

UN Convention on the Rights of Persons with Disabilities

Denmark's first report to the UN Committee on the Rights of Persons with Disabilities on measures taken with a view to implementing the UN Convention of 13 December 2006 on the Rights of Persons with Disabilities

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I. Introduction

Denmark ratified the UN Convention of 13 December 2006 on the Rights of Persons with Disabilities on 24 August 2009. In ratifying the Convention, the States Parties commit themselves to design national legislation and administrative practices that comply with the Convention. Denmark has ratified the Convention without exemptions.

According to article 35 of the Convention, each State Party must submit its first report to the committee on the measures taken to implement the State Party's obligations under the Convention and on the progress made in that respect within two years after the Convention entered into force in the individual State Party. Subsequently, the State Party must submit a report at least every fourth year. This is Denmark's first report in accordance with article 35 of the Convention.

General information about Denmark, including its general framework for protection and promotion of human rights, non-discrimination and equal treatment, will be forwarded in a separate, updated document currently under preparation.

Structure of the report

In preparing and structuring the report, Denmark has strived to follow the UN's general guidelines for form and content of periodic reports and the guidelines issued by the UN Committee on the Rights of Persons with Disabilities (CRPD/C/23).

Generally, the report covers the period 2009-2011. Where possible, the report also presents subsequently adopted legislation and future measures, the final results of which depend on the adoption of a bill or conclusion of a study or initiative but which are nonetheless considered usable for highlighting current political trends in a given area.

As an aspect of preparing the report, a dialogue meeting was held with relevant parties, including the Danish Institute for Human Rights (tasked with monitoring the implementation of the Convention) and a wide range of disability organisations in Denmark. At the meeting, the Ministry of Social Affairs as the coordinating ministry for disability matters presented the government's reporting work and gave presentations on two selected issues: Education and accessibility. As the organisations had been invited to give presentations, the Institute for Human Rights, LEV (the Danish national association on learning disability), LAP (the organisation of (ex-) users of psychiatry) and the Danish Society of Polio and Accident Victims presented their views on the reporting and their ideas and suggestions for the special challenges connected to implementing the Convention. After the dialogue meeting, the report was finalised.

The Faroe Islands and Greenland

The Constitution extends to every part of the Kingdom of Denmark, thus also to Greenland and the Faroe Islands. Self-government systems have been established for Greenland and the Faroe Islands. The civil and human rights laid down in the Constitution apply unrestrictedly in the Faroe Islands and Greenland.

By law, Denmark has delegated a wide range of policy areas to the Greenland Self-Government and the Faroese Government. With a view to ensuring a cohesive description of the special legislative, administrative and practical matters that apply in this context to either Greenland or the Faroe Islands, they are treated separately in sections VI and VII.

Task division in the public sector

Administratively, Denmark is divided into five regions and 98 municipality areas. In the public sector, the state sets the overall framework and handles the tasks inexpedient for delegation to municipalities or regions. Such tasks include police, armed forces, the judicial system, foreign affairs and development aid, higher education and research. The regions are responsible for the health sector and for preparing regional development plans and performing certain operational activities on behalf of the municipalities. The

municipalities perform most of the tasks aimed directly at citizens.

Examples of municipality responsibilities:

- Social matters: Overall financing, utilities and authority responsibility and social psychiatry
- Childcare
- Primary and lower secondary schools, including all types of remedial instruction and special educational help for small children
- Remedial education for adults
- Health care for older people
- Health matters: Citizen-targeted prevention and health promotion not done in connection with hospital admissions, patient-targeted prevention not done in connection with hospital treatment or by private practising health care professionals, free physiotherapy, treatment of alcohol and drug misuse, home nursing, municipal dental care, special dental care
- Active employment activities for insured and non-insured unemployed people in job centres
- Integration activities and language training of foreign nationals
- Citizen tax and collection services jointly with state tax centres
- Utilities and emergency services
- Nature, environment and planning: concrete authority and citizen-oriented tasks, preparation of municipality plans, waste-water plans, waste plans and water-supply plans
- Local business service and promotion of tourism
- Local bus transport and individual disability transport services plus obligation to participate in a transport company that handles both types of transport
- Local road network
- Libraries, music schools, local sports facilities and other cultural matters
- Processing of building permits

Examples of region responsibilities:

- Hospitals, including somatic and psychiatric hospital treatment, and public financial assistance to services provided by private practising health care professionals, including general practitioners and specialist practitioners
- Regional development, also as concerns nature and the environment, the corporate sector, tourism, employment, education and culture as well as development in regional peripheral areas and rural districts. Secretariat services to regional growth forums
- Soil contamination
- Mapping and planning of natural resources
- Operation of a range of institutions for socially disadvantaged groups and groups with special needs of a social and remedial instruction nature
- Regional bus transport and obligation to participate in a transport company that handles public transport

Examples of state responsibilities:

- Police, armed forces and judicial system
- Foreign affairs and development aid
- General planning in the health area
- Education and research, except for primary and lower secondary schools and remedial instruction
- Monitoring health and safety at work and general employment policy
- Tax assessment and collection of debt to public authorities
- Social matters: National Organisation for Knowledge and Specialist Consultancy (VISO)
- The national road network and state railways

- General nature, environment and planning tasks
- Certain cultural activities
- Financial assistance to the corporate sector
- Reception of asylum seekers

Examples of state supervision of Municipalities

- State supervision of municipalities is handled by the regional state administration in the region hosting the municipality.
- The regional state administration's supervision is of a legal nature. Thus, the regional state administration supervises municipality compliance with legislation that applies to public authorities, including municipality regulations issued under such legislation.
- The regional state administration cannot decide whether a municipality activity is reasonable or appropriate or whether the municipality observes the principles of good administrative practice.
- To the extent that a specific complaints or supervisory authority like the social complaints boards may decide or has decided on a specific case, the regional state administration supervision yields. This is especially relevant in the area concerning disability which is controlled by social legislation that grants access to complain to the social complaints boards.
- In this way, the regional state administration is barred from deciding on the legality of concrete municipality activities that can be appealed to a special complaints or supervision authority. However, the regional state administration may decide on questions on the legality of *general* decisions, guidelines or practice related to task performance in a policy area - in this instance the area concerning disability - to the extent that a special complaints or supervisory authority cannot do so. Regional state administration supervision may comprise, for instance, questions pertaining to the legality of a municipality's decisions on general service levels under the social legislation where such decisions cannot be appealed to the social complaints board. In contrast, the social complaints board may, as an aspect of processing a specific case, decide whether the municipality service level is *actually* legal vis-a-vis individual citizens.
- Should a municipality refuse to observe a binding decision made by a complaints board or supervisory authority, the regional state administration may be asked to assist in enforcing the decision with regard to the municipality.

