are ensured. The local authorities finance the school health services, but the State reimburses 50 per cent of the expenses defrayed by the local authorities in connection with pay to health nurses working within the scheme. Thus school health service is free.

86. The object of the scheme is to carry out preventive and health promoting measures as regards children and their school environment and to supervise the physical and mental health of the individual child.

87. The scheme includes one functional examination by the school doctor during the child's first school year. Furthermore, the school doctor will examine children, whom the doctor, in co-operation with the nurse, teachers, dentist, parents and other social and health bodies, finds need extra examinations. By means of functional examinations and through regular contact with the individual child, the health nurse may discover any health problems.

88. The school health service is preventive and diagnostic. If the child needs treatment, he will be referred to a general practitioner.

Child dental care

89. The principal legislation is: Child Dental Care (Consolidation) Act No. 666 of 22 December 1977, as amended; and Executive Order No. 538 of 5 December 1980 on child dental care as well as other orders, circulars, etc.

90. The local council takes care of the establishment of clinics and the employment of the necessary staff to ensure that all children of school age have access to free preventive and curative dental care. Under special circumstances, the county council can, for a limited period of time, exempt a local council from this obligation. If it does so, the local authorities must defray the costs in connection with the children's dental care with private dentists in practice.

91. As of 1 August 1980 the Act included all children of school age. Since 1 August 1981 more children have been gradually included in the scheme, and by 1 August 1986 the scheme included all children of school age and below.

92. Child dental care covers general preventive measures, including informative activities, individual preventive measures, information and instruction to the individual child and its parents. Furthermore, the scheme includes regular examinations and, if needed, treatment of dental diseases and orthodontic problems.

* * *

93. Circumstances in connection with the birth (low birthweight, malformations), physical or mental diseases, delayed development and particular family problems (a discordant family life, unemployment, families with a foreign cultural background etc.) may require special efforts.

2. Social assistance

94. The principal legislation is Executive Order No. 413 of 5 July 1984, consolidation of the Social Assistance Act, (cf. under art. 10, sect. A).

95. Under section 14, application of secure and locked wards, isolation, physical restraint, etc. in night and day care institutions for children, young persons and adults suffering from severe physical or mental handicaps shall take place only when conditions in each individual case make it imperative. The locking of doors at night in secure wards shall not be regarded as isolation.

96. The Minister of Social Affairs has laid down detailed provisions in Order No. 569 of 22 December 1979 on the use of force, etc. in day care institutions in respect of children and young persons, as last amended by Order No. 412 of 29 June 1984. Most of the provisions apply by analogy in residential institutions, etc., for more than four children and young persons, recognized by the social and health department of the county authorities.

97. Regulations are laid down in Order No. 414 of 5 June 1984 on the apportionment of costs incurred during a stay in a secure ward or a residential institution for children and young persons. The local and county authorities divide the costs between them in accordance with the number of 15 to 17-year-old young persons in the individual counties and municipalities as of 1 January of the previous accounting year, so that the county authority incurs 50 per cent of the expenses, and the local authority the rest.

98. The purpose of these changes is to ensure a sufficient number of places in secure wards in order to avoid placement in ordinary prisons during remand imprisonment.

99. Children and young persons in Denmark are placed outside the home in residential institutions, foster families, different types of socio-educational projects and in boarding and continuation schools, etc.

100. New types of round-the-clock offers have arisen over the last few years, e.g. professional foster families, socio-educational communities, pilot projects on board ships, and other alternative measures especially applicable for older children and young persons. Formerly such measures were effected under the provisions governing cash benefits, by way of assistance either to the parents or to the young persons themselves, and because it was not possible to place them in residential care under the general provisions, in accordance with which placement outside the home could only take place in foster homes or day care institutions.

101. The provisions of the Social Assistance Act on residential care in respect of children and young persons outside the home have been changed in a number of areas since 1 January 1985.

102. The amendment of the Act has been followed up by a simplification of the rules on the above area, for example by issuing one guide to replace various circulars, circular letters, guides, etc.

103. As previously, it is the local social welfare committee of the municipality where the child resides that has the competence to decide whether a child is to be placed outside the home, and where it is to be placed. The amendment of the Act means, however, that decision making and placement take place in co-operation with the social welfare centre of the county authority.

104. A characteristic development is the implementation of neutrality, as far as financing is concerned, between the various types of placement measures. Now local and county authorities share the expenses incurred in placement outside the home, and the central government no longer contributes directly to these expenses. The purpose is, among other things, to ensure the continuation of the residential institutions under the auspices of the county authorities and thus the maintenance of the socio-educational expertise developed in these institutions over the years.

105. The priority previously given to foster families as opposed to residential institutions has been deleted from the provisions. Thus the choice between the various placement options is primarily made with a view to what is deemed best to meet the needs of the individual child.

106. The Act provides that the choice of place must be made in conjunction with the social centre of the county. The procedure is dependant on local conditions, e.g. the expertise of the local authority concerned and the nature of the case.

107. All round-the-clock measures are effected in pursuance of the same provision, which applies equally to young persons over 18 who are addicts or who face serious mental or social problems. The provisions are to be applied when placement is effected in order to stabilize the person concerned in the type of placement applied in respect of persons under 18.

3. Working conditions

108. The main rule is that children and young persons must have attained the age of 15 in order to perform paid work. Furthermore, there are provisions under which children below the age of 15 may perform light, paid work with certain restrictions as to duration. These provisions have been laid down giving due consideration to the age, stage of development and state of health of the children and to their school education, etc.

109. Furthermore, there are provisions which fix higher age limits than 15 years for work which may involve a risk of accident or health hazards. In the case of work processes involving a risk of accident, the age limits are 16 and 18 years, and in the case of a number of types of work involving health hazards the age limit is 18 years.

110. The main rule concerning working hours for young persons under the age of 18 is that they must not exceed the usual working hours for adults employed within the same trade, and that the young persons must not work for more than 10 hours a day.

111. As regards the rest period, young persons under the age of 18 shall have a total rest period of at least 12 hours during a 24-hour period. Normally, the rest period shall include the time between 8 p.m. and 6 a.m. There are certain exceptions to this general rule.

112. In case of violation of these provisions the employer and the supervisor may be liable to a fine or imprisonment. Furthermore, the person having legal custody of the child may be liable to a fine if he was aware of the illegal work.

113. The above-mentioned provisions concerning dangerous work performed by young persons have been laid down in order to protect the life and health of young persons, and the provisions concerning working hours and rest periods are designed to protect the health of the young persons.

114. In November 1982 the total number of persons employed on the Danish labour market was 2,542,702; 9 per cent or 228,303 were young persons under 20 years of age, of whom 16,594 (0.7 per cent) were under 15. Of the total labour force, 1,135,293 (44.6 per cent) were women.

115. Most people in the labour force are employed in the public sector and in small undertakings in the private sector; next come the manufacturing industries, including electricity, gas, water and heat, and commerce, restaurants and hotels. However, there are significant differences in the employment pattern of the youngest age groups and of other age groups. The following table clearly illustrates these differences:

116. The table shows that there are more young persons employed in the manufacturing industries and in commerce, hotels and restaurants than is the case for the case for the other age groups.

Table 2
Pattern of employment by occupation and age

Occupational sector	Under 20 years		Over 20 years	
	number	percentage	number	percentage
Agriculture, etc.	18 678	8	173 756	8
Manufacturing industries	56 391	25	427 885	18
Building and construction	15 604	7	137 985	6
Commerce, hotels and restaurants	69 884	31	343 379	15
Transport	10 460	5	165 935	7
Financing and other public and private sectors	9 788	4	172 842	7
Services	47 598	21	892 617	17
Total	228 303	100	2 314 399	100

117. It is not only the distribution by occupational sector which influences the distribution by age; the distribution by sex differs widely for the different age groups. On average, for all occupational sectors, the share of employed women in the 15 to 19-year-old age group is higher than that of men.

118. The share of women employed in the different age groups shows strong variations from one occupational sector to another. Thus women in the 15 to 19 year-old age group are comparatively underrepresented in employment in agriculture. On the other hand, the share of women employed in industry is higher than that of men in both of the youngest age groups.

119. Attention is drawn to the comparatively large proportion of women in the 15 to 19-year-old age group employed in the financing sector.

