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Reports on economic, social and cultural rights for
the period 1 July 1969-30 June 1973, received from
Governments under Economic and Social Council
resolution 1074 C (XXXIX)

DENMARK

/26 October 1974/

Reply by the Government of Denmark

to the Secretary General's Note
No. SO 214(2-3-3) 1969-1973
concerning a report on developments in the field of
economic, social and cultural rights
during the period 1 July 1969 - 30 June 1973,
in accordance with ECOSOC-resolutions
1074C(XXXIX) and 1596(L) entitled
"Periodic Reports on Human Rights and
Reports on Freedom of Information"

I. Introductory Description

The economic, social and cultural rights which are set out in the Universal Declaration of Human Rights and other relevant international instruments were already being observed and applied at the commencement of the period, cf. the reply of the Danish Government to the Secretary General's Note No. SO 214/16 of 14 July 1969. The realization of these rights is, however, under constant consideration with a view to ensuring the most effective and comprehensive implementation. Thus the period under review was marked by consistent progress, the result in part of initiatives in legislation and in part of improved administration.

In the following commentary, based on the Outline of Headings which accompanied the Secretary General's Note, special mention is made of the areas which during the period under review have been the object of a particularly remarkable development.

II. Influence of United Nations Instruments

On 6 January 1972 Denmark ratified the United Nations Covenants on Economic, Social and Cultural Rights and on Civil and Political Rights, including the Optional Protocol.

For the purpose of Danish ratification of the United Nations Convention of 21 December 1965 on the Elimination of All Forms of Racial Discrimination, Act No. 288 of 9 June 1971 amending the Civil Criminal Code and Act No. 289 of 9 June 1971 prohibiting discrimination on account of race etc. have been passed.

Under the former Act, any person who, publicly or with intent to propagate them in a wider circle, makes statements or any other communication by which a group of persons is threatened, insulted or exposed to indigni-

ties on grounds of race, colour, national extraction, ethnic origin, or religion shall be liable to a fine, simple detention or imprisonment for any term not exceeding two years.

The Act was put into effect for Greenland by Ordinance No. 26 of 3 February 1972 and for the Faroe Islands by Ordinance No. 381 of 12 August 1972.

Violation of the Act prohibiting discrimination on account of race etc. is punishable by a fine, simple detention or imprisonment for up to six months. According to the Act anyone who, within a trade or business, or a non-profit undertaking, on the ground of a person's race, colour, national extraction, ethnic origin, or religion refuses to serve that person on a par with others shall be liable to punishment. Also liable to punishment are persons who on any of the grounds mentioned refuse to admit a person on a par with others to any place, performance, exhibition, meeting or the like which are open to the public.

The Convention on the Elimination of All Forms of Racial Discrimination was ratified by Denmark on 6 December 1971.

III.A.3. Right to Protection against Unemployment

The Danish Act of 24 March 1970 on Employment Service and Unemployment Insurance provides an objects clause for the employment service according to which this service is to occupy a key position in an active labour market policy. As a neutral, nation-wide system the employment service is instrumental in bringing about the free procurement of manpower and shall at the same time offer vocational guidance. The employment service shall serve applicants for work and employers of all trades and ranks.

The employment service shall also keep abreast of labour market trends, initiate measures to the benefit of the labour market, and assist central and local government in gathering and evaluating labour market data.

As of 1 April 1970 a National Labour Board, consisting of representatives of various trade associations, was appointed to assist the Commissioner of Labour. The National Labour Board has taken over the consultative functions previously handled by the two divisions of the labour board; in addition it shall act as coordinator and promoter vis-a-vis local labour market boards and be heard before the Commissioner of Labour submits any recommendations to the Minister for Labour about the structure, scope and means of the employment service

and about the Commissioner's general provisions for the operation of the employment service.

Local-level adjustments have been made to fit the newly implemented division into administrative counties.

The paragraph on private employment service has been changed to the effect that in the future temporary employment agencies as well as private employment service shall in principle be prohibited. However, temporary employment agencies in the field of business and office jobs shall for the time being be allowed to continue on the same terms as in the past.