Principle of sector accountability

In the disability area, a principle of sector accountability applies, i.e. that the public body offering a service or a product to persons without disabilities is responsible for offering and making accessible the service or product to persons with disabilities.

This model ensures that activities in the disability area are not the sole responsibility of the social sector but covered in all areas, including the housing, health, traffic, labour market, education and communication sectors.

In the disability area, the principle means that tasks must be performed in the sector normally performing the task and not transferred to a special sector, such as the social sector, merely because it targets people with functional impairment or impaired capacity for work.

The economic and demographic challenge

At the time of writing this report, Denmark's economy faces significant challenges in the coming years. The large surplus on the public finances of previous years has turned into a deficit. Consequently, public debt is growing and interest rate payments are increasing. Meanwhile, the number of Danes in the working age is decreasing and the number of elderly people increasing.

For these reasons, a framework has been established for municipality service expenditure until 2013 (*Economic Turnaround Plan*), which maintains municipality expenditure on citizen-related welfare areas at an unchanged level until 2013. The plan will allow the municipalities to uphold the expenditure level of their 2010 budgets.

Clearly, the financial situation in the coming years offers limited growth opportunities in public expenditure, and the municipalities and the government have therefore agreed that local service must be developed within the current economic framework.

At the same time, Denmark faces the challenge that more people will leave than join the labour market, a demographic development that will reduce the labour supply significantly.

As previously reported, the municipalities are responsible for task performance in the welfare area, and the above challenges collectively place major demands on the structure of that task performance. The municipalities have already launched a process of adapting services in all the major task areas. They are realising structural changes and innovating new services and solutions for citizens.

The municipalities find themselves in a situation in which money must be spent prudently, and local councils must prioritise funds for the various service areas. The 2010 municipality accounts show that expenditure growth in the disability area has slowed down. However, this development should be seen against the backdrop of recent years' marked growth in expenditure and massive budget overruns. Thus, the drop in expenditure should be seen as an aspect of adapting to the agreed economic framework, which is actually at a historically high level.

In the agreement on next year's municipality economy, the government and the municipalities have agreed that municipalities still require innovation and changes in their task performance – in both citizen-related service areas and local administrations. To this end, investments could be made in modern welfare technology, digitalisation of task performance and self-service solutions. All of these are keys to better utilisation of staff resources and can create room for prioritising citizen-related services. The government will support municipalities' activities by working to enable initiatives that can help municipalities make their transition in the individual areas.

Support to municipalities' transition

The government supports municipalities' work through the Public Welfare Technology Foundation. The Foundation was set up under the 2009 Finance Act, and a total of DKK 3 billion has been allocated for investment in innovative projects up to 2016. The PWT Foundation invests in projects aimed at freeing resources for citizen-related service by use of labour-saving technology and new work and organisation forms. The Foundation aims to increase productivity in the public sector without impairing the quality level.

Optimum solutions pave the way for more service with the same resources. In many public sector areas, employees can supply more and better services with the same work resources. One way is to give them better tools and citizens more advanced aids, thus increasing their independence.

For employees, new technological solutions will mean that work can be better organised and thus often performed more quickly and easily. It will make their jobs more interesting and cause less functional impairment. For citizens, they will mean more flexible services and improved safety. For politicians in the individual municipality or region, they will release resources for other purposes. Another example is

the government's and Local Government Denmark's joint work to digitalise case processing in the areas of disabled and adult socially disadvantaged people.

The goal of digitalisation is to improve IT support and establish common methods in the area that will create the basis for cohesive and multidisciplinary activities focused on citizens. Digitalisation provides a better overview and a more systematic approach to case processing and the ordering and supply of social services, targeted efforts rooted in valid and updated data, better possibilities for retrieving management information and measuring effects with a view to achieving improved professional and financial control, easier communication between relevant stakeholders, including citizens, municipality case workers, other sector areas internally in the municipality (e.g. health, employment, training), providers and state authorities, and, finally, easier administrative case processing.

II. General provisions of the Convention (articles 1-4)

Articles 1 and 2: Purpose and definitions

As its springboard, Denmark uses the UN Standard Rules on equal opportunities and treatment of people with disabilities, in which the concept of "disability" covers loss or impairment of a person's ability to participate fully and effectively in society on an equal basis with others. The definition is intended to focus on the obstacles in surroundings that prevent persons with disabilities from participating on an equal basis with others. As the concept of disability is environment-related, it cannot be defined more unambiguously.

Nor does an unambiguous definition of the concept "long term" exist. "Long-term" is not defined in general terms but rests on an individual assessment that depends on which type of support is relevant in each specific case.

A major survey conducted by the Danish National Centre for Social Research indicates that about 15 p.c. of the population aged between 16 and 64 have functional impairment of their legs, arms, hands, sight, hearing, behaviour or mental capacity. The survey also shows that only 10 p.c. of the respondents with disabilities were born with their impairment. Most disabilities are acquired. The risk of acquiring disabilities increases steeply with age, from one per mil annually in childhood to 2 p.c. annually at the age of 60.

The definitions in articles 1 and 2 are similar to the corresponding Danish concepts. In this connection, it should be noted that the concept "discrimination" should also in this Convention be interpreted in accordance with legal custom, which stipulates that discrimination arises when irrelevant and non-proportional negative discrimination occurs.

Article 3: General principles

The convention principles in article 3 are in keeping with the general principles of Danish disability policy, which is founded on the UN Standard Rules on equal opportunities for person with disabilities and comprises principles for compensation, sector accountability, solidarity and equal treatment.

The Danish compensation principle

Danish disability policy rests on the compensation principle, which entails that society offers people with functional impairment a number of services and relief measures to limit or offset the consequences of their disabilities as much as possible. Compensation must ensure that persons with disabilities have the same starting point as people without them.

Compensation may be in the form of individual personal aids, e.g. a wheelchair or a hearing aid, or of parallel services, for instance, that written material be published on special media in accessible versions such as audio or Braille. Compensation may also consist of collective measures that orient society towards taking the widest possible consideration of persons with disabilities. Such measures might include establishment of level access to buildings for wheelchair users.

Generally, Denmark has focused less on collective measures aimed at persons with disabilities. As a consequence of ratifying the UN Convention on the Rights of Persons with Disabilities, Denmark has increased its focus on measures for persons with disabilities in the context of general accessibility.