4. Criminal law and the administration of justice

120. The Danish Criminal Code contains a number of provisions concerning delinquent minors.

121. Liability to punishment for an offence is subject to the condition that the perpetrator has reached the minimum age of criminal responsibility, which in Denmark is 15 years (cf. the Danish Criminal Code, sect. 15: the minimum age of criminal responsibility). A perpetrator who, at the time of the offence, has not reached the age of 15 cannot be punished under the law.

122. Section 84, subsection 2, of the Criminal Code provides that punishment shall not exceed eight years of imprisonment in cases where the perpetrator is

under 18 years of age at the time of the offence, and where serving the entire term of imprisonment may be deemed useless or damaging to the perpetrator due to his young age.

123. Furthermore, under section 91, subsection 2, of the Criminal Code a fine or "haefte" (lenient imprisonment) may be imposed on perpetrators who, at the time of pronouncement of sentence, are under 21 years of age, even though such a penalty is not expressly warranted in the appropriate provisions.

124. Under section 49, subsection 2, of the Criminal Code a convicted person who is to serve a sentence of imprisonment may be placed in a suitable private home or an institution to make allowance for his special needs.

125. Section 80 of the Criminal Code lays down the circumstances to be considered with regard to the fixing of the sentence. It provides, inter alia, that due consideration shall be given to information relating to the character of the perpetrator. The Code leaves room for consideration of more special circumstances as well as of elements which characterize major groups of convicted persons, e.g. age. In actual practice, youth is one of the main elements taken into consideration in favour of the convicted person in fixing the sentence.

126. Section 56 of the Criminal Code governs the application of suspended sentences. It states that the court shall decide whether enforcement of a penalty is deemed to be required, and the main principle is that unconditional deprivation of liberty shall only be applied when it is deemed to be so required.

127. With regard to information relating to the perpetrator's personal circumstances, it should be stressed that, in practice, the perpetrator's young age is considered a factor which speaks in favour of a conditional sentence. This may be illustrated by the large number of suspended sentences applied to delinquent minors.

128. Apart from the Criminal Code, the Administration of Justice Act provides that in certain cases prosecution may be waived, i.e. the prosecuting authority decides that the case against the accused is not to be heard before a court, even though conclusive evidence is available. Section 723, subsection 2, part 2, of the Administration of Justice Act is particularly important for delinquent minors. This provision applies to cases where the perpetrator is under 18 years of age, and where conditions have been laid down in accordance with section 723 a, subsection 2. These conditions are to be approved by the court, and the perpetrator's full confession of the violations with which he is charged is required.

129. Furthermore, the Ministry of Justice has issued an executive order laying down provisions governing the waiving of prosecution. These provisions also give due consideration to the age of the offender, e.g. in connection with violations of the Criminal Code, section 222, subsection 1, and section 224 in which prosecution may be waived if the female party at the time of the offence was 14 years old and the male party was under 18 years of age.

130. Finally, it should be mentioned that the Minister of Justice, in April 1984, issued a circular stipulating that the prosecuting authority, when

bringing 15 to 17-year-old offenders before a judge within 24 hours of their arrest, should demand placement of the offender in a social welfare institution instead of remanding them in custody.

131. In order to comply with the provisions of this circular and to ensure that delinquent minors are placed in social welfare institutions instead of in prisons or gaols, the number of closed/secure wards at social institutions has been increased substantially.

132. The Danish Criminal Code contains the following provisions to protect children and young persons against economic, social and other forms of exploitation, neglect or cruelty and from being the subject of traffic in persons:

"Section 197 Any person who, in spite of police warnings, is guilty of begging or who permits any person belonging to his household and being under the age of 18 to engage in begging shall be liable to simple detention or to imprisonment for any term not exceeding six months.

In mitigating circumstances the punishment may be remitted. A warning under this provision shall be valid for five years."

"Section 210 (1) Any person who has sexual intercourse with a relative in lineal descent shall be liable to imprisonment for any term not exceeding six years.

(2) Any person who has sexual intercourse with a brother or a sister shall be liable to imprisonment for any term not exceeding two years. The penalty may be remitted in the case of a person who has not attained the age of 18.

(3) In the case of sexual activity other than intercourse, there shall be a proportionate reduction in the sentence."

"Section 213 (1) Any person who, by neglect or degrading treatment, insults his spouse, his child or any of his dependants under the age of 18 or any person to whom he is related by blood or marriage in lineal ascent, or who, by evading his duties to maintain or contribute to the maintenance of any such persons, exposes them to distress shall be liable to imprisonment for any term not exceeding two years or, in mitigating circumstances to simple detention.

(2) Prosecution may be waived at the request of the injured person."

"Section 214 (1) Any person who, by incorrect or incomplete notification to the public authority responsible for the registration of births, corrupts the evidence of the family status of any person shall be liable to simple detention or, in extenuating circumstances, to a fine.

- (2) The penalty may be remitted where the illegitimate child of a married woman is notified, with the consent of the husband, as a legitimate child."

"Section 215 Any person who removes some other person under the age of 18 from the authority or care of his parents or other authorized person, or assists him to evade such authority or care, shall be punishable under the provisions contained in section 261 of this Act."

"Section 219 Any person who is employed in or in charge of any prison, welfare-home, children's home or young person's home, hospital for the treatment of mental disorders, institution for the mentally deficient or any similar institution, and who has sexual intercourse with any person who is an inmate of such institution shall be liable to imprisonment for any term not exceeding four years."

"Section 220 Any person who, by grave abuse of the subordinate position or economic dependence of a woman, has extra-marital sexual intercourse with her shall be liable to imprisonment for any term not exceeding one year or, if she is under 21 years old, to imprisonment for any term not exceeding three years."

"Section 222 (1) Any person who has sexual intercourse with any child under the age of 15 shall be liable to imprisonment for any term not exceeding six years.

(2) If the child is under the age of 12, or if the perpetrator used threats or violence to force his victim to have sexual intercourse, the penalty may be increased to imprisonment for any term not exceeding 10 years."

"Section 223 (1) Any person who has sexual intercourse with a person under the age of 18 who is his adopted child, step-child or foster-child, or who has been entrusted to him for instruction or education, shall be liable to imprisonment for any term not exceeding four years.

(2) The same penalty shall apply to any person who, by gravely abusing superior age or experience, induces any person under the age of 18 to have sexual intercourse."

"Section 224 The provisions in sections 216 to 223 shall apply similarly to other kinds of sexual relations than sexual intercourse."

"Section 225 The provisions in sections 216 to 220, 222 and 223 shall apply similarly to sexual relations with a person of the same sex."

"Section 226 If, in the circumstances provided for in the foregoing, the punishable nature of the acts depends on any abnormal mental or physical condition of the violated person or on the age of that person and the perpetrator has acted without knowledge of such condition or age of the person concerned and if, for that reason, the act is not imputable to him as intentional, the penalty to be imposed, if he has acted negligently, shall be proportionately reduced."

"Section 228 (1) Any person who:

- (1) Induces another to seek a profit by sexual immorality with others; or
- (2) For the purposes of gain, induces another to indulge in sexual immorality with others or prevents another who carries on sexual immorality as a profession from giving it up; or
- (3) Keeps a brothel,

shall be guilty of procuring and liable to imprisonment for any term not exceeding four years.

- (2) The same penalty shall apply to any person who incites or helps a person under the age of 21 to engage in sexual immorality as a profession, or to any person who helps some other person to leave the Kingdom in order that the latter shall engage in sexual immorality as a profession abroad or shall be used for such immorality, where that person is under the age of 21 or is, at the time, ignorant of the purpose."

"Section 234 Any person who sells immoral pictures or objects to a person under the age of 16 shall be liable to a fine."

"Section 235 Any person who, as a profession, sells or otherwise circulates or, with the intention of doing so, produces or obtains pornographic photographs, films or the like, of children, shall be liable to a fine."

"Section 236 (1) Where any person is convicted under sections 216, 217, 218 (1), 222 or 223 (2), or sections 224, 225 or 226 (in combination with any of the provisions already mentioned) or 232 of this Act, he may be ordered by the court not to appear in public parks or gardens, on commons, in the neighbourhood of schools, recreation grounds, children's homes, mental hospitals or institutions for the mentally deficient, or in particular woods or at particular bathing establishments or seaside resorts.

- (2) Furthermore, any person who is convicted under a section referred to in subsection (1) above or under sections 228 or 229 of this Act may be forbidden by the court to allow children under the age of 18 to live in his house, or, without the permission of the police, himself to stay with persons who live with children under the age of 18, provided that such order shall not apply to children who are dependants of the convicted person."