Effective 1 July 1971, a paragraph on special measures for employment of the unemployed was inserted in the Employment Service and Unemployment Insurance Act, replacing the former Employment Act.

The prime goal of the new paragraph is to enable the employment service to help that category of unemployed who, while not qualifying for rehabilitation, are difficult to provide jobs or other assistance for through the employment service on account of their age, ill health or private affairs.

The new rules provide that whenever an area is particularly afflicted by unemployment the labour market boards shall approach the relevant local government council in order jointly to prepare plans for projects which can be started on short notice during periods of high unemployment.

A circular of 25 January 1972 from the Ministry of Labour specifies the activities of the labour market boards.

In addition to their tasks concerning labour market policies the boards shall endeavour within their respective areas to attain and maintain a balance between demand for and supply of manpower and consider the desirability and possibilities of transferring enterprises or manpower to or from other regions in Denmark.

III.A.4. Right to Just and Favourable Remuneration

At the request of the affected unions, wages and salaries on the private labour market and in the public sector are decided by private negotiation. In the period under review there has been a general increase in wages and salaries, partly as a result of collective settlements, partly because of the automatic adjustment of wages and salaries in step with the cost of living.

III.A.5. Right to Equal Pay for Equal Work

The principle of equal pay for women and men, which has been in force in the public sector since 1958, was adopted on the private labour market by an agreement concluded in April 1973 between labour and management. In agreements covering both women and men the contractual standard wage rates shall, effective 10 April 1973, be identical for women and men, including cost-of-living and other contractual increments given for all time wage hours but excluding nuisance allowances. In agreements covering only unskilled female labour contractual standard wage rates have been raised.

As of 10 April 1973 the rates in the minimum wage sector, including the lowest pay rates, shall be identical for women and men.

All restrictions on account of sex in the right to perform any kind of work were abolished together with the implementation of equal pay. Consequently, sex shall be without influence on work-related allowances in individual enterprises.

III.A.6. Right to Periodic Holidays with Pay

Concerning paid holidays it should be noted that annual holidays have been extended from three to four weeks in pursuance of an Act of 9 June 1971. Today each month of employment in a calendar year (earning year) yields two holidays. The employer pays 9½ per cent in holiday pay of the earnings paid to the employee in the course of the earning year.

EC (European Communities) regulation 543/69 of 25 March 1969 on harmonization of certain provisions governing the social aspects of road haulage, as amended by regulations 514/72 and 515/72 of 28 February 1972, lay down special rules on driving hours, breaks and daily and weekly periods of rest for drivers employed in road haulage. The EC regulations currently apply only to international road haulage. Danish Act No. 508 of 29 November 1972 on supervision of compliance with EC regulations on workmen's protection within the field of road haulage authorizes the Minister for Labour to draw up any provisions which are requisite to the application of the regulations.

III.B. The Right to Social Security

Concurrently with the entry into force of the Public Health Insurance Act on 1 April 1973 (compare item III.

D.4. below) the provision of the Daily Cash Benefits Act of 7 June 1972 entered into force. The scheme superseded the former rules on daily cash benefits under the Sickness Insurance Act, Accident Insurance Act and the Act on Children's and Other Family Allowances. Henceforth daily cash benefits are paid according to uniform rules regardless of whether the loss of income is due to sickness, accident or maternity. The scheme covers all wage earners and also applies to all self-employed. As under the Sickness Insurance Act, housewives may also qualify for daily cash benefits.

Daily cash benefits are payable from the first day of absence without waiting period. Previous time limits on the period, during which daily cash benefits may be paid, have been abolished. However, not more than three months after the onset of sickness the affairs of the beneficiary shall be reviewed by the social welfare authorities with a view to starting rehabilitation measures or, if the condition has become chronic, to granting of disablement pension, or national or widow's pension by exemption.

Daily cash benefits shall be equal to 90 per cent of regular earnings, not exceeding, however, a maximum amount fixed for one year at a time effective 1 April. The maximum amount shall be equal to 90 per cent of the mean weekly wages of all workers.