Article 4: General obligations

In connection with Denmark's ratification of the Convention, the impact of and preconditions for the ratification were thoroughly analysed, including whether Danish legislation complied with the Convention.

As a result of this work, the Parliamentary Election Act was amended with a view to meeting the requirements of article 29. The work also revealed a need for more detailed analyses of the scope of the articles and of whether Denmark complied with articles 5, 9 and 24. The working group found no need for further changes to Danish legislation.

Before ratifying the Convention, Denmark had ensured that Danish legislation complied with the obligations of the Convention. Ministries, organisations and the general public were involved in the pre-ratification consultation process to clarify legal and financial preconditions for and the impact of the ratification. The draft motion for resolution underwent an external consultation round with all relevant parties. Further, interest groups were able continuously to monitor the ratification process on the Ministry of Social Affairs website. The Ministry updated the disability organisations regularly. Additionally, four meetings were held with Disabled People's Organisations Denmark, during which the Convention and ratification process were reviewed and discussed.

The process has been open, and all stakeholders have been able to monitor it. Denmark has no information on gender- or age-related participation in the process, but believes it was monitored by a wide range of interest groups.

The Convention is an element of Danish law and must, as such, be observed by all authorities applying its legislative provisions, including state, regions and municipalities.

In addition, attention is being focused on adhering to the disability convention in new legislation and with respect to local implementation of that legislation.

New action plan for the disability area

The government has recently launched the work of a new long-term, multi-disciplinary action plan for the disability area. The action plan work will be divided into two phases, briefly described below.

The first phase consists of an analysis to map trends and challenges in the disability area, the aim being to determine the key challenges and priority action areas. The analysis will be conducted with participation of relevant key players in the area.

In the second phase, the above analysis will be used to prepare a new action plan for the disability area. The action plan will have a 5-10-year perspective.

The action plan must contribute to setting up clear political and economic priorities for disability-policy initiatives across policy areas and must function as a framework for the continued work of implementing the UN Convention on the Rights of Persons with Disabilities.

III. Specific Convention provisions

Article 5: Equality and non-discrimination

A fundamental principle of Danish legislation states that all people are equal before the law. Persons with disabilities enjoy the same rights and protection under the law as all other citizens.

Public authorities are bound by the general fundamental principles of administrative law, which entail that equal opportunities must be equally treated in a judicial context. Public authorities must therefore not negatively discriminate against people for reasons such as their disabilities or gender.

Danish legislation contains a range of special provisions aimed at preventing discrimination of persons with disabilities. Thus, an express ban has been adopted on discrimination of persons with disabilities in the labour market. This ban also imposes a duty on employers to make reasonable adjustments for people with disabilities in relation to employment and training or education. Furthermore, it should be mentioned that in 1993 the Danish parliament adopted motion B 43 on equal treatment and equality between person with disabilities and persons without disabilities. In this motion, the Danish parliament recommended that all central and local government authorities and private companies observe the principle of equality and equal treatment among persons with disabilities and other citizens.

Furthermore, Denmark has set up a Board of Equal Treatment to decide on matters such as complaints of discrimination based on disabilities in the labour market.

Similarly, Danish legislation contains a range of preferential treatment measures aimed at ensuring equal treatment for persons with disabilities. Such measures exist in the employment, educational and social areas, etc. Some of these measures are described under the relevant articles.

Denmark is also obliged to observe the prohibition against discrimination in article 14 of the European Convention on Human Rights, which protects – in the area covered by the Convention – against discrimination because of, e.g., disabilities.

Article 8: Awareness-raising

As an aspect of implementing the Convention, the government has launched nationwide communication activities to make people with disabilities aware of the Convention and the rights of the individual. The Convention has been communicated in easy-reading, sign-language and audio-visual formats. Special theme meetings were held for persons with mental disabilities nationwide. Material has also been developed to provide information and encourage discussions on the rights of the individual. The material targets users and staff at facilities for persons with disabilities.

The government has made sure to reinforce the Danish Disability Council. The Council has a new chairman and a wider composition and is to use more debate in its work as a means of creating results for persons with disabilities. The Council is tasked with providing information to fight stereotyping, prejudice and harmful practices in relation to persons with disabilities, while also promoting awareness of abilities of and contributions from persons with disabilities. The Danish Disability Council is also to discuss and evaluate trends in society in relation to persons with disabilities from the point of view of the UN Convention on the Rights of Persons with Disabilities, and will work to promote wide inclusion in society. The Council will continue its efforts to enhance and communicate a broad perspective on disabilities and society. The Council bases its work on the assumption that disability problems should be seen as society's problems and thus most easily solved by comprehensive social policies. The aim is to create a society with equal opportunities for all persons with disabilities. Refer to article 9 for more details.

The objectives of primary and lower secondary school subjects do not set requirements for teaching the Convention, but schools can, for instance, elect to include the Convention or its themes as elements of the curriculum. Teaching material has been developed for primary and lower secondary school pupils for the

purpose of promoting knowledge and understanding of what it is like to grow up as a disabled child and thus heightening inclusion of children with disabilities at schools and in leisure-time activities.

Each year, the Ministry of Education organises a conference on disability, to which all disability organisations are invited to debate topics in teaching and education. At the 2009 conference on disabilities, the Convention on the Rights of Persons with Disabilities was a theme.

On 1 May 2011, the Ministry of Employment joined the Disabled People's Organisations Denmark and Business Forum for Social Responsibility (VFSA) in launching a project aimed at ensuring that as many persons with disabilities as possible find or retain jobs, including people with mental disorders. The project focuses on such steps as motivating persons with disabilities to seek jobs, helping companies to employ and retain persons with disabilities and equipping job centres to give company-directed offers to the target group.

Article 9: Accessibility

Accessibility in building development projects

In Denmark, accessibility to buildings is regulated through building legislation (the Building Act and Danish Building Regulations), which covers new building, refurbishment and renovation of existing buildings. The Danish Building Regulations are regularly updated.

Stricter accessibility requirements in connection with conversions in existing buildings were introduced in 2008, making such buildings subject to the requirement of level-free access, etc.

With effect from 2 February 2008, the 2008 Buildings Regulations introduced a host of new requirements for accessibility for persons with disabilities, and existing accessibility requirements were significantly tightened.