"Section 244

- (1) Any person who commits violence against, or otherwise attacks the person of others shall be guilty of assault and liable to a fine or to simple detention.
- (2) If the victim is a pregnant woman or if, owing to the nature of the instruments or means used or the circumstances under which it has been committed, the assault was of a particular dangerous character, the penalty may be increased to imprisonment for up to two years. The same shall apply if the violence exerted was in any other way exceptionally brutal.
- (3) If the assault has resulted in damage to the person or health of the injured person, the penalty shall be simple detention or imprisonment for any term not to exceed two years and, in particularly extenuating circumstances, to a fine. In the case of cruelty, the penalty shall be simple detention or imprisonment for any term not to exceed two years. If the act has resulted in death or grievous bodily harm, the penalty may be increased to imprisonment for six years.
- (4) Any person who, without provocation, commits violence against some other person or otherwise attacks him shall be guilty of assault and battery and shall be liable to imprisonment for any term not exceeding two years. If the violence is not serious, or where there are extenuating circumstances, the penalty may be reduced to simple detention; if the act of violence is of minor importance or where there are particularly extenuating circumstances, a fine may be imposed. Where the act of violence has entailed such consequences or has been of such character as to be covered by the provisions of subsections (2) or (3) above, the penalty may be increased to imprisonment for six years.
- (5) In the circumstances dealt with in subsection (1) above, public prosecution shall take place only where required by considerations of public policy."

"Section 251

- Any woman who, at the time of her childbirth, exposes her child to serious danger in an unwarrantable manner shall be liable to simple detention for not less than one year. The penalty may be reduced or remitted if the child survives without having suffered any injury."

"Section 254 Any person who, intentionally or through negligence, leaves dangerous weapons or explosives in the hands of a child under the age of 15 or of an insane, mentally deficient or intoxicated person shall be liable to a fine or simple detention for any term not exceeding three months."

ARTICLE 11: RIGHT TO AN ADEQUATE STANDARD OF LIVING

A. Social assistance

133. The principal legislation is the Consolidated Act No. 413 of 5 July 1984 on Social Assistance, and the provisions of the Social Assistance Act on cash benefit, cf. under article 10, section A.

Cash benefit (temporary)

134. In the first five years of the existence of the Social Assistance Act a local authority could grant assistance for the support of individuals or families at an amount equivalent to the basic amount of the national old-age pension plus an amount to cover any reasonable fixed expenses. The maximum amount granted for maintenance only equalled the basic amount of the old-age pension, whereas there was no upper limit for fixed expenses.

135. Since 1981, the main principle has been that total assistance cannot exceed the amount payable to persons who are entitled to daily cash benefit and who do not have any other income. As of 1 January 1983, assistance according to these principles has been subject to a time-limit. After payment of assistance for nine consecutive months the total amount of assistance cannot exceed the amount payable to persons in receipt of permanent assistance under section 43.

136. Permanent assistance is no longer payable at the amount equivalent to the old-age pension payable to a pensioner without other income, but at a fixed amount of DKr 3,318 to a single person and DKr 4,994 to a married couple (1 April 1985). The amounts will be increased on 1 October 1985, 1 April 1986 and 1 October 1986 by DKr 30 for a single person and DKr 46 for married couples. The amount of assistance may be subject to an increase to cover that part of housing expenses which exceeds 25 per cent of the above amounts.

137. Only in very special cases is assistance payable to persons undergoing training or education, since as a rule they do not comply with the condition of the Act, i.e. being available for the labour market. The State Education Fund often provides grants, loans and government guaranteed loans. If the provisions of the Act are complied with, cash benefit may be paid to persons undergoing training and education who are in need of assistance because of sickness, pregnancy, childbirth or cessation of married life; who have been granted leave of absence from the institute where they are undergoing training or education; or who, before becoming unemployed, had full-time employment, and who have received training or education in their spare time.

Permanent assistance

138. Where a person is in permanent need of assistance in order to provide for himself and his family and this assistance cannot be provided under the Social Pensions Act, assistance may be awarded to the extent that the person

concerned will be granted an amount equivalent to the old-age pension payable to a pensioner without any other income plus a supplement for each child corresponding to the amount of special family allowance under subsection 3 of section 4 of the Family Allowances and Other Family Benefits Act.

139. Where a person, who is receiving permanent assistance, has any reasonably justified non-recurrent expenses that cannot be met within the limit set out in the above subsection, the local social welfare committee may grant additional assistance to meet the expenses (cf. sect. 43 (2)).

140. Where, as an exception, the local social welfare committee considers that a regular maintenance allowance exceeding the limit set in subsection (1) of this section should be granted, the committee shall submit the matter to the local rehabilitation and pension board for its approval (cf. sect. 43 (3)).

141. In order to be granted assistance in pursuance of section 43 of the Act, the applicant as well as the spouse must produce evidence to show that work cannot be assigned to them owing to their bad health or similar conditions. If it is deemed that, after training or education, the spouse is able to contribute substantially to the maintenance of the family, assistance for such training or education may be granted under the provisions of part 9 of the Social Assistance Act.

142. In assessing the entitlement to assistance under section 43 of the Act a small capital may be disregarded only if the applicant wants to keep it for a special purpose which is deemed reasonable in view of his circumstances.

B. Adequate food

143. As a member of the European Economic Community, Denmark has endorsed the common agricultural policy (CAP), the purpose of which is to ensure the Danish farming population a "fair" standard of living, to stabilize markets, to ensure supplies and reasonable consumer prices. Special community regulations govern the common markets in the individual agricultural products and replace national legislation. In principle, endeavours are made to regulate production, trade and consumption by means of prices alone. This is why EEC fixes producer guide prices for the individual products on an annual basis. Intervention on the national markets and fixing of minimum import prices vis-à-vis third countries are measures undertaken in an effort to maintain the producer guide price.

144. The most direct market intervention is intervention buying at a price fixed somewhat lower than the producer guide price. The intervention price acts as a safety net for the market price mechanism. Other intervention measures are private storage aid, denaturation and reorientation premiums, subsidized sales for special purposes, etc.

145. In general, the EEC price level is higher than that of the world market. A variable import duty is levied on imports, in principle the equivalent of the difference between the world market price and the minimum import price. The minimum import price is fixed a little lower than the producer guide price, the gap corresponding to transport costs from the border to the market.

146. Similar variable export refunds are paid, in principle constituting the difference between the world market price and the EEC market price.

147. In the light of increasing surplus production a restrictive price policy has been implemented since 1980, whereby price increases do not follow inflation.

148. Thus, a certain adjustment of the EEC price level to that of the world market by means of reduced price increases was initiated, and premiums and aids were reorganized.

149. The co-responsibility levies on sugar and milk were continued and milk production quotas introduced, which means that a prohibitive levy (super levy) has been imposed on production exceeding the quotas.

150. Finally, guarantee thresholds were introduced for a large number of products, and infringement of these thresholds results in lower price increases or other kinds of intervention measures to be imposed the following year.

151. As regards special vulnerable groups, the agricultural policy opens up the possibility of offering agricultural products to social institutions, hospitals, schools, etc., at reduced prices or even free of charge. This applies for example to dairy products, beef, fruits, and vegetables.

152. The question of the development of or the framework for existing agricultural systems with a view to exploiting the soil's resources most efficiently is embodied partly in the general agricultural legislation and partly in the supporting legislation on measures concerning structure, modernization, soil improvements and sales to succeeding generations.

153. Agricultural legislation has a general structure policy aim based upon the preservation of the self-owned family farm. Since 1980, agricultural legislation has undergone no changes of consequence, but it should be noted that the legislation was revised in autumn 1985.

154. Relatively modest appropriations have been earmarked for structural development measures, such as aid for the distribution of land, and loans granted in connection with purchases of additional land. With the exception of the amounts appropriated, these regulations have remained unchanged since 1980.

155. As far as aid to modernize existing agricultural enterprises is concerned, this regulation implements the directives of EEC agricultural structures policy and has remained virtually unchanged since 1980. However, the main principles of the underlying EEC rules and provisions have been revised in a number of aspects, and the Danish legislation has therefore been altered accordingly.

156. The changes will mainly result in a certain relaxation of the rules governing financial aid for modernization (improvement) of existing enterprises, and investments relating to environmental improvements and energy conservation are expected to play a somewhat more prominent part in future regulations.

