



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Concluding observations on the combined second and third periodic reports of Denmark*

I. Introduction

1. The Committee considered the combined second and third periodic reports of Denmark¹ at its 737th and 738th meetings,² held on 23 August 2024. It adopted the present concluding observations at its 752nd meeting, held on 3 September 2024.

2. The Committee welcomes the combined second and third periodic reports of Denmark, comprising the information on Denmark and on the self-governed territories within the Kingdom, namely the Faroe Islands and Greenland, which were prepared in accordance with the Committee's reporting guidelines, in response to the list of issues prior to reporting prepared by the Committee.³ The Committee also welcomes the additional information submitted by the State party.

3. The Committee appreciates the fruitful and constructive dialogue held with the State party's large delegation, which included many representatives of relevant government ministries and representatives of the government ministries of the Faroe Islands and of Greenland. The Committee also appreciates the active participation of the Danish Institute for Human Rights in its capacity as the national human rights institution and independent monitoring mechanism pursuant to article 33 (2) of the Convention.

II. Positive aspects

4. The Committee commends the State party for its efforts to review and amend its legislation, in particular the amendment in 2021 to the Criminal Code to include disability as prohibited grounds for discrimination in line with such grounds as race, ethnicity and gender. The Committee commends the government of the Faroe Islands for its adoption in 2024 of a law establishing an independent monitoring mechanism, which is scheduled to start operating on 1 January 2025.

5. The Committee commends the Government for having concluded, with several other parties in Parliament, a framework agreement on the disability sector in May 2024, consisting of initiatives to benefit children, young people and adults with physical or psychosocial disabilities. It notes the development of a 10-year action plan for improving psychiatric care, which includes goals to reduce coercive measures by 2030. It commends the government of Greenland for its adoption of an action plan on compliance with the Convention for the period 2024–2034.

* Adopted by the Committee at its thirty-first session (12 August–5 September 2024).

¹ [CRPD/C/DNK/2-3](#).

² See [CRPD/C/SR.737](#) and [CRPD/C/SR.738](#).

³ [CRPD/C/DNK/QPR/2-3](#).

6. The Committee commends the State party for the commitments that it made at the Global Disability Summit, in February 2022, and for having become a member of the Global Action on Disability Network, in June 2022. It also commends the State party for the creation of the “VIBUS” Knowledge Unit for children and young people with special needs, within the Ministry of Children and Education, with the main task of ensuring that a professional basis is established for strengthening efforts to support students with special needs.

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

7. The Committee is concerned that the Convention is not explicitly incorporated into the laws of Denmark, the Faroe Islands and Greenland. It is equally concerned at the reluctance by the State party’s courts to take the Convention fully into account in all judgments relating to the rights of persons with disabilities.

8. Recalling its previous recommendations,⁴ the Committee recommends that the State party ensure that the Convention is incorporated into the laws of Denmark, the Faroe Islands and Greenland, and take measures to further improve the direct application of the Convention by the courts and administrative bodies, including by making training on the Convention, the Committee’s jurisprudence and its general comments an integral part of systematic capacity-building for all judges.

9. The Committee is concerned that legislation of the State party does not systematically include a disability perspective and the human rights model of disability. It is also concerned about the lack of measures to revise and repeal discriminatory or retrogressive legislation on the rights of persons with disabilities, particularly:

(a) The Guardianship Act (Act No. 1015 of 20 August 2007), which is not based on a model of supported decision-making;

(b) The amendment to the Building Regulations (Executive Order No. 1399 of 12 December 2019), which allows for a reduction in the accessibility requirements of single-family houses.

10. The Committee recommends that the State party conduct a comprehensive review of existing legislation to ensure compliance with the principles, definitions, rights and obligations enshrined in the Convention, repeal any legislation, including recent amendments, that entail retrogressive measures and refrain from taking any retrogressive measures in the future, including in the current context of policy formulation by the newly reshuffled Government.

11. The Committee is concerned that no new national action plan on persons with disabilities has yet been put in place in Denmark, and that the proposed action plan would cover the fields of labour market and education only. The Committee notes with concern that the Faroe Islands still lacks an action plan on disability policy, and that the new action plan in Greenland lacks ambition and is vague, particularly in terms of implementation. It is also concerned about the lack of awareness about the Convention among national, regional and municipal authorities.

12. The Committee recommends that the Government, the government of the Faroe Islands and the government of Greenland adopt action plans on disability that cover all rights and substantive areas under the Convention, including the fundamental changes required under, among others, articles 12, 14, 15, 19 and 24, and establish specific objectives, measurable targets, an adequate budget and indicators to evaluate progress in the implementation of the action plans. It also recommends that the State party strengthen periodic training about the Convention among national, regional and municipal authorities.

⁴ CRPD/C/DNK/CO/1, para. 13.

13. The Committee notes the State party's funding allocations for disability. It is, however, concerned about the uneven allocation of funds for the support of persons with disabilities across municipalities. It also notes with concern that the increase in investments on institutions ("housing facilities") infringes the right of persons with disabilities to live independently and be included in the community.