The Building Regulations list the following requirements:

- level-free access to all units on the entrance floor of a building
- level-free access to all units on the floors of a building, parking spaces for people with disabilities, accessible passage from the car park to the building
- disabled toilets (open to the public)
- lifts that can be operated by people in wheelchairs
- induction loop systems in rooms with common activities, mobile/wireless induction loops or other forms of installations (e.g. in conference rooms and at desks)
- establishment of wheelchair spaces at permanently mounted spaces
- available signs and information in buildings

The requirement of accessible signs and information was introduced in 2010 in connection with the implementation of the UN Convention on the Rights of Persons with Disabilities.

Further, the Danish Building Research Institute performs a range of communications tasks on the building legislation on behalf of the Danish Enterprise and Construction Authority. The tasks include advisory services, knowledge dissemination and preparation of directions, instructions and checklists.

Further, several projects have been started at the Danish Building Research Institute (SBI), generally to help determine the extent to which it can be ensured that already existing provisions on accessibility are observed, so that accessibility to buildings is enhanced and improved. Thus, the projects are to be part of an overall assessment of whether additional tools for observing accessibility provisions can improve accessibility to buildings for persons with disabilities.

Accessibility in non-profit housing

The Building Regulations requirements on accessibility also apply for publicly subsidised housing as regulated in the Danish Act on Social Housing, etc. The Act sets out special requirements for housing accessibility, and funding is annually earmarked for refurbishing existing housing with a general view to

increasing housing accessibility in the sector. To this end, a project has been launched to map accessibility in the more than 550,000 homes in the social housing sector. The project is presented on the Internet portal, www.danmarkbolig.dk. In the portal, persons with disabilities can find information on the accessibility of individual homes, and thus obtain help to find the homes best suited to their disabilities.

The Act on Social Housing, etc. lays down specific provisions on layout and design of social housing for persons with disabilities.

Physical accessibility to future educational buildings

The accessibility standard for educational buildings (state-owned university buildings) has been updated in 2011 in response to changed rules (in the Building Regulations) for physical frameworks, and supplemented with new layout regulations for study and laboratory workplaces. When the accessibility standard is applied, efforts are made to ensure accessibility to university buildings constructed by private suppliers.

Work is being done to expand the accessibility standard requirements from encompassing all university construction related to new buildings or extensions to encompassing all alterations as well as changed building use.

The Ministry of Science, Technology and Innovation will uphold the standard of internal teaching for relevant professional groups, for those responsible for university operations and for building consultants.

Via the Council of Public Developers (ROB), the Ministry of Science, Technology and Innovation will also explore the possibility of expanding the accessibility standard area to include other teaching areas that fall under the responsibility of other authorities.

Improvement of physical accessibility at existing educational buildings/universities

Barriers to accessibility may still remain in existing educational buildings that have previously been registered and priced. The information will be included in future renovations or adaptations for changed use.

The coming years' major investments in laboratory buildings will spur major improvements to accessibility at universities and sector research institutions.

To ease the movement of people with disabilities at universities, it is aimed to develop information on accessibility in buildings and campuses through the use of digital aids. The intention is to have all universities display maps indicating access routes for wheelchair users.

As an aspect of developing university websites, accessibility information - including maps - could improve information for and communication with people with disabilities.

Physical accessibility in courts

Historically, the courts have been located in old buildings where accessibility for persons with disabilities was not a natural aspect of building design. Only minor accessibility improvements for persons with disabilities are possible in these court buildings, e.g. in the form of detachable ramps.

The individual court will usually - and without expenses to the individual - call in the required assistance for wheelchair users that are parties to or witnesses in a case and unable to enter the court rooms by means of detachable ramps, etc.

In 12 of the 24 judicial districts established in the wake of the 2006 Danish law court reform, the courts have moved to new buildings. The new buildings comply with all existing requirements for disability access.

New buildings are being constructed in 5 of the remaining 12 districts. The other 7 courts will probably be housed in existing court buildings, possibly after renovation or additions, etc. are done. In relation to newbuilding and major renovations or rent of new premises, focus will also rest on ensuring accessibility for persons with disabilities. The entire reform development project is expected to be done in 2013.

Lay assessors, board members or others, who occasionally visit the law courts as part of their civic duty, always receive the necessary help required for them to get around in the buildings, if they suffer from a physical impairment.

Physical accessibility in prisons

It should be mentioned that a number of special cells for persons with disabilities have been fitted out in existing prisons, as Danish state and local prisons are mainly housed in old building stock, which generally fails to observe today's requirements for disability access.

When establishing new prisons, the Prison and Probation Service is careful to observe all current building standards of disability accessibility.

Physical accessibility in audience facilities

Outdoor audience facilities established by the state do not fall within the Danish Building Regulations, but when facilities are to be established, focus rests on how to make the facilities user-friendly for persons with disabilities. For details on accessibility to cultural audience facilities, refer to article 30.

Guide dog access to restaurants/supermarkets

For hygienic reasons, animals are generally banned from access to food companies. However, Danish food legislation allows people with visual or similar impairments to lead their guide dogs into the customer areas of stores and restaurants. The store/restaurant is responsible for ensuring that the dogs do not compromise food hygiene, and food companies must have general procedures for handling compromised foods.

Accessibility in traffic

In the traffic area, a range of regulations have been set up to ensure transport options for persons with disabilities. People may, for instance, apply for a driver's licence for slow-moving disability vehicles as early as the age of 15 (the normal age requirement for driver's licences is 18), and specially fitted vehicles, such as disability vehicles, can be used for practicing driving and taking the practical driving test required to attain a vehicle driver's licence.

In addition, the Minister for Justice and the Minister for Transport may generally grant exemption from some of the regulations in the Danish Road Traffic Act to accommodate special needs for persons with disabilities, when it is deemed appropriate in terms of road traffic safety. Exemptions have been made to allow persons with disabilities to obtain special parking permits and thus gain access to specially-reserved parking spaces.

Physical accessibility in the traffic area

The government has adopted an accessibility policy that applies to the entire Ministry of Transport area. The policy required accessibility to be embedded in all phases (planning, execution and operation), when new infrastructural projects are adopted and established.

To the extent possible, new facilities and major renovation projects must be designed on the basis of standards that give as many people with various types of disabilities as possible access to infrastructural projects. This accessibility policy pivots on the efforts made to give the highest number of people access to public transport or, alternatively, provide supplementary and compensatory transport solutions.

The metro project in Copenhagen serves as an example in which accessibility policy was embedded from the outset. The metro project was realised in close consultation with Disabled Peoples Organisations

Denmark, a contributory factor for jointly finding the optimum and most accessible solutions. As a result, the metro is physically fully accessible.