157. As regards soil improvement the aid is primarily designed to assist drainage. In 1981, the government subsidy for such measures was increased to 33 per cent of the approved expenses, but the figure was reduced to

25 per cent again in 1985. By changing the subsidy scheme in 1985 and by implementing an Act on the use of ochre, a fusion between the drainage aid and certain environmental aspects of drainage took place.

158. Finally, it should be mentioned that, in order to ensure the access of qualified managers to the agricultural industry, a scheme has existed for a number of years to provide financial assistance for the initial establishment of young farmers on agricultural holdings.

159. Rules have been laid down relating to mother's milk substitutes, including products that, in instructions on containers, in advertising, in texts, pictures, or in any other way, are promoted as being intended for or suitable for infants instead of mother's milk.

160. The Danish Ministry of the Environment has laid down provisions banning the use of dyes in certain basic foodstuffs, and meat standards for charcuteries became effective on 1 October 1985 stipulating the minimum limits for the composition of these products. The standards stipulate, among other things, the designation of foodstuffs and the indication of minimum shelf-life.

161. Finally, the Royal Veterinary and Agricultural University has set up a nutritional research institute.

C. Adequate clothing

162. The implementation of this right is covered primarily by social assistance schemes, cf. above under section A and under article 10, section A. Reference may also be made to Denmark's second periodic report on articles 6 to 9 of the Covenant (E/1984/7/Add.11).

D. Housing

163. The implementation of this right is covered primarily by social assistance schemes, cf. article 10, section A. Reference may also be made to E/1984/7/Add.11 and to Denmark's initial report on articles 10 to 12 of the Covenant (E/1980/6/Add.15).

Protection of tenants

164. In the non-profit housing sector, rent is calculated as a pure economic cost-price rent, i.e. to balance operational costs and costs of interest and amortization. There is a long tradition for government involvement in the financing of non-profit housing. The construction of non-profit housing is subject to governmental control since the total production is decided by parliament. Non-profit housing is generally built and administrated by local non-profit housing associations, in which the tenants are represented or even form the executive committees. No capital interests or profits are accepted in these associations.

165. Rent in the private rental housing stock is also calculated as an economic cost-price rent, but, unlike the calculated rent in the non-profit housing sector, it includes interest and profits for the owner. Legal restrictions control interests and profits in this sector, and tenants paying

the cost-price rent are protected against overstepping of these legal limits, since the question of the amount of actual rent and calculated rent can be taken to the rent control board.

166. Tenants in non-profit as well as private rental housing are equally protected against eviction. In principle, both groups of tenants have inalienable rights as regards the right to maintain the tenancy. Thus it is only in very few and well-defined situations (e.g. if the house is being rebuilt or demolished) that the landlord can give the tenant notice.

167. At the general housing census in 1980 the Danish housing stock comprised 2,133,000 dwellings, not counting summer-cottages, shared households, etc. By 1 January 1982, the total stock amounted to 2,180,000 dwellings. At the same time the population numbered approximately 5,125,000 inhabitants. The number of rooms far exceeded the number of persons - on average there were 1.62 rooms per person.

168. During the post-war period, particularly from the mid-1950s until the start of the present economic recession, quite rapid economic growth took place in Denmark. Along with economic prosperity those years were characterized by a very high level of housing construction. For several years the number of completed dwellings was more than 10 dwellings per 1,000 inhabitants. After 1975 economic growth declined, and since then there has been a substantial decrease in production of new housing. The rapid increase in housing construction in the 1960s resulted in a very substantial improvement of the housing situation, both regarding the number of dwellings and their size and quality. However, this does not mean that all housing problems have been solved. There are still shortages of rental housing in some areas.

169. In the past the housing situation has been surveyed every five years in connection with the population and housing censuses. Since 1980 the survey has been carried out by means of computerized registers on housing (buildings and dwellings register) and on population. Such surveys are now being done every year.

170. The general improvement in the housing situation in the last two decades is evident in table 3. The average number of persons per dwelling has steadily declined and is now rather low. In 1980 there was an average of 2.4 persons per dwelling, whereas in 1960 the average was 3.1.

Table 3

Housing supply 1960-1980

	1960	1970	1980
Number of persons per dwelling	3.1	2.7	2.4
Number of persons per private household	2.9	2.7	2.5
Number of rooms per dwelling <u>a/</u>	2.4	3.6	3.8
Number of rooms per 100 inhabitants	113	132	162
Total housing stock (thousands)	1 483	1 707	2 133

a/ Not counting kitchen as a room.

171. The housing stock, which amounted to 2,133,000 dwellings, consisted of approximately 1.05 million owner-occupied dwellings (primarily single-family houses), a little more than 900,000 rental dwellings, 150,000 dwellings in condominiums (of which 70,000 are rented) and almost 50,000 dwellings owned by co-operatives, co-ownership associations, any sort of charity foundations, etc.

ARTICLE 12: THE RIGHT TO PHYSICAL AND MENTAL HEALTH

172. Reference is made to the comments under article 10.

A. Health services

173. Pursuant to the Hospital Services (Consolidation) Act issued by the Ministry of the Interior on 27 September 1982, the Maternity Care and Midwifery (Consolidation) Act of 3 September 1975 issued by the Ministry of the Interior, and other Acts supplementary thereto, any person resident in Denmark, or in some cases persons with temporary residence in Denmark, shall be entitled to free hospital treatment and free services under the Maternity Care and Midwifery Act. The right to free hospital treatment includes treatment at general and psychiatric hospitals as well as highly specialized hospital treatment.

174. Free hospital treatment shall be provided by the authorities of the county in which the patient is resident or in certain cases has temporary residence, and the county authorities may either provide treatment at their own hospitals or paying for treatment at other county hospitals or at State or private hospitals.

175. Furthermore, patients are, to a large extent, entitled to free transport to and from hospital, which is of particular importance to patients living far away from the hospital.

176. In order to ensure that the individual country authorities fulfil their obligations to make the best possible hospital treatment available to their residents, they must prepare a plan for their hospital services and present the plan to the Ministry of the Interior every four years. This plan is revised annually in connection with the adoption of local budgets.

177. More detailed rules governing a citizen's right to hospital treatment and the obligations of the county authorities in this connection have been laid down in executive orders and circulars issued by the Minister for the Interior.

National health insurance

178. Any person resident in Denmark is entitled to services under the National Health Insurance (Consolidation) Act No. 94 of 9 March 1976, as amended.

179. Persons entitled to services under the National Health Insurance scheme are divided into group I and group II. People are free to choose which group they want to join. Group II members account for about 7 per cent of the total number of persons under the insurance scheme. Members of group I are entitled to free medical treatment by a general practitioner. Specialist treatment is

also free for group I members, if the person has been referred to the specialist by the general practitioner. Group I members choose their general practitioner for one year at a time.

180. As regards group II members, the National Health Insurance scheme reimburses some of the expenses in connection with medical treatment by a general practitioner or by a specialist. Group II members are entirely free to choose their general practitioner and may change general practitioner as often as they wish.

181. The National Health Insurance scheme is mainly financed by the county authorities, and its administration rests with the local and county authorities.

182. Thus, the National Health Insurance Act forms the basis of the public authorities' financial contribution to a large part of the primary health care provided. However, the Act only lays down the framework, including the main possibilities open to the population for reimbursement of expenses in connection with primary health services and, therefore, a number of detailed agreements between the National Health Insurance and the unions of the individual medical groups have been concluded. These agreements lay down rules governing organization, activities, economy, and possibilities for lodging complaints.

183. The general practitioners in the metropolitan area receive a fixed fee per registered patient, whereas general practitioners in the rest of the country receive fees for individual treatments as well as a fixed fee per patient registered in group I.

Statistics

184. In Denmark there are about 125 hospitals and a total of about 38,000 beds. Infant mortality amounts to about 8.7 per 1,000 live births. There are about 1,800 inhabitants per general practitioner, about 2,600 inhabitants per practising specialist and about 700 inhabitants per hospital doctor.