14. **The Committee recommends that the State party, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, ensure even allocation of funds for the support of persons with disabilities across municipalities, monitor the use of disability funding and address gaps in funding across disability sectors.**

15. The Committee is concerned about the lack of specific accessibility measures on the consultation portal, in Denmark, to enable persons with disabilities to effectively take part in the consultation process. The Committee is also concerned at the lack of systematic and institutionalized engagement with persons with disabilities, through their representative organizations, in the development and implementation of legislation and policies to implement the Convention throughout the State party.

16. **Recalling its general comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention, the Committee recommends that the State party take steps to develop and implement legally entrenched procedures for close consultation with and the active involvement of persons with disabilities, through their representative organizations, across all sectors, with regard to all matters affecting them, and ensure adequate accessibility to this end. It also recommends that the State party allocate sufficient time to allow organizations of persons with disabilities to conduct internal consultation among their membership across all disability sectors.**

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

17. The Committee notes with concern that:

(a) The Act on Prohibition of Discrimination on Grounds of Disability (Act No. 688 of 8 June 2018) explicitly states that it does not impose any obligation to provide reasonable accommodation or to ensure accessibility, and the revision thereto in 2020 introduced a duty of reasonable accommodation in day care and in primary schools only;

(b) No steps have been taken in the Faroe Islands to introduce comprehensive, cross-cutting legislation against discrimination on grounds of disability to extend protection beyond the labour market;

(c) The Act on Equality and Anti-Discrimination, in Greenland, does not enshrine the right to reasonable accommodation or mandatory rules on accessibility.

18. **Recalling its general comment No. 6 (2018) on equality and non-discrimination, targets 10.2 and 10.3 of the Sustainable Development Goals and its previous recommendation,⁵ the Committee recommends that:**

(a) **The Government amend the Act on Prohibition of Discrimination on Grounds of Disability to recognize the denial of reasonable accommodation as a form of discrimination, introduce an obligation to provide reasonable accommodation and ensure accessibility in all aspects of life, in compliance with the Convention;**

(b) **The government of the Faroe Islands adopt new, comprehensive, cross-sectoral legislation against discrimination on grounds of disability that extends protection beyond the labour market and specifically provides for reasonable accommodation;**

⁵ Ibid., para. 15.

(c) **The government of Greenland amend the Act on Equality and Anti-Discrimination to explicitly establish the duty to provide reasonable accommodation and ensure accessibility.**

19. The Committee is concerned about the lack of measures to revise current legislation on insurance to repeal discriminatory provisions concerning premiums and health, life, travel and home-contents insurance coverage for persons with disabilities, and to ensure equal access to disability-related entitlements, including compensation to cover additional disability-related costs, regardless of age or eligibility for the national pension scheme.

20. **The Committee recommends that the Kingdom of Denmark take measures, including adopting legislation, to guarantee the right of persons with disabilities to access to insurance, including insurance by private providers, on an equal basis with and at the same cost as others.**

21. The Committee is concerned about the lack of funding and resources of the Board of Equal Treatment, which results long processing times for settling complaints about discrimination on the grounds of disability.

22. **The Committee recommends that the State party take appropriate measures to ensure that the Board of Equal Treatment has sufficient resources to greatly reduce the time required to process complaints about discrimination on grounds of disability and to ensure effective enforcement of the rights of persons with disabilities.**

Women with disabilities (art. 6)

23. The Committee is concerned that the Act on Gender Equality has not been amended to specifically address women and girls with disabilities since the State party submitted its initial report. The Committee is also concerned about the lack of disaggregated information and data on intersecting and multiple forms of discrimination against women and girls with disabilities.

24. **Recalling its general comment No. 3 (2016) on women and girls with disabilities, targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals and its previous recommendation,⁶ the Committee recommends that the Kingdom of Denmark ensure that the perspective of gender and disability is included in its laws and policies, and in the implementation and evaluation thereof. It also recommends that the Kingdom of Denmark ensure the systematic collection of data collection and periodic studies on the situation of women and girls with disabilities.**

Children with disabilities (art. 7)

25. The Committee notes that under the Children's Act, children gain party status upon reaching the age of 10 years. However, it is concerned that children and young persons with disabilities whose parents receive disability compensatory benefits are still not considered parties in their own cases.

26. **Recalling its joint statement with the Committee on the Rights of the Child on the rights of children with disabilities,⁷ the Committee recommends that the State party revise the Children's Act to ensure that children and young persons with disabilities whose parents receive disability compensation benefits are granted party status upon reaching the age of 10 years.**

27. The Committee notes that the government of the Faroe Islands has recently initiated preparatory work to draft a children's act aiming at coordinating cross-sectoral welfare services and services for children and young people. However, the Committee is concerned that persons with disabilities, including children and young persons with disabilities, through their representative organizations, have not yet been included in the process.

28. **The Committee recommends that the government of the Faroe Islands take measures to closely consult and actively involve persons with disabilities, including**

⁶ Ibid., para. 19.

⁷ See www.ohchr.org/en/treaty-bodies/crpd/statements-declarations-and-observations.

children with disabilities, through their representative organizations, in the process of drafting the children's act.

29. The Committee notes that almost all newborn babies are screened for hearing loss in Denmark, and that cochlear implants and a three-year auditory-verbal therapy programme were offered for children found to have hearing impairments. However, the Committee is concerned that children with cochlear implants and their families are not offered training in Danish Sign Language, which has negative consequences for such children as they do not achieve an age-appropriate level of spoken language.