Further, a dialogue forum on accessibility has been set up and held its first meeting in January 2011. The forum seats representatives from relevant authorities, transport suppliers and disability organisations. Its objective is to engage in dialogue that promotes cooperation and to exchange knowledge on accessibility, particularly in public transport.

The Ministry of Transport is also a proactive player in activities on the accessibility area in the EU. Naturally, the Ministry of Transport strives to promote the infrastructure and material requirements that follow from EU legislation, e.g. TSI PRM and the bus directive, particularly in the context of newbuilding and major renovation projects.

The Ministry of Transport also participates in the transport network under the Nordic Council on Disability Policy. For many years, this forum has worked on a joint Nordic project aimed at setting up accessibility indicators in the transport area (road and railway). Its aim is that authorities can use the indicators to collect data on public transport accessibility and measure and assess accessibility in locations like Denmark's railway stations.

Access to individual disability transport

Individual disability transport under the Act on Public Transport Operators is an alternative to public transport. The scheme applies to people that are severely motor impaired, i.e. needing walking aids. People comprised by the scheme are entitled to at least 104 trips annually as transport to social activities and for purposes of recreation as opposed to treatment, therapy and similar activities covered by other schemes. The trips must be made in suitable vehicles and door-to-door, i.e. as close to the entrance as possible. The trip must be booked in reasonable time before the departure (in practice this is about 2 hours). The scheme is financed partly by user payment, partly by municipality subsidies. Fares for individual disability transport must be on a par with fares for other types of public transport.

Subsidies for car purchase

People with permanent and significant functional impairment may also receive financial support to buy a car to obtain or retain a job or to complete an education without the use of a car. It is possible to obtain support to purchase a car when the permanently reduced functional capacity considerably impairs the person's ability to walk, and it's estimated, that a car may substantially facilitate his or her daily life.

The need for transport must be of a certain magnitude and should not be expediently covered by other transport arrangements such as schemes on individual disability transport in public means of transport. If the physically or mentally impaired person is a child, parents or foster parents may apply for a car subsidy on behalf of the child. The child's functional ability and transport needs determine whether the subsidies are granted.

Physical accessibility to public health services

Services provided by private practising health care professionals are supplied in clinics operated by health professionals in private practice on the basis of agreements concluded between the public sector and various groups of health care professionals (GPs, specialist practitioners, dentists, physiotherapists, etc.).

To provide information for use in the patient's choice of health professional/clinic, the agreement generally requires health professionals to prepare practice declarations containing a range of information on the clinic, including the extent to which access and layout of the clinic accommodate motor-impaired patients. The information is published on the common public health portal, www.sundhed.dk.

In the general practitioner area, group 1 members of the national health insurance scheme may be registered with a specific practitioner. The GP agreement stipulates that a motor-impaired person already given a local-authority grant for a walking aid is entitled to choose between at least two practice clinics located and laid-out in a suitable way.

In certain circumstances, persons with disabilities will be entitled to transport or transport subsidies under the Danish health act.

Thus, a person will be entitled to transportation or transport subsidies for:

- Emergency injury treatment at the premises of *general practitioner or specialist practitioner*, if the person needs a special patient vehicle.
- Examination and treatment at *hospitals*, if the person needs a special patient vehicle.
- Examination and treatment at *hospitals as part of continued outpatient treatment*, if the person's condition precludes public transport.
- *Rehabilitation*, if the person's condition precludes public transport.
- If a person is entitled to transportation or transport subsidy and needs *accompaniment*, the escort will also be entitled to transportation or transport subsidy.

Accessibility in relation to teaching material

School-Learning examinations

In relation to primary and lower secondary school final examinations, several options are available for giving students with special needs access to take tests on an equal basis with other students. Thus, the school headmaster must offer special test conditions for students with mental or physical functional impairments or other specific difficulties when these services are necessary to ensure such students equality with others at the exams. The offer must not change the technical level of the exam.

For use in written exams, the Ministry of Education annually distributes CD-ROMs with audio and text files, Braille for blind students and assignments with text and audio in DAISY format for students with visual impairment. For visually impaired students, exam assignments with illustrations are adapted. The Ministry of Education stays updated on development in the area and in contact with stakeholder associations that specialise in this student group's special needs and the aids from which they can benefit. As an aspect of its activities, the Ministry of Education hosted in August 2010 a seminar for the subject advisers for the primary and lower secondary school, during which external speakers presented new IT-based aids to students with special needs.

To facilitate schools' work of preparing tests for students with special needs, the Ministry of Education has issued guidelines that describe procedures and possibilities for deviating from exam regulations. Such deviations comprise changed conditions for examinations, including longer examination time, practical assistance, sign language and interpretation, as well as use of aids like prediction programs, digital/synthetic reading and speaking calculators. The instructions are published at the Ministry of Education website.

National tests

The executive order on national tests attaches importance to ensuring that students with physical and mental functional impairment can participate in national tests on an equal basis with other students. The national tests observe the current international guidelines for accessibility (WCAG 2.0) for students with functional impairment at level A, the level that public institutions were to meet when the national tests were developed and implemented.

As of 1 January 2010, the Ministry of Education launched a focused and ongoing revitalisation of the electronic information portal on accessibility to educational programmes: <http://tilgaengelighed.emu.dk/>.

The Ministry of Education has prepared test performance instructions for teachers of students with functional impairment. The instructions provide information on the options already available in the test system, e.g., the use of aids and breaks that will ensure that students with impairments can perform the test on an equal basis with other students. The instructions are published at the Ministry of Education website.

Universal service obligation and user rights

In relation to universal service obligation and user rights, a universal service obligation provider was appointed in 2008 under the executive order on universal service obligation services, effective as of 1 January 2009 (TDC A/S). The appointment spurred a number of improvements to the service obligation in the disability area. Improvements were made in the following areas:

- Text telephony services: As a rule, the text telephone is now web-based and not PC-based. The service obligation for text-telephone services applies to the deaf, post-lingual deaf and deaf-blind and to groups of people with speech and hearing impairments that can significantly compensate for their impairments via the services. The text telephone allows users to telephone users of both text telephones and other telephones (via an interpreter service).
- A broadband connection to special groups of persons with disabilities: In the future, it is expected that video telephony will replace the text telephone to a large extent. Consequently, the service obligation was extended to encompass broadband connections of at least 512/512 kbit/s for the deaf, post-lingual deaf, deaf-blind and for groups of people with speech and hearing impairments that can significantly compensate for their impairments via the services. At a minimum, speed must meet system requirements of the software that supports video telephony.
- Discount on use of *Handicappedes Nummerservice* (telephone directory for people with disabilities): All users of this telephone directory may access automatic transfer to the number stated at a reduced price, irrespective of which telecom provider they use. However, the telecom provider of the person with a disability must have entered an agreement with the universal service obligation provider of the telephone directory service on use of the service.