Infant health visitors scheme

1. Number of children per full-time infant health visitor

	Under 1 year	Under 7 years
1981	98	765
1982	73	594
1983	72	564

2. Average number of visits by infant health nurses to children under one year old and to children between one and two years old with general and special needs respectively

	Under 1 year old		Under 1-2 years old	
	General needs	Special needs	General needs	Special needs
1981	9.3	10.6	3.5	3.8
1982	9.4	10.9	3.0	3.4
1983	9.4	11.0	2.9	3.3

National health insurance

1. Number of inhabitants per general practitioner and per dentist

	Jan. 78	Jan. 80	Jan. 84
General practitioners	1 913	1 887	1 766
Practising dentists	1 612	1 570	1 501

2. Number of consultations per inhabitant

	1978	1980	1983
General practitioners	4.8	5.0	5.3
Practising specialists	0.4	0.4	0.5
Practising dentists	1.8	1.9	1.8

B. Social services

185. Home help on a permanent basis is provided for domestic work and personal needs to a person who, due to a chronic affliction or infirmity, is in need of practical assistance.

186. Any person suffering from a disability or chronic infirmity due to sickness or old age may be eligible for assistance towards the cost of aids, including additional costs of such special articles of clothing as are necessary to enable the person concerned to carry on trade or business, or may substantially relieve his affliction, or largely facilitate daily life in his home (cf. sect. 58 of the Social Assistance Act).

187. Any person suffering from disability or chronic infirmity due to sickness or old age may be eligible for necessary assistance to adapt the layout of his dwelling to meet his needs as far as possible.

188. Assistance may be granted to meet the cost of help or special devices in service flats for disabled persons or old-age pensioners (cf. sect. 59).

189. The local council shall provide or grant assistance towards welfare facilities for persons in receipt of a social pension with the exception of disability benefit (cf. sect. 60).

190. The local council shall ensure that persons whose condition requires constant attendance and care, which cannot be provided in their own home during the day, are admitted to a day care home. Furthermore, the local council shall provide for the establishment of day care centres within its area for such social welfare work as is best carried out in an institution (cf. sect. 74).

191. The local authorities shall see to it that persons who, owing to their state of health, are not able, even with assistance granted under parts IV and V of this Act, to manage on their own in their homes are given the opportunity of being admitted to a nursing home.

192. Persons who are unable to manage on their own in a normal dwelling, but whose condition does not require admission to a nursing home or a day care home shall be given the opportunity of moving into a "sheltered" flat, specially designed for persons suffering from permanent afflictions (cf. sect. 79).

193. The county authorities shall provide for the necessary institutional accommodation for adults who, owing to a severe physical or mental handicap, are in special need of care, treatment, etc., and for special nursing homes for young persons and for persons suffering from an affliction which either requires that they live in specially designed homes or calls for periodic admission for convalescence or treatment (cf. sect. 112 of the Act).

C. Environmental protection

194. The central authority is the Ministry of the Environment consisting of six agencies, of which the National Environmental Protection Agency is one.

195. The Agency administers a number of Acts, including the Environmental Protection Act of 1974. The Act is a skeleton act and does not stipulate specific environmental standards. The framework of the Act is supplemented by guidelines and general provisions laid down by the Minister of the Environment and the National Environmental Protection Agency. On the basis of these guidelines and general provisions municipal and county councils work out concrete decisions and/or plans relating to environmental protection. The Environmental Protection Act provides skeleton legislation governing protection of the water supply and surface water, heavily polluting enterprises, the administrative structure, surveillance and monitoring, investigation and planning, lodging of complaints (including the Environmental Appeals Board) and penalties for violation of the law. The Act applies to all persons carrying on activities in Denmark, and all the provisions governing the lodging of complaints include the right of any individual who has an essential interest in the matter to file a complaint. Thus, the Act does not discriminate according to sex, race, nationality, etc. Pursuant to the Nordic Convention of 1976 on Protection of the Environment, residents of the other Nordic countries are entitled to the same rights as people domiciled in Denmark, if they are affected by pollution from an enterprise in Denmark.

The Environmental Protection Act

196. The Environmental Protection Act is supplemented in a number of specific areas by the Acts on: chemical substances and preparations, sulphur in oil, lead in petrol, oil and chemical wastes, watercourses, water supply, recycling, marine pollution and environmental subsidies.

197. An Act to amend the Environmental Protection Act was passed on 6 May 1982. The main principles of the amendment were as follows:

(a) The right to lodge complaints against administrative decisions has been extended to include the Nature Conservation Association of Denmark, the Danish Angling Association, the Consumer Advisory Council, and the Economic Board of the Danish Labour Movement;

(b) The number of bodies authorized to appoint members of the Environmental Appeals Board is extended to include, on the "business" side, the Economic Board of the Danish Labour Movement and the Danish Federation of Crafts and Smaller Industries (apart from the various organizations representing industry and agriculture), while the National Environmental Protection Agency, which remains the other designating party, is called upon to consult, inter alia, a number of environmental and industrial organizations before a recommendation is submitted;

(c) The Act's planning provisions are clarified and elaborated upon, including a special paragraph on waste disposal by local authorities;

(d) The administrative structure for the hearing of certain cases is simplified to the extent that the Minister is authorized to decide whether certain less important environmental matters may be decided by the municipal councils themselves. Another organizational change concerns the local authorities' plans for the disposal of waste water; such plans are no longer to be submitted to the county councils for approval but are finalized by the local authorities themselves within the framework of the recipient quality planning (the county councils' guidelines for the quality of watercourses, lakes and in shore parts of the territorial sea).

The Watercourse Act

198. A new Watercourse Act became effective as of 1 November 1983. The preamble ensures that due consideration is given to discharge and environmental matters in the administration of the watercourses.

199. The administrative system is organized in such a way that the authority to take decisions in technical matters on the local and regional level relating, e.g., to maintenance and regulation of watercourses, is vested in the local authorities, while matters pertaining to financial questions are still decided by the land tribunals. Appeals against technical decisions are to be lodged with the National Environmental Protection Agency.

200. The Act grants the watercourse authorities the right to intervene physically in matters relating to watercourse restoration. The Act provides that the National Environmental Protection Agency may subsidize the construction costs of major restoration projects.

201. Simultaneously with the implementation of the Act, the Ministry of the Environment issued several executive orders governing: classification and registration of watercourses as well as regulations for public watercourses (Executive Order No. 423 of 7 September 1983); watercourse restoration (Executive Order No. 424 of 7 September 1983); the tasks and authorities which the Act vests in the National Environmental Protection Agency (Executive Order No. 422 of 7 September 1983).

Act on Deposits of Chemical Waste

202. This Act lays down the framework for a programme of action concerning proper clearing of old chemical waste deposits. Tasks are delegated to the various authorities, and the allocation of costs is clarified. The environmental authorities are to co-operate closely in the clearing to ensure a current evaluation of the joint action. In order to simplify the administrative procedure, the Act stipulates that authorizations are not required in a number of matters relating to the enforcement of preventive measures.

203. Costs are estimated to amount to approximately DKr 400 million to be divided equally between the State, on the one hand, and the counties and municipalities, on the other. However, the counties are to bear a considerably larger financial burden of total local expenditure than the municipalities. Costs in connection with the investigation of a chemical waste deposit are to be borne by the county where the deposit is situated, while the affected municipality pays the working costs of the preventive measures. The total costs of all preventive measures are paid by the State. The State subsidizes working costs for municipalities in a particularly bad financial position.

204. Pursuant to the Environmental Protection Act, the public authorities are entitled to pass the financial burden on to any private enterprises which may have been responsible for the chemical waste disposal, and these provisions are not changed substantially. The "polluter pays principle" remains unchanged, in accordance with the general provisions for recovery of damages.

205. The Act became effective as of 1 July 1983.

Act on Restriction of Sulphur Dioxide Pollution from Power Stations

206. Act No. 251 of 23 May 1984 on Restriction of Sulphur Dioxide Pollution from Power Stations was passed on the basis of a report on the bill submitted on 9 May 1984 by the Danish parliamentary Committee on the Environment and Physical Planning. In the report, the Minister of the Environment indicated the provisions governing the administration of the Act. The Danish parliament decided at the same time to raise the standards for sulphuric content of fuels.

207. The approved reductions of sulphur dioxide emission from Danish power stations and the more stringent standards for sulphuric content of fuels considerably reduce Denmark's sulphur dioxide pollution. Thus, in 1980, 437,000 tonnes of sulphur dioxide were emitted compared to the estimated amount of 230,000 tonnes in 1995 - an overall reduction of approximately 50 per cent.