30. The Committee recommends that Denmark ensure that children with cochlear implants and their parents receive training in Danish Sign Language in a timely manner. It also recommends the Faroe Islands and Greenland take analogous measures.

Awareness-raising (art. 8)

31. The Committee is concerned about ableism and prevailing stereotypes and prejudice towards persons with disabilities in society and the low level of awareness among the population about the rights of persons with disabilities, which prevent the inclusion of persons with disabilities in work, education and other areas of life. It is also concerned about the often scarce knowledge of officials in many state, regional and municipal authorities regarding the rights of persons with disabilities under the Convention, and the absence of periodic, regular and continuous awareness-raising measures thereon aimed at the general public, public officials and private actors, including in the mass media and on the Internet.

32. The Committee recommends that the Kingdom of Denmark devise and adopt a long-term national strategy, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, to raise awareness among the general public, the Government, including legislative bodies, the executive and the judiciary, the private sector and persons with disabilities themselves about the rights of persons with disabilities under the Convention and to combat stereotypes, and monitor the impact of the strategy.

Accessibility (art. 9)

33. The Committee notes with concern:

(a) The recent and ongoing repeal of legal obligations concerning accessibility, including the amendment to the Building Regulations with regard to single-family houses and, in Greenland, the draft amendment to the legislation on accessibility requirements for public buildings and facilities;

(b) The lack of a comprehensive strategy and plans to ensure accessibility in all areas of the Convention;

(c) The insufficient implementation of accessibility and universal design in public transportation and services, hindering mobility and participation of persons with disabilities;

(d) The barriers in the digital environment preventing access for persons with disabilities to information and communication.

34. Recalling its general comment No. 2 (2014) on accessibility, the Committee recommends that the Kingdom of Denmark, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) **Review legislation in all parts of the Kingdom of Denmark that provides for exemptions from compliance with accessibility standards in buildings, including single-family houses and services, and extend legal accessibility standards to all public spaces, buildings and services open to the public;**

(b) **Adopt and implement a national strategy, with a duty for municipal authorities to set up plans and monitor compliance, for identifying existing barriers to accessibility and provide the human, technical and financial resources necessary to**

remove these barriers and ensure the accessibility of, inter alia, buildings, including new buildings, buildings being renovated and historic buildings, roads with cobblestones, transportation, information and communication, including information and communications technology, and other facilities and services open or provided to the public, for all persons with disabilities;

(c) Conduct awareness-raising training, disseminate information and promote understanding about the concept of universal design among public officials, including architects, engineers and other personnel who work in the field on, for example, pavements, slopes, train stations and new technology;

(d) Take measures to apply the Web Content Accessibility Guidelines and remove barriers preventing universal and equal access for persons with disabilities to websites and digital communications;

(e) Provide live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate the accessibility of buildings and other facilities open to the public.

35. The Committee is concerned that the existing remote interpreting service for persons with hearing impairments in the area of social affairs and housing is only available between 8 a.m. and 3 p.m. on weekdays, and only for a limited number of authorities, restricting the right of persons with hearing impairments to contact public authorities, particularly in case of emergency, and to be included in society.

36. **The Committee recommends that the Kingdom of Denmark take measures to ensure that persons with hearing impairments have round-the-clock access to remote interpreting for all relevant authorities.**

Situations of risk and humanitarian emergencies (art. 11)

37. The Committee is concerned about the lack of an overarching disability-inclusive strategy for coordination of prevention and response measures in Denmark, the Faroe Islands and Greenland in relation to disaster risk reduction, climate change and emergency management and for the implementation of the Charter on Inclusion of Persons with Disabilities in Humanitarian Action.

38. **Recalling the Sendai Framework for Disaster Risk Reduction 2015–2030, the Inter-Agency Standing Committee’s Guidelines on the Inclusion of Persons with Disabilities in Humanitarian Action and its guidelines on deinstitutionalization, including in emergencies,⁸ the Committee recommends that Denmark, the Faroe Islands and Greenland, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, develop a uniform mechanism for the identification of refugees and asylum-seekers with disabilities and persons with disabilities in refugee-like situations, including persons from Ukraine under temporary protection, to ensure the implementation of specific protection and safety measures and the provision of reasonable accommodation, and ensure equality of access to essential services and disability-related support, including accessible communication, accessible housing, adequate livelihoods, assistive devices and support for entering the labour market.**

Equal recognition before the law (art. 12)

39. The Committee is concerned about:

(a) The insufficient measures taken to repeal restrictions on legal capacity on the basis of actual or perceived impairment under the Guardianship Act and the 2019 amendments thereto;

⁸ CRPD/C/5.