As for the financing of the scheme, the employer shall ordinarily pay out daily cash benefits to his employees for up to five weeks of the period of absence. After expiration of this so-called employer period daily cash benefits shall be paid out of public funds. The latter are procured through collection of a contribution of one per cent of the scale income from all taxpayers.

With a view, among other things, to the entry of Denmark into the European Communities the legislation on national pension, disablement pension and pension and assistance to widows was amended, effective as of 1 January 1973, by Acts of 7 June 1972. Notable changes are that the right to full pension shall be conditional on residence in Denmark for a specified extended period and that the joint pension formerly paid to married couples may now be divided.

An EC regulation on social security for employees provides that employees from other EC Member States shall not be discriminated against in relation to the employer state's own nationals. As a result the nationality criterion previously required in order to be eligible for national, disablement and widow's pensions cannot be applied towards nationals of other EC Member States

who are or have been employed in Denmark. Self-employed in the trades which may be freely engaged in in other EC Member States are similarly entitled to equal treatment.

The Acts of 7 June 1972 provide that the right to full pension shall in principle require residence in Denmark for 40 years after the completed 15th year and prior to the completed 67th year. Hence when the term of residence is less than 40 years the pension is prorated on the basis of the actual length of residence in Denmark. For disablement, widow's and early retirement pensions the years from the time the pension is first paid and up to the pensioner's completed 67th year count as residence period. Full national pension shall also be granted after ten years' residence in Denmark after the completed 15th year, of which a minimum of five years must be immediately preceding the completed 67th year.

As of 1 April 1973 a modification was introduced of the rules on reduction on account of extra income of the pension entitlement and marriage entitlement.

The possibility of receiving national pension while living abroad was expanded by an act of 19 December 1969. Hence Danish national pensioners may receive their national pension abroad provided they have completed their 67th year upon removal from Denmark and have resided permanently in Denmark for the last ten years prior to completing their 67th year.

Act of 24 March 1970 on employment service and unemployment insurance introduced a number of amendments to the unemployment insurance without upsetting its structure, however.

The principal changes are that

- in order to be approved an unemployment fund shall in the future have at least 1,000 benefit members;

- the upper age limit for admission of benefit members has been raised from 60 to 65 years;

- a benefit member who takes salaried work outside the trade domain of the fund may retain his right to benefits from the fund in the event he cannot be transferred to another fund;

- daily benefits, the amount of which is fixed by the individual funds for each fiscal year and which is identical for all members, shall not for one week exceed 90 per cent of the week-

ly salary paid for full, regular working hours at the hourly rate, published by the Statistics Department of Denmark, including cost-of-living, but excluding all other increments, for all workers in crafts and industry on a nationwide basis in the latest April quarter. In no event shall daily benefits exceed nine tenths of a member's earnings in the past;

the mandatory twelve-month membership entitling to benefits may be reduced to six months for members who for at least two years prior to their membership application did not qualify as members on account of self-employment, vocational training or unfitness for work;

in the future daily cash benefits shall be paid only where a member prior to each payment of benefits has worked as a wage earner for a period which in the aggregate corresponds to the full, ordinary working hours of his trade of at least 26 weeks over the last three years (formerly 39 weeks over four years). The annual maximum of 270 days of daily benefits has been abolished and members who qualify in all other respects may receive daily benefits solely by complying with the said working conditions, as the special working requirements to be fulfilled at first payment have been abolished. The special working requirements for persons under 22 years of age now apply to both singles and supporters;

daily benefits are reduced for members who have applied for full-time jobs but obtained jobs with shorter hours;

members who receive or apply for national, disablement or widow's pension or have completed their 67th year shall in principle be entitled to daily benefits during unemployment under the same rules as other members of the fund; however, over a twelve-month period, total daily benefits shall not exceed the amount payable for 78 days unless certain specified conditions are met.

An Act of 24 March 1970 enabled part-time workers to become beneficiaries of the unemployment insurance. In legal terminology part-time workers are persons who on a monthly basis work an average of not less than 20 and not more than 30 hours weekly. The right of these members to receive benefits is based not only on a twelve-month membership but also on full unemployment

or a working week of less than 20 hours. In addition the member must have registered with the employment service as an applicant for part-time work and been employed as a wage earner for an aggregate minimum of 17 weeks of ordinary full employment within his particular trade over the last three years.