208. The passing of the Act means that Danish power stations must not emit more than 125,000 tonnes of sulphur dioxide in 1995, as compared with 212,000 tonnes emitted in 1980. The Danish parliament subsequently decided that the power stations were to reduce their sulphur dioxide pollution by a little more than 40 per cent. Calculated in tonnes the reduction will be higher as the amount of sulphur dioxide emitted from the power stations is growing due to increased energy consumption. Estimates indicate a sulphur dioxide emission from the power stations of 247,000 tonnes in 1995, if standards are not made more stringent. In pursuance of the Act, the Minister of the Environment fixes a total quota for the emission of sulphur dioxide by power stations. The quota is to be fixed annually and is binding for the first six years and instructive for the following four years. When administering the legislation the Ministry of the Environment must ensure a gradual reduction of sulphur dioxide emissions until 1995, where the amount of sulphur dioxide emitted has been reduced to 125,000 tonnes. The Act came into force on 1 July 1984.

Supplementary regulations concerning sulphur in fuels

209. The sulphur content of gas oil is to be reduced from 0.5 per cent to a maximum of 0.3 per cent as of 1 January 1986.

210. The sulphur content of heavy oils is to be reduced to a maximum of 1.5 per cent as of 1 January 1986, and following consultations with the involved parties to a maximum of 1 per cent as of 1 January 1988. The results of consultations are to be passed on to the Committee on the Environment and Physical Planning together with a report on the consequences of the enforcement of more stringent standards. The sulphur content of fuel oils is today limited to 2.5 per cent for the country as a whole, however, the maximum limit for the metropolitan area is 1 per cent, and this special limit remains unchanged after 1 January 1986.

211. An upper limit of 1.2 per cent for sulphur in coal is to apply to enterprises other than power stations as of 1 January 1986.

212. A maximum limit for the sulphur content in refinery gas is to be established.

213. The legislation governing the above-mentioned sulphur contents of fuels will be drafted in such a way that dispensations may be granted if it can be proved that the technique involved, a desulfurization plant or the like, guarantees that the standards for sulphur dioxide emissions are not exceeded. New standards of a maximum of 400 mg/m³ have been laid down by the parliamentary Committee on the Environment and Physical Planning as an annual average for nitrogen dioxide emissions from new power stations.

Act on Chemical Substances

214. On 1 October 1980 the Act on Chemical Substances and Preparations became effective. The Act *inter alia* implements the EEC Directive on the Sixth Amendment of the 1967 Directive. Accordingly, new chemical substances are to be registered with the public authorities with information as to their potential hazard.

215. Already existing chemical substances and preparations are to be classified in hazard groups and labelled accordingly. Restrictions have been

applied to the use of a number of chemical substances which are alleged to have fatal effects, or where there is valid evidence of a hazard to the environment and human health. These substances and preparations include a number of heavy metals, aerosol sprays and cosmetics.

216. Three executive orders became effective simultaneously relating to the registration of chemical substances, the classification, packaging, labelling, marketing and storage of dangerous substances and preparations, and pesticides.

217. Pesticides are mainly used in agriculture and horticulture. Until recently regulations governing proper authorizations took into account hazards to human health and animal husbandry, but these have been extended to include hazards to the environment. The enforcement of these regulations requires a competent body of advisers, grab sampling control, and analyses of particularly controversial substances.

218. The National Environmental Protection Agency has issued a number of executive orders in pursuance of the Act, including the Executive Order on Classification, Packaging and Labelling of Dangerous Paints (Executive Order No. 565 of 14 October 1983) and the Executive Order on Classification, Packaging and Labelling of Hazardous Chemical Preparations to be used as Solvents (Executive Order No. 566 of 15 October 1983).

219. A revised list of dangerous substances has been published, and attached to it is another list of approximately 200 substances which the Directorate of National Labour Inspection and the National Environmental Protection Agency have agreed are carcinogenic. About 40 carcinogenic substances on this list have been singled out, and the National Environmental Protection Agency intends to have them included in the next revised EEC list of hazardous substances with a special cancer labelling (R45 "May cause cancer"). The first group of these carcinogenic substances has already been forwarded to the Commission for consideration.

220. The Ministry of the Environment has issued Executive Order No. 396 of 26 July 1983 on the Manufacture and Importation of Cadmium Products, banning the use of cadmium as a dye, stabilizer and cadmium plating as from 1987, 1987/1988, and 1989 respectively.

221. The Ministry of the Environment has issued Executive Order No. 443 of 6 September 1983 on Biological Decomposition of Surface-Active Detergents prohibiting the manufacture and import of detergents containing aionic and non-ionic surface-active substances with an average of less than 90 per cent biodegradability.

222. The Ministry of the Environment has issued Executive Order No. 289 of 22 June 1983 on Standards for the Formaldehyde Content of Chip Boards, Plywood and Related Products Used for Furniture, etc. As it stipulates standards for the formaldehyde emission from all kinds of wood board materials, the Executive Order is instrumental in restricting the formaldehyde content of the air in living-quarters to a maximum of 0.15 mg/m³.

223. On 11 May 1983, the Ministry of the Environment issued an Executive Order on Amendment of the Enclosure to the Executive Order on the Use of Airborne Distribution of Pesticides, whereby the toxic substance phosalone was deleted from the list of substances to be sprayed from aircraft.

224. An Executive Order on Aerosol Sprays and an Executive Order on Cosmetics have also been issued. The enclosure in the latter listing substances which are legal or illegal components of cosmetics has been updated.

225. On 26 January 1981 the National Environmental Protection Agency issued an Executive Order reducing the permitted lead content from 0.40 to 0.15 g/l as of 1 January 1982 for ordinary petrol and for super as of 1 July 1984. It was later decided to make unleaded petrol generally available in Denmark before the end of 1986.

Act on Protection of the Marine Environment

226. On 21 March 1980 the Act on Protection of the Marine Environment was passed.

227. The Act is a prerequisite for Denmark's accession to the 1973 MARPOL Convention (International Convention for the Prevention of Pollution from Ships, 1973), as amended by the 1978 Protocol to the same Convention. The Convention, which was prepared by the Inter-Governmental Maritime Consultative Organization (IMCO), includes provisions governing the discharge at sea by or from ships of oil, harmful substances which are being shipped in bulk or packaged, and effluents.

228. Provisions for non-land-based marine pollution, i.e. pollution from ships, rigs and the like, are embodied in one Act only. Furthermore, the Act codifies the emergency measures for prevention of oil and chemical pollution of the sea.

229. In connection with the Act on the Protection of the Maritime Environment the National Environmental Pollution Agency has issued eight executive orders concerning:

(a) The coming into force of certain provisions of the Act on Protection of the Marine Environment;

(b) The distribution of tasks and responsibilities to the National Environmental Protection Agency in pursuance of the Act;

(c) Facilities for the reception of oil residues and oil compounds, sewage and refuse from Danish ports;

(d) Special sea areas;

(e) Dumping of used oil from ships in the Baltic area;

(f) Use of oil record books;

(g) Discharge of household refuse e.g. from rigs in the Baltic area; and

(h) Exemption of certain categories of ships from the provisions of section 5 of the Act on Protection of the Marine Environment (sewage discharge).

230. The National Environmental Protection Agency has issued instructions concerning waste reception facilities and is preparing an executive order

governing the use of monitoring systems for the prevention of oil pollution from fishing vessels, an executive order relating to reporting, and a guide to the application of the Act and the executive orders.

The Water Supply Act

231. The amended Water Supply Act came into force on 1 April 1980. To supplement the Act, executive orders have been issued governing: water intake and water supply planning, water intake, water supplies, ground water drilling, water quality and supervision of water supply facilities, expropriation for water supply facilities, with attached circulars.

232. On 16 September 1983, the National Environmental Protection Agency issued Executive Order No. 468 on an Amendment replacing the Executive Order on Water Quality and Supervision of Water Supply Facilities (Ministry of the Environment Executive Order No. 6 of 4 January 1980). The amended Executive Order vests authority to fix the periodicity of supervision for the majority of the waterworks in the municipalities, thus making the system more flexible and allowing for the greatest frequency of supervision of waterworks which may cause problems.

233. In 1983 the National Environmental Protection Agency issued an Executive Order (No. 570 of 3 November 1983) and a circular (of 5 September 1983) on revision of water intake and water supply planning. The Executive Order and the circular stipulate time-limits for the county authorities' water intake planning and specify the content and enforcement of the planning.

234. The National Environmental Protection Agency issued Executive Order No. 204 of 1 May 1984 on the Risk of Major Accidents relating to a Number of Industrial Activities (on the basis of an EEC Council Directive of 25 June 1982 (82/501/EEC)).