(b) The scarcity of systematically collected and disaggregated data on the number of guardianships issued and the number of persons with disabilities who have regained legal capacity since the ratification of the Convention by the State party;

(c) The lack of measures to repeal substituted decision-making systems and enact supported decision-making systems, and the inadequate support measures for persons with disabilities to exercise their legal capacity on an equal basis with others;

40. Recalling its general comment No. 1 (2014) on equal recognition before the law, the Committee recommends that the Kingdom of Denmark, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) **Amend the Guardianship Act to guarantee full legal capacity to all persons with disabilities, and review existing guardianships and all remaining interdiction and incapacitation orders and adapt them to the new system of supported decision-making;**

(b) **Collect data on guardianships of persons with disabilities, disaggregated by race, sex, gender, age and disability and other relevant status;**

(c) **Eliminate all forms of existing substituted decision-making systems and replace them with supported decision-making systems that respect the will and preference of persons with disabilities in all areas of life, and develop a comprehensive strategy in the Kingdom of Denmark for the implementation of supported decision-making systems with appropriate and proportionate safeguards across all levels of national and municipal government.**

Access to justice (art. 13)

41. The Committee is concerned about barriers to access to justice for persons with disabilities across Denmark, the Faroe Islands and Greenland, including:

(a) The insufficient provision of procedural and age-appropriate accommodation in judicial and administrative proceedings for the application of law to facilitate effective participation in all aspects of the judicial system and in all legal proceedings;

(b) The limited knowledge and training within the administrative and judicial system about the rights of persons with disabilities, including the provision of individualized support, to ensure effective participation and disability- and gender-responsive interviewing techniques for children and adults with disabilities.

42. Recalling the International Principles and Guidelines on Access to Justice for Persons with Disabilities, prepared in 2020 by the Special Rapporteur on the rights of persons with disabilities and the Special Envoy of the Secretary-General on Disability and Accessibility and endorsed by the Committee, the Committee recommends that Denmark, the Faroe Islands and Greenland, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, develop a strategy to ensure effective access to justice for persons with disabilities in administrative and judicial proceedings for the application of law, covering all functions in such proceedings, including the following:

(a) **Measures to amend procedural rules in criminal, civil, labour and administrative law that ensure that procedural and age-appropriate accommodation is provided free of charge for persons with disabilities, covering all functions, including as parties to a case, judges, magistrates, administrators, clerks and other court personnel;**

(b) **Appropriate training for persons in the administrative and judicial system, including members of the judiciary, administrators, police officers, prosecutors and prison personnel, on the application of the rights under the Convention, to ensure the effective guarantee of access to justice.**

Liberty and security of person (art. 14)

43. The Committee is concerned that:

(a) Legislation in the Kingdom of Denmark, including the Act on the Use of Coercion in Somatic Treatment of Permanently Incapacitated Persons (Act No. 655 of 8 June 2017), allows, under certain preconditions, for the detention and compulsory treatment of persons with intellectual and/or psychosocial disabilities who resist treatment and are deemed incapable of giving informed consent;

(b) Children and adolescents with disabilities can, on welfare grounds, be placed under prison-like conditions in secure residential institutions that also house youth detained for crime-related reasons;

(c) Denmark distinguishes between punishment and treatment, and Greenland between criminal sanctions and treatment, depending on whether or not the accused persons are considered “unfit to stand trial” on account of their impairment, and treatment often entails a longer duration than a sentence to ordinary punishment for the same crime, or may even be of indefinite duration.

44. Recalling its guidelines on the right to liberty and security of persons with disabilities⁹ and its guidelines on deinstitutionalization, including in emergencies, the Committee recommends that the Kingdom of Denmark, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) Repeal all laws and abolish all practices that allow for the deprivation of liberty on the basis of impairment and forced treatment, including mental health laws and institutionalization policies;

(b) Amend relevant legislation to ensure that children and adolescents with disabilities cannot be placed in secure residential institutions on welfare grounds;

(c) Initiate a structural review of the procedures used to sanction persons with disabilities deemed unfit to stand trial, and ensure that they are not given longer sentences than other persons and that all guarantees of fair trial, such as the presumption of innocence and the right to a fair trial, are fully respected;

(d) Review all cases of deprivation of liberty of persons with disabilities currently in hospitals, institutions and other places of deprivation of liberty on the basis of a non-criminal court or administrative order, and transfer them to community-based places of residence, freely chosen by them and with access to a range of community-based support services;

(e) Recognize the Committee’s joint open letter with the Special Rapporteur on the rights of persons with disabilities to the Council of Europe, dated June 2021,¹⁰ and, in its future participation in any process towards the adoption of an additional protocol to or recommendation concerning the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, aim to move away from coercive measures and build up a non-coercive framework on mental health.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

45. The Committee is concerned about:

(a) The prevalence and increasing use of coercion, forced treatment and restrictive practices in the State party, including physical and chemical restraints against children and adults with disabilities in social care and psychiatric institutions;

⁹ A/72/55, annex.

¹⁰ See <https://www.ohchr.org/en/treaty-bodies/crpd/statements-declarations-and-observations>.

(b) Insufficient and ineffective oversight mechanisms across the State party for children and adults with disabilities in places of detention, social care and psychiatric institutions, and a lack of implementation of recommendations from existing oversight mechanisms, including the national preventive mechanism.