Final Danish exams, nationality test and citizenship test

At the final Danish exams, the nationality test and the citizen test, a foreign national may apply for permission to use aids. Permission for individual tests is granted on the basis of an application from the examinee and in cases of no evident disabilities a statement from a medical practitioner, psychologist, ophthalmic consultant or other specialist. The language centre principal may grant permission for practical measures and use of technical aids, the presence of an assistant and a longer test time.

As to the Danish exams, the Ministry of Refugee, Immigration and Integration Affairs may, when a statement from an expert exists and on application from the disabled person, allow test content and form to be changed. Such changes could include magnification of exam papers for visually impaired people, recording of special instructions for the blind and use of IT programs for dyslexic people. Furthermore, the preparatory material for the nationality test and the citizenship test has been recorded and published as an audio book to enable visually impaired people to prepare.

Telecommunications legislation

With the adoption of the latest Telecommunications Regulatory Package in November 2009 as a starting point, Denmark adopted a bill in February 2011 amending the Danish telecommunications legislation that implements the adjusted provisions of the Universal Service Directive (directive 2002/22/EEC as amended by 2009/136/EEC) on the conditions for persons with disabilities in relation to universal services and end-user rights in general. The universal service obligation still encompasses requirements that text-telephony services and special functions be established in the universal service provider's nationwide phone number directory services.

IT – accessibility of websites and other IT solutions

In 2002, the government adopted an action plan "Disabilities no barrier", aimed at strengthening the government's IT and telecom activities in the disability area. The action plan set up a range of new initiatives, including establishment of 1) the competence centre "IT for everyone", 2) an investment fund that has contributed to developing a speech rendering program and the read-aloud service "Access for everyone" and 3) a steering committee tasked with creating efficient follow-up to the action plan initiatives.

The National IT and Telecom Agency work to ensure IT accessibility for persons with disabilities is still embedded in the competence centre "IT for everybody", which must ensure accessible information and IT-accessible public sector workplaces, so as many people as possible can use the public sector websites and IT systems. The competence centre works closely with disability associations, the IT and telecom sector and other public-sector institutions. Furthermore, the competence centre handles the key task of attracting attention to the standard. To this end, the centre calls for the implementation of an IT accessibility policy with related action plans and advises public authorities and suppliers on observing and implementing the international guidelines for accessibility - WCAG (Web Content Accessibility Guidelines). The National IT and Telecom Agency regularly publishes newsletters with practical tips and tricks for public sector web editors on how to implement the accessibility requirements.

The action plan "Disabilities no barrier" established a steering committee that later continued its work as a reference group for eAccessibility. The reference group consulted on the start-up and prioritising of activities aimed at promoting IT accessibility in the public sector. Representatives of the Disabled Peoples Organisations Denmark (DH) and other relevant parties took part in the group. In 2011, the reference group was replaced with two other broad-based reference groups for IT accessibility in both the public and private sectors. This change will reinforce activities to strengthen accessibility in the public and private sectors. The reference group for the public sector will work to promote future accessibility of public websites, electronic forms and IT-based tools, etc., and the reference group for accessibility in the private sector will focus on improving accessibility to e-trade solutions, Internet banking facilities and electronic news media, among other objectives.

On 1 January 2008, the international guidelines for accessible web content, WCAG, level AA, became one of the mandatory, open standards that public authorities must observe in the future. The Ministry of Science, Technology and Innovation has followed up the agreement on the open standards with two projects mapping public website accessibility in 2008 and 2010.

The 2010 mapping charted the accessibility of 226 websites belonging to the state, regions and municipalities and other selected public websites. The result showed that 6% were widely accessible, 42% were averagely accessible, 44% were inadequately accessible and 8% were poorly accessible. From 2008 to 2010, only marginal improvements were made, and they came about more slowly than expected in the wake of the 2008 agreement on open standards. This may be viewed as unsatisfactory.

The results of the mappings were published on webtjek.itst.dk and can be actively used to draw focus to the accessibility of public websites, while also targeting the government's initiatives in the area even better. The next mapping project is scheduled for 2012.

With a view to supporting observance of the accessibility standard, the Ministry of Science, Technology and Innovation has developed a tendering toolkit that facilitates public authorities in listing specific accessibility requirements in tenders, procurement and development of new digital solutions. In 2009, the toolkit was updated to include the requirements of version 2 of the WCAG standard.

In December 2010, the Ministry of Science, Technology and Innovation launched an e-learning tool targeted at public-sector employees, which will train and guide them in generating accessible documents, videos, etc. The tool is part of the digital learning platform for state employees, Campus, but is freely accessible to all on itst.dk/elt.

A qualitative survey of public authority work on web accessibility undertaken in early 2011 confirmed that the measures launched are generally suitable, but also revealed a need to increase visibility and dissemination of the measures vis-à-vis their target groups, typically web editors, communication staff and case workers at public authorities.

NemID

On 1 July 2010, the new digital signature system, NemID, was launched. NemID is the result of close public/private cooperation. NemID offers citizens safe access to public websites, Internet banking

facilities and other private digital self-service solutions. NemID enables Internet banks or public authorities to verify a citizen's identity, thus giving citizens safe access to personal data and self-service platforms. As of early April 2011, the system had about 3 million active NemIDs. Support of accessibility for people with reduced functional capacity was a key factor when NemID was developed. Thus, in cooperation with the Danish Association of the Blind and others, special solutions have been established for visually-impaired people, blind or deaf-blind. The NemID website (www.nemid.nu) was also developed with accessibility in mind. Thus, the website observes the mandatory standards for public websites, including the WCAG level AA standard.

The E-learning videos on the NemID website have been translated into sign language and ensure that the deaf and hearing impaired sign-language users can benefit fully from the NemID solution. The videos are accessible on www.nemid.nu/support/film_om_nemid/film_paa_tegnsprog/.

As an aspect of the cooperation with the Disabled Peoples Organisations Denmark (DH), a special working group has been set up. The group is tasked with studying and selecting possible adjustments to the NemID solution that would make NemID accessible as possible to as many as possible. Special challenges were identified for individual groups of people with disabilities, and work to find concrete solutions to the challenges is ongoing. A decision has been made to launch a concrete solution that addresses the special challenges related to NemID use for public solutions, while work continues to find the ultimate solution for enabling individual groups of people with disabilities to use the NemID for internet banking.