Parliamentary resolution on future measures

235. A parliamentary resolution of 31 May 1983 directs the Government to carry out measures with a view to reducing pollution from nutritive salts and organic substances. The most important measures are as follows:

I. Concrete measures to combat manure and silage pollution:

- (a) Manure yards are to be made according to specification, whether they were established before or after the Environmental Protection Act of 1 October 1974. Measures are to be embodied in environmental regulations and to be composed in such a way that they stipulate requirements for the functioning of facilities instead of the use of certain materials. The present legislation already includes regulations for the protection of ground and surface water against agricultural and waste water pollution. The public as well as the local authorities are under an obligation to comply with these rules. The Minister of the Environment is to ensure that supervision is made more efficient,

- (b) Agricultural holdings with livestock exceeding 20 cattle are to have manure yards and containers for liquid and semi-liquid manure, as well as manure effluent, with a capacity of at least six months' production;
- (c) Water from roofs and other fixed structures shall not be drained into manure yards, containers for liquid manure etc.;
- (d) Silage shall be stored in containers with an impenetrable bottom and outlet to a dump well, or in a silo with the same kind of outlet;
- (e) Liquid farmyard manure shall not be applied during the period from harvest to 15 October, as from 1987 this period shall be extended to 1 November or further if a regional dispensation has been granted;
- (f) Burning of straw in fields is to cease within set time-limits. Dispensation may be granted in accordance with the Executive Order;
- (g) Agricultural holdings with a large number of livestock are subject to approval from the environmental authorities on the same terms as industrial enterprises;
- (h) Manure yards in the fields are to be banned as of 31 December 1989;
- (i) General provisions ensuring a balance between the number of livestock and the area of land, i.e. two cattle per hectare, are to be laid down (corresponding to approximately 170 kilos N per hectare annually);
- (j) At the next parliamentary session, the Minister of the Environment will table a bill on the financing of the parliamentary resolution during the period 1986-1989.

II. Fish farming.

Observance of the legislation shall be more stringently checked.

III. Waste water.

Waste water purification shall be improved, particularly with a view to reducing phosphorous pollution. The municipalities shall carry out more efficient treatment at the local purification plants, verification of industrial enterprises with their own treatment plant shall be made more stringent.

IV. Power stations and traffic.

Carbon oxide emission shall be reduced.

Annex

SOCIAL SERVICES IN GREENLAND

1. Traditionally, social services were a matter for the political and administrative authorities of Greenland and social expenditure was (apart from family allowances) financed by the Greenland treasury until the end of the 1960s. When the treasury was no longer able to carry the financial burden alone, an Act was passed in 1968 providing for a State subsidy of up to 30 per cent of social expenditure (excluding family allowances, which are financed 100 per cent by the State). Generally, social benefits were paid by the local authorities, who were then reimbursed from treasury funds.

2. This system was changed by law in 1974 in connection with the reform on cost apportionment and allocation of responsibilities and the introduction of local income taxation. As of 1975 the State might reimburse up to 40 per cent of total social expenses, and depending on the tasks concerned, the rest was paid by the Greenland treasury alone or jointly by the treasury and the local authorities.

3. With the introduction of Home Rule in Greenland the home rule Government took over the social welfare responsibility as of 1 January 1980.

4. Simultaneously, the State subsidy was replaced by a block government grant paid to the Greenland treasury, which, out of these funds, partly defrays certain central social expenses and partly reimburses the local authorities and allocates block grants to cover part of local expenses.

5. The social expenses paid by the Greenland treasury are: family allowances, old-age pensions, disablement pensions, maintenance subsidies, and benefits for physical and mental invalids. Local authorities defray the following expenses: child and youth welfare expenses, including advance payments of child maintenance, personal supplementary benefits for persons receiving a disablement pension, and working expenses for day care institutions and nursing homes. National institutions which are run by the "Landsting" (Greenland's parliament), e.g. children's homes, are also paid for by the local authorities; however, the Greenland treasury defrays all expenses in relation to the severely handicapped. As mentioned earlier the local authorities receive block grants from the Greenland treasury to cover part of their expenditure. Total grants in 1985 amounted to some Dkr 148.2 million. The Greenland treasury subsidizes construction of local social institutions in addition to the general reimbursement scheme. In 1983 and 1984 the subsidies covered 50 per cent of construction costs. The social services are centrally administered by a department for social affairs and housing (ISINNAA) under the auspices of the "Landsstyre" (home rule government). The administrative body of ISINNAA is the Directorate for Social Affairs.

6. In the individual municipalities, social welfare is the responsibility of a social welfare committee set up by the local authorities. The local authorities may transfer social welfare matters to the attention of the settlement councils.

7. Each municipality has a social affairs administration, which employs social welfare workers (Ivigut exempted), cf. Landsting Regulation No. 8 of 10 October 1979 on the Administration and Organization of the Social Welfare System, as subsequently amended.

8. After the introduction of Home Rule in Greenland the Landsstyre member for social affairs and housing set up a social reform committee in 1980 which having examined existing legislation made proposals for the review of existing regulations and policies in the field of social welfare. The committee ended its work in the autumn of 1981, and its deliberations were presented to the Landsting at the spring session of 1982.

9. At the autumn session of 1982 the Landsting tabled 10 bills on new social welfare regulations, of which new regulations governing old-age pensions and disablement pensions were enforced on 1 January 1983 and the rest on 1 January 1984.

Social security

10. The provisions governing social assistance were laid down in the Regional Council Regulation on Public Relief of 19 February 1975. The regulation has been replaced by Landsting Directive No. 10 of 1 November 1982 on Public Relief, Landsting Directive No. 11 of 1 November 1982 on (flat-rate) Public Relief, as subsequently amended, and Landsting Directive No. 8 of 28 October 1982 on Disablement Pensions.

Disablement pensions

11. Disablement pensions shall be awarded to persons whose capacity for work, owing to physical or mental disorders, has been reduced to such an extent that they are unable to support themselves or their families in a way which may be deemed reasonable considering the location and the previous standard of living.

12. Disablement pensions are awarded at fixed rates, and upon the discretion of the social welfare authorities, either the total basic amount or half of it is awarded. Half the basic amount may be awarded as a supplement to a person's own income or spouse's or co-habitant's income.

13. Persons receiving a disablement pension may be awarded supplementary allowances for each child under 16 years of age. The social welfare committee may in addition award a personal allowance assessed on the basis of individual needs.

Public relief

14. The Directive provides that any person living in Greenland is entitled to public maintenance assistance if he is not able to provide himself or his family with the necessary means of subsistence or to provide the necessary funds to pay for treatment and care during illness, or if he complies with the stipulated conditions.

15. If a person's regular income has ceased or is substantially reduced for a period which is not merely temporary, or if the granting of assistance might remove a serious risk of financial need, or in case of serious adaptation difficulties, assistance may be awarded towards maintenance, rent and consumer taxes - a means-tested assistance.

16. If the social welfare committee deems it necessary for the future of the family, a more far-reaching assistance is granted.

17. On the basis of specific individual needs, assistance for reasonable non-recurrent expenses may be awarded. The above types of discretionary public relief are awarded on the basis of the local social welfare committee's assessments.

Flat-rate public relief

18. Wage and salary earners who are members of Greenland's Federation of Trade Unions (SIK) are entitled to flat-rate benefits in case of unemployment, sickness and childbirth.

19. The maximum benefit period is 13 weeks if the person concerned has been employed for at least 180 hours within the last 13 weeks.

20. The benefits are paid at fixed rates amounting to 50 per cent of the average time wage for an unskilled worker under prevailing agreements between SIK and the relevant public authority. If the person concerned is single and the sole breadwinner, 60 per cent of the above average wage is paid.

21. Wage- and salary-earners who, owing to special circumstances at work or due to sickness, are temporarily employed part time may have their actual number of hours supplemented up to 40 hours a week by the above-mentioned fixed-rate benefit.

22. Sickness benefit is payable from the third day of absence. The maximum benefit period is 13 weeks during 12 consecutive months. The amount of the benefit equals that of unemployment benefit.

23. Maternity benefit due to childbirth or unfitness for work owing to pregnancy is payable from the first day of absence.

Other kinds of social security

24. In pursuance of the Directive on Housing Subsidies, general State subsidies are paid to reduce rent or instalments in the non-profit housing sector. The costs involved are not included in aggregate social expenses.