46. **Recalling its guidelines on deinstitutionalization, including in emergencies, the Committee recommends that the Kingdom of Denmark, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, take all legislative, administrative and judicial measures necessary:**

(a) **To prohibit the use of coercion, forced treatment and restrictive practices against children and adults with disabilities who are still in places of detention and social care and psychiatric institutions in the Kingdom of Denmark, establish alternative non-coercive, age-appropriate support measures that respect the will, preference, dignity and rights of persons with disabilities, and provide training to all medical and non-medical staff on these measures;**

(b) **To establish robust oversight mechanisms and strengthen existing oversight mechanisms across the Kingdom of Denmark to ensure regular inspections of places of detention and social care and psychiatric institutions where persons with disabilities are still deprived of their liberty, ensure regular public reporting to Parliament and establish mechanisms to facilitate prompt implementation of recommendations.**

Freedom from exploitation, violence and abuse (art. 16)

47. The Committee is concerned about:

(a) The prevalence of many forms of violence against children and adults with disabilities in institutions, including social care and psychiatric institutions, particularly the prevalence of gender-based violence and the high incidence of sexual violence against women and girls with disabilities;

(b) The lack of accessible shelters, and of accessible procedures to obtain or retain services for persons with disabilities, including personal assistance, while residing in shelters, for all persons with disabilities, especially women and girls with disabilities;

(c) The inadequate implementation of the legal and policy frameworks to prevent and respond to exploitation, violence and abuse, including gender-based violence and abuse, across the Kingdom of Denmark.

48. **Recalling its statement of 25 November 2021 on the elimination of gender-based violence against women and girls with disabilities,¹¹ the Committee recommends that the Kingdom of Denmark, in close consultation with and with the active involvement of persons with disabilities, including women and girls with disabilities, including Indigenous women and girls with disabilities, through their representative organizations:**

(a) **Further develop and implement comprehensive and effective action plans on violence prevention and response across the Kingdom of Denmark that are underpinned by the principles and standards enshrined in the Convention, including through measures for law and policy reform and development, the inclusion of culture-, gender- and age-specific requirements, responses that address all forms of violence against children and adults with disabilities in all settings, including in institutions, community awareness-raising strategies, access to justice and the establishment of accessible culture-, gender- and age-appropriate support and rehabilitation;**

(b) **Render the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence applicable in the Faroe Islands;**

¹¹ See https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2021/12/CRPD-Statement-25_11_2021-End-violence-against-Women-1.pdf.

(c) **Ensure that the mandates of monitoring and oversight mechanisms across the Kingdom of Denmark, including the national preventive mechanism, extend to all forms of detention and institutional settings where children and adults with disabilities are still detained or reside.**

Protecting the integrity of the person (art. 17)

49. The Committee is concerned that legal and policy frameworks across the Kingdom of Denmark allow for sterilization, contraception and abortion in the case of women and girls with disabilities under guardianship without their personal consent, including sections 109 and 110 of the Health Act.

50. **The Committee recommends that the State party amend legal and policy frameworks across the Kingdom of Denmark to prohibit sterilization, contraception and abortion in the case of women and girls with disabilities without their free and informed personal consent.**

51. The Committee is concerned that insufficient support is being provided to women with disabilities, in particular women with disabilities in institutions, to participate in all aspects of the inquiry in Greenland into the practice of involuntary insertion of intrauterine devices and to seek redress, and that the inquiry is examining the issue up to 1991 only.

52. **The Committee recommends that the State party provide reasonable accommodation and disability-specific support to women with disabilities, including women with disabilities in institutions, to participate in all aspects of the inquiry in Greenland into the practice of involuntary insertion of intrauterine devices and to seek redress, and extend the scope of the inquiry to the present day.**

Liberty of movement and nationality (art. 18)

53. The Committee is concerned about:

(a) The lack of support for refugees and asylum-seekers with intellectual and/or psychosocial disabilities and for persons with disabilities in refugee-like situations in exercising their legal capacity during the asylum process;

(b) The marked decrease in the percentage of applicants with disabilities being granted exemptions from the stringent requirements for Danish citizenship, including knowledge and language tests.

54. **The Committee recommends that the Kingdom of Denmark:**

(a) **Provide reasonable accommodation, procedural accommodation and support to persons with disabilities during the whole duration of the asylum procedure;**

(b) **Effectively support refugees and asylum-seekers with disabilities and persons with disabilities in refugee-like situations in exercising their legal capacity, including by providing legal assistance, throughout the asylum application procedure;**

(c) **Amend the rules on exemptions from requirements for citizenship for persons with disabilities who cannot, owing to their impairment, fulfil them, providing persons with disabilities with the requisite procedural accommodation in the citizenship application procedure, and implement the amended rules.**

Living independently and being included in the community (art. 19)

55. The Committee is concerned about the lack of a comprehensive, multisectoral strategy on deinstitutionalization in the Kingdom of Denmark, and about measures aiming towards increased institutionalization of persons with disabilities, particularly measures on expanding the circumstances under which persons with disabilities with high support requirements can be moved to different residential facilities without their consent. It is also concerned about the uneven scope of choice for persons with disabilities across municipalities concerning their place of residence, and the limited access to or withdrawal of personal assistance schemes, mainly affecting young persons with disabilities, deafblind persons and persons with complex support requirements.