The daily benefits to part-time insured persons shall not exceed two thirds of the rate payable to other members of the fund.

In conformity with the law the competent authorities have laid down rules on the right of a member to receive daily benefits who during unemployment has a salaried sideline or is self-employed.

Under these rules any person who partially supports himself by self-employment shall be allowed into the unemployment fund with right to receive daily benefits, provided

he is able as a wage earner to make his capacity wholly available for the labour market;

his income from self-employment does not exceed his income from salaried work; and

that prior to each payment of daily benefits he has over the last 12 months been employed as a wage earner for at least 130 days and otherwise qualifies under the law.

As in the past, earnings from performance of work will result in deductions from the daily benefits.

Unearned income will ordinarily not be grounds for cuts in daily benefits.

By an Act of 3 March 1971 annual membership dues for benefit members were changed to the amount of one daily payment multiplied by 2.25.

New rules on allowances to promote mobility are laid down in Act No. 104 of 25 March 1971, effective 1 July 1971. In addition to the unemployment clause, two requirements must be met if a person is to be eligible for assistance, viz. absence of appropriate work at his domicile, and take-over of a job somewhere else where the particular manpower is needed.

Travel allowances are now granted in two additional instances, (1) when the employment service considers a journey necessary in order to arrange an employment contract or the journey is of substantial importance

to the job applicant; (2) for a journey to the domicile if an employment contract has run for so short a period that the job applicant cannot reasonably be expected to pay for his return trip, and provided he does not bear the blame for the discontinuation, and other appropriate employment is unavailable at the location to which he has moved.

Grants may also be allowed to a single person for additional costs caused by double housekeeping, when it is found reasonable to let him keep his dwelling at his domicile during a period of transition, and for initial costs when a person takes up employment of at least one month's expected duration so far removed from his domicile that he has no other recourse than to live away from home.

Act No. 163 of 4 April 1973 improved allowances to promote mobility. Among other things, the rules on travel allowances and the grant for double housekeeping were changed; henceforth a weekly rather than a monthly trip home is allowed.

New rules have also been laid down concerning enrollment in the unemployment fund of persons who have recently finished their education. This means that more young people will be eligible for daily benefits during unemployment.

An Act of 7 June 1972 provides for enlargement of the group of persons to whom necessary assistance shall be granted for setting up housekeeping and for aids so that these types of assistance, which were formerly reserved for disablement and national pensioners, may now also be offered to persons receiving a disablement entitlement and assistance or nursing entitlement.

The proportion of a pension which is paid to pensioners living in homes for the aged or nursing homes is substantially higher for pensioners under 60 years of age who have been admitted to special nursing homes, approved by the Ministry of Social Affairs, for the non-aged. The idea is to put a sufficiently large amount at the disposal of younger handicapped people to enable them to engage in their hobbies like other young people. Special rules have also been established for payment of the costs of staying in homes which offer convalescence to the pensioner and thereby relief to his family. From now on these brief stays will not affect the pension which is usually withdrawn at the end of the month following the month during which the pensioner was admitted to the home. In the future payment for brief stays at these homes shall be made from the time of admission and be equal to a specified percentage of the basic daily pension.

III.C.2. Right to Adequate Housing

Act No. 321 of 13 June 1973 amends the former Dwelling Inspection Act in several respects. Likewise Statutory Order No. 474 of 16 August 1973 updates the Slum Clearance Act. The two Acts allow for intensified improvements or elimination of obsolete dwellings.

III.C.3. Right to Necessary Social Services

Please refer to item III.B. above.

III.C.4. Right to Continuous Improvement of Living Conditions

Please refer to replies to other items above.

III.C.5. Right to the Protection and Improvement of the Human Environment

Section 1 (2) of Act No. 372 of 13 June 1973 on Environmental Protection lays down a general provision on the objectives of the Act on the Environment. The section reads:

"The Act shall specifically be applied towards securing the qualities of the physical environment which are essential to the sanitary and recreational living conditions of human beings and to the preservation of a multifarious flora and fauna."