25. In addition to the general public subsidies, which are awarded irrespective of the economic situation of the persons concerned, the local authorities may award housing allowances under Landsting Directive No. 1 of 17 October 1983 on Housing, as subsequently amended. The Directive came into force on 1 April 1984.

26. Housing allowances can only be awarded in respect of rental dwellings and certain single family houses, and only towards the actual cost of rent or instalments; no allowances are awarded towards costs of heating or electricity. The actual amount of the allowance is calculated on the basis of the dwelling's total number of tenants and the total household income. How much the household itself is to pay of the cost of rent or instalments is calculated on the basis of total household income, and is called the household's own share. If the cost of rent or instalments exceeds the household's own share, an allowance may be awarded. A housing allowance is in other words an "equalization amount".

27. Consequently, irrespective of the kind of dwelling which the household inhabits, its own share remains the same, as it is calculated on the basis of total household income and not on the basis of the rent. On the contrary, the higher the rent, the higher the allowance.

28. Provisions governing insurance schemes for accidents at work or occupational diseases are laid down in the Danish Industrial Injuries Act, which, with its subsequent amendments, applies to Greenland by Royal Decree of 28 December 1979. The Decree is administered by the Greenland Board on Industrial Injuries, whose Chairman is the Director General for Social Works. In 1983 the Board received 259 claims.

The Employees' Guarantee Fund

29. As of 1 July 1980, provisions were enforced by Royal Decree guaranteeing payment of outstanding wages and salaries, etc., in case of the employer's bankruptcy, death or closing down.

30. The guarantee includes claims relating to outstanding wages, salaries and remunerations, compensation for disrupted work contracts, compensation in connection with notice of dismissal and holiday allowances, provided that the claims are covered by the provisions of the Bankruptcy Act.

31. In Greenland the Employees' Guarantee Fund is administered by the Directorate for Social Affairs, which is authorized to pay on account for accepted claims.

Care of the Aged

Old-age pensions

32. Provisions governing old-age pensions are contained in Landsting Directive No. 7 of 28 October 1982 on Old-Age Pensions and Institutions. Any Dane residing in Greenland and over 60 years of age is entitled to national old-age pension. In certain circumstances - and for persons receiving a disablement pension - the age-limit is 55 years.

33. Apart from the basic old-age pension, additional supplements in respect of children and personal supplementary allowances may be awarded.

Old people's homes, nursing homes and service flats

34. Most cities have nursing homes and some also have old people's homes and/or service flats.

35. Nursing homes are residential homes for old people who require permanent help to an extent which renders it impossible for them to remain in their own homes. Old people's homes and service flats are homes for old people who are able to take care of themselves with the support of home helpers, home nurses, and, in respect of service flats, employed helpers. In this way the old people live in surroundings which are as uninstitutionalized as possible considering the circumstances.

Home helpers

36. In 1971, Greenland introduced a home help scheme which aims at rendering temporary or more permanent help in case of illness, help to old people, invalids or handicapped persons, to single bread-winners, or to families in social need.

Protection of children and young persons

37. The Regional Council Regulation of 19 February 1975 on Protection of Children and Young People in Greenland states that its aim is to ensure that children and young people are living under conditions which promote healthy development. Child welfare services are handled by the local authorities, day care institutions, residential institutions and, if any, associations authorized by the Directorate for Social Affairs. On 1 January 1984, the Regulation was replaced by Landsting Directive No. 12 of 1 November 1982 on Child and Youth Assistance.

38. According to the Directive it is the duty of the local social welfare committee to supervise the conditions under which children and young people are living and to support parents in the upbringing and care of their children.

39. Furthermore, the social welfare committee shall offer guidance and support to the person in whom parental authority is vested or who is actually taking care of the child or young person.

40. The social welfare committee may decide to offer guidance and support, to assign a personal adviser, to make recommendations and give directions, or to arrange for the child or young person to be placed in family care, at a boarding school or a residential or similar institution.

41. If deemed necessary for the welfare of the child or young person, the social welfare committee has the authority to place him away from home until he has reached 18 years of age and without the consent of the person in whom parental authority is vested.

42. Furthermore, the local authorities are responsible for providing the necessary number of places in day care institutions and at socio-educational leisure-time facilities. As of 31 December 1984, the fixed number of all day places in local day care institutions was approximately 2,266. There were some 275 places in private day care centres, 195 places at residential institutions for children and young people, of which nine places were connected with a special project in Qagortog (Julianehåb). There are a further eight places at a fishing project in Ammassalik.

43. The Landsstyre runs the residential institutions for children and young people and two secure institutions for mentally handicapped young people.

44. In Nuuk, the Landsstyre runs an institution with 14 places for children with mental adjustment difficulties.

Child maintenance

45. Pursuant to Landsting Directive No. 9 of 28 October 1982 on Child Maintenance, maintenance for children whose parents do not co-habit may be

paid out of public funds. In a number of cases, e.g. where one or both parents are dead, maintenance may be awarded as public relief. Child maintenance is normally awarded every six months and until the child reaches 18 years of age.

46. The amount of maintenance equals the general allowance paid to children born out of wedlock. As of 1 October 1984, the general allowance amounted to DKr 6,575 annually.

Family allowances

47. The Regional Council Regulation of 6 January 1975 (as subsequently amended) lays down provisions governing the granting of family allowances. The allowance, which is granted in respect of children under 16 years of age, is linked to the cost-of-living index and amounted to DKr 1,368 annually as of 1 October 1984. It is a condition of entitlement to the allowance that the parents' income does not exceed a maximum limit which is fixed by the Landsting annually. Between 1 October 1984 and 30 September 1985 the maximum income limit was DKr 138,999.

Assistance to persons with severe physical and/or mental handicaps

48. Pursuant to Landsting Directive No. 3 of 20 October 1983 on Assistance to Persons with Severe Physical and/or Mental Handicaps, the Landsting grants assistance to these persons according to rules laid down by the Member of the Landsstyre for social affairs and housing. The Directive applies to persons residing in Greenland as well as persons placed in an institution or in private family care in Denmark.

49. The object of the assistance is to ensure the persons entitled to support a life which is as close to normal life as possible considering the kind and extent of the handicap, and to enable handicapped persons to remain in their own home for as long as possible.

Persons entitled to benefit from the handicap assistance scheme in 1983

In an institution	146	74	220
Outside an institution	<u>29</u>	<u>187</u>	<u>216</u>
Total	175	261	436

50. Persons placed in Denmark and persons in an institution in Greenland are entitled to one free passage annually.

51. Landsting Directive No. 7 of 28 October 1982 lays down provisions for old people staying at nursing homes or other institutions in Greenland and Denmark. Local authorities cover the costs concerned, in certain cases the Greenland treasury defrays the costs in pursuance of the handicap assistance scheme.

52. As mentioned above, there is a secure residential institution (rehabilitation home) with room for 19 young persons who suffer from a minor mental handicap in Nuuk, while a similar home with 19 places and a workshop is situated in Ilulissat (Jakobshavn). The homes are run by the Landsstyre.

53. As of 15 January 1985, a home for the deaf with four places was put into service in Sisimiut (Holsteinborg).

54. As of 10 January 1985 Maniitsoq (Sukkertoppen) was able to offer service flats for five persons suffering from severe physical or mental handicaps, especially with mental adjustment difficulties.

Recipients of social relief

55. To illustrate the functioning of the various social relief schemes in Greenland, the Greenland Landsting collected statistical material during the years 1976, 1977 and 1979 on the total number of recipients, their sex, age, and the "type of family" (married couples, single bread-winners, with or without children).

56. A summary of the 1979 material covers all municipalities in Greenland and includes the number of persons who have received one or several of the following subsidies: personal and family allowance, child welfare care, child maintenance, housing allowance, disablement pension and old-age pension. The total amounts awarded in this connection equal almost half the total social expenditure of the local authorities.

57. The study of the material indicates that some 12,500 people received one or several of the above subsidies in 1979. Half the number of recipients were men, 40 per cent had children, while 53 per cent had none (there was no information as to "type of family" for the remaining 7 per cent).

58. Calculated on the basis of number of recipients, personal and family allowances constituted by far the most important public relief, as 51 per cent received these allowances. Old-age pensions made up the largest item when calculated on the basis of the amounts awarded, as approximately half the total expenditure covered by the statistical material was spent on old-age pensions.