56. Recalling its general comment No. 5 (2017) on living independently and being included in the community, its guidelines on deinstitutionalization, including in emergencies, the report of the Special Rapporteur on the rights of persons with disabilities on the transformation of services for persons with disabilities¹² and its previous recommendations,¹³ the Committee recommends that the Kingdom of Denmark, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:

(a) Adopt multisectoral strategies on deinstitutionalization concerning all persons with disabilities, including women and children with disabilities and persons with intellectual and/or psychosocial disabilities, with specific time frames and the requisite financial resources, ensuring that persons with disabilities have access to housing alternatives in their communities that are in keeping with their will and preference;

(b) Take measures to close existing institution-like residences, including group homes, and to prevent the relocation of persons with disabilities without their free and informed personal consent;

(c) Ensure that municipalities guarantee the right of all persons with disabilities to choose their place of residence, regardless of type of impairment or the complexity of support required, and provide the support required by persons with disabilities to participate in education, employment, cultural activities and social life and ensure that support is not dependent on reassessment.

57. The Committee is concerned that:

(a) A large number of persons with disabilities in Greenland either have to choose to move to Denmark to seek adequate psychosocial and other support or are referred to residential facilities in Denmark by the authorities, owing to the lack of specialized support and qualified staff in Greenland, with the risk of being increasingly disconnected from their family, language and culture;

(b) Persons with disabilities in Greenland, in particular persons with intellectual and/or psychosocial disabilities, who are sentenced to detention in a psychiatric institution are often sent to an institution in Denmark, rendering visits by friends and family a near impossibility.

58. The Committee recommends that Greenland:

(a) Further improve its efforts to provide quality support to persons with intellectual and/or psychosocial disabilities in Greenland, rendering it unnecessary to relocate persons with disabilities to Denmark, and ensure that the measures taken are culturally appropriate, considering that the vast majority of the population in Greenland is Inuit;

(b) Provide community-based housing and appropriate support and ensure access to justice on an equal basis with others.

Freedom of expression and opinion, and access to information (art. 21)

59. The Committee notes with concern that:

(a) Access to sign language interpretation is difficult owing to the shortage of sign language interpreters, and professionals working in nursing homes and residential facilities are not systematically trained in Danish Sign Language, limiting the possibilities for persons with hearing impairments to express themselves and participate in everyday life;

(b) There are insufficient resources, particularly financial resources, for promoting and enhancing the knowledge and use of Braille.

¹² A/HRC/52/32.

¹³ CRPD/C/DNK/CO/1, para. 43.

60. **The Committee recommends that the Kingdom of Denmark:**

(a) **Take measures to guarantee the right of access to interpretation in Danish Sign Language in Denmark, Greenlandic Sign Language in Greenland and Faroese Sign Language in the Faroe Islands, especially through the training of a sufficient number of sign language interpreters, and provide the requisite funding for the use of Danish Sign Language; and to ensure training in Danish Sign Language for professionals working in nursing homes and residential facilities;**

(b) **Take measures to ensure adequate funding for promoting, preserving and enhancing the knowledge and use of Braille, especially through the introduction of common teaching methods.**

Respect for privacy (art. 22)

61. The Committee is concerned that no efforts have been made to amend the Psychiatric Act, under which psychiatric hospitals are allowed to transfer strictly private and confidential information to third parties without the consent of the person concerned.

62. **Recalling its previous recommendations,¹⁴ the Committee urges Denmark to amend the Psychiatric Act so as to prohibit the transfer of the private and confidential information of patients in psychiatric hospitals to third parties without the consent of the person concerned, in order to comply with the principle of respect for privacy. It recommends that the Faroe Islands and Greenland adopt analogous legislation.**

Respect for home and the family (art. 23)

63. The Committee is concerned about situations in which parents with disabilities receive insufficient or belated support, which may significantly influence the assessment of their parenting skills and, as a consequence, may deny them their right to exercise parental responsibility. It is also concerned about the increase in recent years in the number of adoptions without the consent of the parents.

64. **The Committee recommends that the Kingdom of Denmark take legislative and policy measures to ensure effective and timely support for parents with disabilities, and for parents of children with disabilities, to raise their children in a family setting. It also recommends that the Kingdom of Denmark further improve measures to ensure that an impairment of either a parent or a child does not constitute permissible grounds for adoption, and monitor the adoption process accordingly.**

Education (art. 24)

65. The Committee is concerned that the number of children attending school in segregated school settings has increased in the past 10 years, and that barriers to inclusive education, including lack of reasonable accommodation and essential services, such as assistive devices and personal assistance, have resulted in school refusal and involuntary absence of children with disabilities, in particular students with intellectual disabilities and students with autism. It is also concerned that students with disabilities in vocational schools drop out at a much higher rate than other students.