Danish Disability Council

Finally, it should be mentioned that the Danish Disability Council works to promote wide inclusion in society, including in relation to accessibility, so that persons with disabilities can participate in society on an equal basis with others and have the greatest possible freedom to make their own decisions and assume responsibility.

Article 10: Right to life

Every human being, including persons with disabilities, has the right to life according to Article 2 of the European Convention on Human Rights.

Under the Danish health act, women may have an abortion carried out until the end of the 12th pregnancy week without permission. The provisions of the health act ensure that the woman must, prior to having the procedure, receive advice on the support options during her pregnancy and after the childbirth, just as she is, prior to and after the procedure, entitled to a consultation as stipulated in the Danish health act.

A woman applying for permission to terminate her pregnancy after the end of the 12th pregnancy week because the child has a severe disorder, must also be informed of the options for obtaining supplementary information and advice from the relevant disability associations, etc., as stipulated in the Danish health act. Several initiatives have also been implemented, aimed at preventing unwanted pregnancies and lowering the number of abortions performed within the time limit of free abortion.

Article 11: Situations of risk and humanitarian emergencies

In Denmark, the overall guidelines for organising emergencies arising from accidents, disasters and other similar events are laid down in the Danish Emergency Service Act. The Act stipulates that local councils are responsible for organising local emergency responses able to provide reasonable assistance for personal injuries as well as property and environmental damage related to accidents and disasters. The local council obligation to provide reasonable assistance for personal injuries also covers persons with disabilities and other disadvantaged groups.

In relation to assisting deaf and hearing impaired people as well as people with acquired deafness, the Danish Emergency Management Agency has launched a warning service via mobile phone text messages. When one or more of the sirens in the nationwide siren-warning system are used for warnings, a

simultaneous text message will be sent to deaf or hearing-impaired people as well as people with acquired deafness registered with the scheme of the Danish Emergency Management Agency and the National Commission of the Danish Police. This procedure ensures that deaf or hearing-impaired people and people with acquired deafness receive warnings simultaneously with other citizens. The warning system is tested annually.

Disabilities acquired during posting to international missions

A considerable number of people employed in the Ministry of Defence policy area are posted to international missions every year. Even though the armed forces endeavour, through optimum preparation, to minimise injuries acquired by employees posted on international missions, some employees return from the missions with visible and invisible scars. The severity of some of these scars prevents them from performing their previous jobs.

The armed forces' HR policy describes how, if an employee is physically and mentally harmed to a degree that reduces working capacity, the armed forces will strive to place the employee in a job that he or she both wants and is able to perform in normal conditions.

Should the employee be unable to assume a previously planned post, the armed forces will do its utmost to find alternatives similar to the employee's prospective career track.

In October 2010, the government implemented a veterans policy, which lays down the framework for how society best recognises and, if needed, supports veterans. Solidly founded on existing measures, the policy sets up 19 new initiatives, including improved efforts targeted at physically and mentally injured veterans.

Denmark's strategy for humanitarian action

Persons with disabilities are mentioned as a particularly vulnerable group in the Strategy for Danish Humanitarian Action 2010-2015, just as protection of the most vulnerable is highlighted as a special focal point of the strategy. The strategy also explains that people with mental and/or physical disabilities are vulnerable victims not only in emergencies, but also in long-running crises, which is why Denmark's foreign policy supports activities that help provide more dignified lives in otherwise unsafe areas.

Further, humanitarian residence permits can be issued to foreign nationals whose return to their home countries would put them at risk of acquiring or experiencing the deterioration of serious disabilities (the disability criterion). The fact that an applicant's disability may improve from staying in Denmark, cannot justify the issuance of a humanitarian residence permit.

Article 12: Equal recognition before the law

Persons with disabilities are entitled to be recognised before the law and to exercise legal capacity on an equal basis with others.

Under the Legal Incapacity and Guardianship Act, guardianships may, if needed, be instituted for adults who are rendered unable to manage their own affairs due to mental illness, including severe dementia or impaired mental development of other types of severely impaired health. A guardianship may both cover financial and personal matters or be limited to certain financial or personal matters.

The legal effect of instituting a guardianship for a person is that a guardian is appointed to act on behalf of that person in matters covered by the guardianship. Under the Legal Incapacity and Guardianship Act, guardianships covering financial matters may deprive a person of his legal capacity if this is necessary to prevent the person from exposing his or her fortune, income or other financial interests to the dangers of significant depreciation or to prevent financial exploitation. Only a court of law may decide to deprive a person of his or her legal capacity. Decisions on guardianships are comprised by a principle of proportionality. Thus, the guardianship must reflect the person's needs and not extend further than required.

Additionally, social legislation provides that the local councils must grant assistance to people that have severely impaired mental functional capability and are unable to safeguard their own interests. Such assistance may be granted without the consent of the person in question. Assistance may not be given under use of coercion. The local council must consider whether a need exists to appoint a legal guardian under the Legal Guardianship Act.

Article 13: Access to justice

The Administration of Justice Act includes provisions to ensure that persons with disabilities have effective access to justice on an equal basis with others. Thus, provisions are in place to the effect that persons with a hearing impairment have access to interpretation during trials and that persons with speech disabilities can be examined, etc., via written questions and answers or with the use of an interpreter.

In addition, a number of rules have been established to ensure that defendants and witnesses are offered assistance in connection with the hearing of criminal cases. These rules also apply to persons with disabilities. It should be mentioned that police or the prosecution must inform the court if a concrete evaluation indicates that a witness requires special consideration. It should also be mentioned that victims of certain crimes have access to an appointed victim advocate. A person charged with a crime may also in certain circumstances have access to an appointed victim advocate, if the charge might mean that the person is placed in the custody of an institution for people with severe mental disabilities or in a special security hospital, etc.

Further, in practice a person whose disability involves a special need for accompaniment has the possibility of being accompanied by a support person or similar in court. Court attendants or other court staff may also, where needed, provide assistance to ensure persons with disabilities physical access to courts.

As to accessibility to courts of law, refer to article 9.

Training of police and prison staff

A central and pervasive theme of police training is that all people, irrespective of race, gender, religion, disability and/or sexual orientation, must be treated equally. Basic police training is thus organised with an emphasis on including the subject of (in)tolerance, where relevant. It should be mentioned that teaching in human rights comprises special lectures with focus on equal treatment of all human beings – irrespective of, e.g., disabilities.