The commentary on the Act stresses the necessity of actively combatting the pollution attendant on industrial development and also that conservation of the human and natural environment must be given a very high priority in the future.

./. A copy of the Act in English translation is enclosed. ^{1/}

Please also be referred to what is stated below under item III.D.2.

III.D.1. The Healthy Development of the Child

On 4 December 1971 Order No. 474 was issued on medical examination of persons under 18 years of age. On 29 February 1972 Order No. 54 was issued prohibiting young people from working with ionizing radiation in commercial enterprises and offices.

^{1/} A copy of the Act referred to in III.C.5. above is available with the Secretariat for purposes of consultation.

III.D.2. Improvement of Environmental and Industrial Hygiene

Danish legislation on workmen's protection has been guided by the principle of right to protection and improvement of the working environment.

The main features of the period under review are:

Act No. 153 of 31 March 1973 ordering the employer to defray the costs incident to the task of acting as safety representative for the employees and to compensate the safety representative for loss of income. The Act further provides protection for the safety representative against discharge or other deterioration of his affairs on a par with shop stewards within the same or a comparable trade.

Order No. 335 of 15 June 1973 laying down the precise rules on the structure and function of internal safety.

Act No. 153 of 31 March 1973 authorizing the Minister for Labour to draw up rules on reporting of industrial accidents, poisonings, occupational diseases, etc. The rules are set out in Order No. 236 of 2 May 1973 on reporting of industrial accidents etc. to the Directorate of Labour Inspection. This system provides the basis for general nation-wide statistics on occupational accidents and also for systematic investigation of accidents by the Directorate of Labour Inspection.

Act No. 225 of 19 May 1971, laying down the provisions for protection of workers in Greenland.

III.D.3. Prevention of Occupational Diseases

The rules referred to under item III.D.2. above help to prevent occupational diseases.

In addition the Directorate of Labour Inspection has launched campaigns on the following subjects:

- 1) noise abatement in breweries;
- 2) reduction of the risk of silicosis in iron and steel foundries;
- 3) examinations of dust in foundries, cement and asbestos-cement plants in order to combat asbestosis;
- 4) styrene in plastics plants.

Mention should also be made of Order No. 18 of 14 January 1972, prohibiting the use of asbestos for certain types of insulation; Order No. 53 of 29 February 1972 on medical supervision of work with ionizing radiation; and the aforesaid Order No. 54 of 29 February 1972, prohibiting young people from working with ionizing radiation in commercial enterprises and offices.

III.D.4. Medical Service

Under legislation enacted on 9 June 1971 a new health insurance scheme became effective as of 1 April 1973, replacing the former public health insurance scheme. As a result, all approved health insurance societies became inoperative as of 1 April 1973 while their responsibilities in the administration of sickness benefits devolved upon the local government councils and administrative counties.

All persons residing in Denmark qualify for the medical assistance described in the Health Insurance Act. Thus there will no longer be distinguished between benefit members (active) and contributing (passive) members.

The new Act does maintain the division of the population into two groups according to income with the persons in group 1 being entitled to free medical care and those in group 2 receiving certain allowances for their medical expenses.

The allowances which the Health Insurance Act provides for beneficiaries are largely identical to those which up till 1 April 1973 were paid to benefit members. The Health Insurance Act does not, however, contain any general provisions on payment for treatment in a public hospital or private clinic or on payment for a stay in a convalescent home since such costs are payable as hospital expenses under the Hospitals Act.

With the implementation of the public health insurance, the health insurance contribution has been abolished since the costs of the health insurance now are being financed by the ordinary direct and indirect taxes.

III.E.1. Right of the Family to Protection and Assistance

The Child and Other Family Allowances Act has been amended to the effect that certain of the special allowances which single parents and pensioners used to receive for the maintenance of a child have been cancelled as of 1 October 1973. Instead only ordinary child allowances will be paid at increased rates. As compensation for the

effects on the single parent with low income a provision has been included in the Social Welfare Act according to which current aid will be paid for the maintenance of a child whenever this is found necessary in order to maintain a reasonable living standard for the family. Married couples living on public pensions may be compensated for the higher child allowance by a personal allowance granted in addition to the pension. Amounts which are received by a single parent or pensioners for the maintenance of a child and which are equal to the standard amount of maintenance payable by the child's father and that which is advanced by the public authorities or to the special child allowance in conformity with the Child Allowances Act shall remain unchanged.