66. **Recalling its general comment No. 4 (2016) on the right to inclusive education, the Committee recommends that the Kingdom of Denmark, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

(a) **Include children with disabilities in quality inclusive education, and remove the barriers that have prevented effective transition from special education to quality inclusive education;**

(b) **Address attitudinal barriers preventing the inclusion of children with disabilities in education, including by improving qualifications for teachers in inclusive**

¹⁴ Ibid., para. 51.

education methodologies and training tools, and undertaking organizational changes in schools and system-wide;

(c) **Provide the requisite support structures, including with regard to sign language;**

(d) **Produce a set of national guidelines for the early identification of the risk of students with disabilities dropping out of school and ensure access to education for children with disabilities on an equal basis with others, including by ensuring that students with disabilities have the opportunity to take vocational education and disability-responsive training.**

Health (art. 25)

67. The Committee is concerned about the information provided that the average life expectancy for persons with intellectual and/or psychosocial disabilities is significantly lower than that of the rest of the population. It is also concerned about the information provided that persons with disabilities do not participate in national preventive health programmes on an equal basis with others, including in screenings for cervical cancer, breast cancer and bowel cancer.

68. **Recalling its previous recommendations,¹⁵ the Committee recommends that the Kingdom of Denmark ensure that persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities, have access on an equal basis with others to the highest attainable standard of health. It also recommends that the State party take measures, including outreach and accessibility measures, to increase the participation of persons with disabilities in public health programmes such as screenings for cervical cancer, breast cancer and bowel cancer.**

Habilitation and rehabilitation (art. 26)

69. The Committee is concerned about the insufficient access for persons with disabilities to habilitation and rehabilitation services, and the insufficient adaptation of such services to specific requirements.

70. **The Committee recommends that the Kingdom of Denmark take measures to secure access for persons with disabilities to comprehensive and cross-sectoral habilitation and rehabilitation services. It further recommends that the Kingdom of Denmark ensure the availability of assistive devices and personnel with expertise in the specific requirements of persons with disabilities.**

Work and employment (art. 27)

71. The Committee welcomes the various initiatives and amendments to legislation to reduce discrimination and prejudice that prevent access for persons with disabilities to the labour market, including the amendment to the Act on Prohibition of Discrimination in the Labour Market on the provision of reasonable accommodation in the labour market, designed to improve and enhance the employment of persons with disabilities up to 2025 in Denmark, and notes that the employment rate of 16- to 64-year-olds with disabilities in 2022 was 60 per cent, as compared to 86 per cent of other 16- to 64-year-olds. It also notes, however, that this difference of 26 per cent in the employment rate gives rise for concern. It is concerned that no long-term programmes or measures have been adopted to raise the awareness of employers on inclusion, to train social workers in disability-specific expertise or to adapt employment programmes to make them accessible to all persons with disabilities, including older persons with disabilities, and render them disability-responsive.

72. **Recalling its general comment No. 8 (2022) on the right of persons with disabilities to work and employment, the Committee recommends that the Kingdom of Denmark, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, adopt a long-term employment**

¹⁵ Ibid., para. 57.

strategy to promote the full inclusion of persons with disabilities, including women with disabilities, in the open labour market, including:

- (a) Targeted, time-bound and financed action plans across all sectors of the economy;
- (b) Awareness-raising measures to combat prejudice against persons with disabilities;
- (c) Training of staff in the employment system, including human resources personnel and career advisors, in specialized knowledge of disability;
- (d) The provision of disability-responsive support to persons with disabilities in their search for employment and in their efforts toward entrepreneurship;
- (e) The possibility for older employees with disabilities who have not yet reached retirement age to stay in the workforce.

Adequate standard of living and social protection (art. 28)

73. The Committee is concerned about the decreasing number of persons with disabilities who receive financial benefits covering additional disability-related expenses under section 100 of the Social Services Act, and about the termination of such benefits upon reaching retirement age. It is also concerned that, under the Social Services Act, persons with disabilities older than 67 years are not entitled to be granted 15 hours of personal assistance per month for activities outside the home, even though such assistance may continue if it was granted before the person concerned reached the age of 67 years.

74. **The Committee recommends that, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

- (a) **Denmark revise the Social Services Act to ensure that persons with disabilities, including persons with disabilities who have reached retirement age, keep their benefits for disability-related expenses and the provision of personal assistance;**
- (b) **The Faroe Islands and Greenland enact analogous legislation.**

Participation in political and public life (art. 29)

75. The Committee notes that the amendment to the Guardianship Act introduced a form of partial deprivation of a person's legal capacity that does not result in incapacitation in terms of the right to stand and vote in general elections and referendums. However, it is concerned that the full deprivation of a person's legal capacity is still in use, and that persons with disabilities are thus still deprived of their political rights. The Committee is also concerned that electoral turnout is significantly lower among persons with disabilities than among others, owing in part to inaccessible polling stations, ballots, voter meetings and election information and material.

76. **The Committee recommends that the Kingdom of Denmark, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations:**

- (a) **Guarantee the right of all persons with disabilities to vote and to stand for election without exception or exclusion;**
- (b) **Render polling stations and ballots accessible and provide electoral information and material in accessible formats, and provide the support required by persons with intellectual and/or psychosocial disabilities to effectively exercise their right to vote.**

Participation in cultural life, recreation, leisure and sport (art. 30)

77. The Committee is concerned about the lack of measures to ensure that persons with disabilities enjoy access to cultural material, television programmes, films, theatre and other cultural activities, in accessible formats, and access to places of cultural performances or services, such as theatres, museums, cinemas, libraries, tourism services and sport services.

78. **The Committee recommends that the Kingdom of Denmark, in close consultation with and with active involvement of persons with disabilities, through their representative organizations:**

(a) **Ensure that persons with disabilities have access to cultural material, television programmes, films, theatre and other cultural activities, in accessible formats, and access to places of cultural performances or services, such as theatres, museums, cinemas, libraries, tourism services and sport services;**

(b) **Improve on its efforts to ensure that persons with disabilities, particularly children with disabilities, can effectively exercise their right to participate in cultural life, recreation, leisure and sport on an equal basis with others.**

79. The Committee is concerned that the Faroe Islands and Greenland have not yet ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.

80. **The Committee recommends that the Faroe Islands and Greenland ratify and implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.**

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

81. While noting the efforts to collect statistical data on persons with disabilities in the Kingdom of Denmark, including through the Survey of Health, Impairment and Living Conditions, the Committee is concerned that:

(a) Despite data collection through the Survey of Health, Impairment and Living Conditions and the contributions to the development of indicators for living conditions by organizations of persons with disabilities and the Danish Institute for Human Rights, there is still insufficient systematic collection of disaggregated data and unified indicators concerning the rights of persons with disabilities, and a lack of participation of persons with disabilities in designing data-collection systems;

(b) The Living Conditions Survey and the Labour Force Survey lack permanent funding, and the Survey of Health, Impairment and Living Conditions did not receive funding in 2024.

82. **The Committee recommends that Denmark:**

(a) **Use the Washington Group short set of questions on functioning and the policy marker on the inclusion and empowerment of persons with disabilities of the Development Assistance Committee of the Organisation for Economic Co-operation and Development, promote inclusivity and improve systems for collecting data on disability, with data disaggregated by race, age, sex, gender, ethnicity, urban or rural location and migrant status, and closely consult with and actively involve persons with disabilities, through their representative organizations, in the design of systems for collecting data and statistics;**

(b) **Provide sufficient permanent funding for the Living Conditions Survey, the Labour Force Survey and the Survey of Health, Impairment and Living Conditions.**

83. The Committee is concerned at the very scarce statistical data in the Faroe Islands and Greenland on persons with disabilities, including women and children with disabilities, the barriers that they encounter and their living conditions.

84. **The Committee recommends that the Faroe Islands and Greenland, in close consultation with and with the active involvement of persons with disabilities, through their representative organizations, systematically develop systems for collecting data and statistics and conducting research with regard to persons with disabilities, the barriers that they encounter and their living conditions, for use as a basis for formulating and implementing policies that give effect to the Convention.**

International cooperation (art. 32)

85. The Committee recognizes that Denmark started reporting on the policy marker on the inclusion and empowerment of persons with disabilities of the Development Assistance Committee of the Organisation for Economic Co-operation and Development in its international cooperation activities. It remains, however, concerned that the reported share of development assistance that includes persons with disabilities remains low and is not sufficiently supported by evidence. It is also concerned about only partial inclusion of disability in its international cooperation framework and about insufficient close consultation with and active involvement of persons with disabilities, through their representative organizations, in the development of international cooperation strategies and programmes.

86. The Committee recommends that Denmark ensure that its development assistance adequately includes persons with disabilities, that it adopt concrete measures to implement the European Consensus on Development to further advance the rights of persons with disabilities, and ensure close consultation with and the active involvement of persons with disabilities, through their representative organizations, in the design of international cooperation agreements and programmes, specifically in the implementation of the 2030 Agenda for Sustainable Development and monitoring of achievement of the Sustainable Development Goals.

National implementation and monitoring (art. 33)

87. The Committee is concerned about:

(a) The limited extent to which a coordination mechanism has been implemented in the Faroe Islands and in Greenland;

(b) The uncertainties as to whether the new monitoring mechanism in the Faroe Islands, due to begin operation on 1 January 2025, is in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and whether persons with disabilities, through their representative organizations, will be fully involved and able to participate;

(c) The lack of a monitoring mechanism in Greenland that is in compliance with the Paris Principles in which persons with disabilities through their representative organizations can fully participate.

88. Recalling its guidelines on independent monitoring frameworks and their participation in the work of the Committee,¹⁶ the Committee recommends that:

(a) **The Faroe Islands and Greenland establish focal points to effectively coordinate the implementation of the Convention within their respective governments;**

(b) **The Faroe Islands apply to the Global Alliance of National Human Rights Institutions for accreditation with A status of its newly created monitoring mechanism;**

(c) **Greenland establish a mechanism to monitor implementation of the Convention that is in compliance with the Paris Principles, and apply to the Global Alliance of National Human Rights Institutions for accreditation with A status of its newly created monitoring mechanism.**

IV. Follow-up**Dissemination of information**

89. **The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations contained in paragraphs 8, on general principles and obligations, 40,**

¹⁶ CRPD/C/1/Rev.1, annex.

on equal recognition before the law, and 58, on living independently and being included in the community.

90. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and Parliament, officials in relevant ministries, the judiciary, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

91. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

92. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

Next periodic report

93. Under the simplified reporting procedure, the Committee will transmit to the State party a list of issues prior to reporting at least one year prior to 24 August 2031, the date by which the State party's combined fourth and fifth periodic reports are due. The replies of the State party to that list of issues will constitute its combined fourth and fifth periodic reports.