III.E.2. Right of Mothers to Special Care

Under legislation enacted on 4 June 1969 the rules on refund of wages to home help have been aligned with the provisions of the Welfare and Care-of-the-Handicapped Acts. Hence the central government will refund 50 per cent to the local government councils of the wages paid to home helpers and supervisors against previously 80 per cent. The change entered into force as of 1 April 1970.

As a result of government efforts to cut down on public budgets, maternity entitlements have been abolished. Mothers in need of aid in conjunction with childbirth will be granted such aid in conformity with the provisions of the Welfare Act.

III.E.3. Right of Children to Special Care

Legislation enacted on 29 March 1972 slightly amends the subsidy regulations for daycare institutions which are set out in the Act of 4 June 1964 on the Welfare of Children and Young People. Effective 1 April 1972 costs defrayed by daycare institutions for medical supervision and dental care shall again be covered by the central government.

Under legislation enacted on 20 December 1972 a change in the Child Welfare Act has been adopted in connection with the establishment of the Social Appellate Board. Hence the National Board of Child and Youth Welfare has been abolished while its duties have devolved upon the Appellate Board.

Legislation enacted on 21 March 1973 amends the rules governing private family care of children by direct arrangement between the natural parents and the foster

parents. Under the new rules, a child shall not be taken home or removed from a foster home where it has lived for the last two years without the approval of "the child and youth welfare authorities". Furthermore the foster parents of a child may appeal decisions on the return to the home or removal of a child from its foster home to the National Board of Child and Youth Welfare (Directorate of Appeals) and from thereon to the courts. It has been specifically pointed out that a judge and a pedagogic-psychologic adviser shall be consulted when the aforesaid two-year rule is brought to apply by the child and youth welfare authorities.

III.E.4. Right of Parents to determine freely and responsibly the Number of Their Children

According to Act No. 350 of 13 June 1973 any woman who is a resident of Denmark shall be entitled to have an abortion performed prior to the expiry of the twelfth week of pregnancy.

When the twelfth week of a pregnancy has expired a woman residing in Denmark may be granted permission for an abortion if certain medical, eugenic or social requirements have been met. Prior to the operation a physician shall inform the woman of the nature of the operation and its direct consequences and of the risk inherent in an operation of this kind.

According to Act No. 318 of 18 June 1973 any person who is over 25 years of age and is a resident of Denmark shall have a right to be sterilized without special permission. Persons under 25 years of age who are residents of Denmark may be granted permission for sterilization provided certain eugenic, medical or social requirements have been met. Prior to the operation the patient shall be duly informed as in the case of abortion, see above.

III.G.1. Right to Take Part in Cultural Life

During the period under review this right has been extended through various parliamentary acts of which the most prominent are:

Act No. 275 of 18 June 1969 on the National Endowment for the Arts, designed to promote Danish creative art within the fields of pictorial art and sculpture, literature, music, handicrafts, and artistic design.

Act No. 314 of 18 June 1969 on Conservation of Nature, aiming at the preservation of the Danish nature and landscape and at giving the population maximum oppor-

tunities for the enjoyment thereof.

Act No. 241 of 4 June 1970 on Theatres lays down rules on government subsidies for various theatrical activities, audience organizations, etc.

Act No. 236 of 7 June 1972 on Films and Cinemas provides subsidizing measures for Danish film production (incl. the Danish Film Institute) and extends the right to operate cinemas.

Act No. 421 of 15 June 1973 on Radio and Television lays down a number of provisions on the organization of Radio Denmark.

III.G.2. Protection of Scientific, Literary or Artistic Work

Acts No. 174 and 175, both of 21 March 1973, amending the Copyright Act and the Copyright to Photographs Act, respectively, lay down provisions with respect to ratification of the Berne Convention, revised in Paris on 24 July 1971, on the Safeguard of Literary and Artistic Works.

IV.

See item II: Legislation on discrimination.