Finally, basic and continuing training of prison staff is widely targeted at giving participants competences in handling and understanding inmates' problems, which are mainly mental and social in character, for some bordering on real disabilities.

Article 14: Liberty and security of the person

Under Danish law, persons with disabilities enjoy the same right to freedom and personal security as others and enjoy equal protection against arbitrary deprivation of liberty; cf. the Constitutional Act of the Kingdom of Denmark, Article 5 of the European Convention on Human Rights and the Danish Administration of Justice Act.

Use of force under Danish social legislation

An infringement of the personal freedom must be rooted in express statutory authority. Generally, the social legislation stipulates that no force must be used. People may in certain exceptional cases be subjected to measures of force if they have significant and lasting impaired mental functional capacity, receive personal and practical assistance, socio-pedagogic assistance, treatment or activation services, and where the necessary professional documentation for impaired mental functional capability exists.

Use of force under the Act on Social Services must be reported to the relevant local council, which is under an obligation to assess whether force was justified. Local council decisions on use of force may be

referred to the social complaints boards, and decisions on relocation without consent may be referred to the National Social Appeals Board.

Based on reports on the individual measures, an annual report on the use of force must be prepared for the local council to enable it to follow up the area, including by deciding whether the work should be reorganised, etc.

Deprivation of liberty and other uses of force under The Psychiatric Act

Danish legislation makes sure that psychiatric patients are not arbitrarily subject to administrative deprivation of liberty that is involuntary placement and forcible detention as administrative deprivation of liberty and use of other types of force may only be enforced under The Psychiatric Act which poses strict criteria for such use. The Psychiatric Act further ensures access to complaint about use of force a Patient Board of Complaints. Complaints about the boards' decisions concerning the deprivation of liberty and forcible fixation can be lodged to the regular court system.

All use of force according to The Psychiatric Act must be reported to the Danish National Board of Health, which is tasked with monitoring use of force and publishes annual statistics on use of force in psychiatric wards.

Measures under the Danish Police Act

Pursuant to the Danish Police Act, the police may in certain circumstances use force on people to ensure safety, security, peace and order in society. Measures of force under the Police Act must always be proportional to the objective and performed as leniently as possible in consideration of, for example, the possible physical and mental disabilities of the persons concerned.

Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment

Persons with disabilities are protected against torture or cruel, inhuman or degrading treatment or punishment on an equal basis with others.

In this context, it should be mentioned that Denmark has acceded to several International conventions that ban torture, including the UN Convention of 10 December 1984 against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the United Nations International Covenant on Civil and Political Rights and the European Convention on Human Rights.

Finally, the Danish Psychiatry Act provides that force in the psychiatric sector should not be used before every possible avenue has been taken to obtain the patient's voluntary participation. When conditions allow, the patient must be given suitable time to consider the measure. Further, the use of force should be proportional to the objective it is intended to meet. Less intrusive measures should, if sufficient, be implemented. To avoid unnecessary infringement or nuisance, force should be exerted as leniently as possible and with the greatest concern for the patient. Finally, force may not be used to a greater extent than necessary to achieve the intended aim. As mentioned under article 14, force may only be used when it falls within the strict provisions for use of force in the Danish Psychiatry Act. The Act also ensures the right of appeal, including trial hearing.

Article 16: Freedom from exploitation, violence and abuse

A key objective of Danish disability policy is to protect persons with disabilities from exploitation, violence and abuse.

The Danish Criminal Code

The Danish Criminal Code protects persons with disabilities from abuse, violence and exploitation on an equal basis with others. Additionally, the Criminal Code contains special provisions on exploitation of a person's mental illness or mental retardation to achieve intercourse outside of marriage, on institution employees' or supervisors' intercourse with institutionalised persons and on exploitation of, for instance, a

person's individual difficulties, lack of understanding or irresponsibility with the aim of acquiring unlawful gain for oneself or others (usury).

The Criminal Code also provides that, when punishment in criminal cases is determined, aggravating circumstances are present if the perpetrator has exploited the aggrieved person's defenceless position. The provision aims at offences committed against disadvantaged groups of people, including persons with disabilities.

As regards other offences committed against persons with disabilities but not involving the perpetrator's exploitation of the aggrieved person's circumstances, the prosecution will presumably in most cases have occasion to rely on the aggrieved person's disability as an aggravating circumstance of the offence.

Combating violence in close relations

An initiative of the government's action plan of June 2010 on "National strategy for combating violence in close relations" calls for the professional groups working with persons with disabilities to be informed of such abuse so that they can offer support to abused women and men with disabilities.

In 2004, a pool was allocated for women's shelters, aimed at granting financial support for increasing physical accessibility and thus giving persons with disabilities exposed to violence access to the same services for abused people as persons without disabilities. Funding was granted for alterations to five shelters. In the period 2005 to 2008, a project was realised called "Disabilities - Development at shelters" aimed at heightening and qualifying activities at shelters for abused women and children with disabilities. Seven shelters participated in the project. Funding has also been earmarked for communicating with the professional groups that work with persons with disabilities, including providing information on accessibility at shelters.

Finally, a development project was realised focusing on the police, hospitals and other professionals who encounter abused people. The project aimed to communicate knowledge on the special circumstances that apply for persons with disabilities.

Article 17: Protecting the integrity of the person

Use of force

Under social legislation, the use of force and other infringements on the right of self-determination are based on respect for the integrity of the person.

The use of force and other infringements on the right of self-determination often involve balancing a range of conflicting considerations. Hence, management and staff must plan care and make the related decisions in a manner that allows open dialogue about the various considerations and difficult decisions. Reference is also made to Article 14.

Citizen-managed personal assistance

Thanks to citizen-managed personal assistance, persons with disabilities now have access to more flexible help based on their own wishes and needs. Reference is also made to Article 19.

Article 18: Liberty of movement and nationality

Persons with disabilities in Denmark have the same opportunity as other applicants to acquire Danish nationality, generally on the same conditions as other applicants. In terms of the language requirement and the requirement to pass a nationality test, however, persons with disabilities can be given compensation remedial instruction, granted exemption from the form or content of the tests and allowed to use aids made available to them. Moreover, applications for Danish nationality submitted by people suffering from a severe physical or mental disease are submitted to the Naturalisation Committee of the Danish Parliament with a view to establishing whether the people in question can be exempted from the language requirement and the requirement to pass a nationality test.

With reference to the fact that Danish nationality is granted in pursuance of the Danish Constitution, the rules on acquisition of nationality apply to applicants residing in all parts of the kingdom, including the Faroe Islands and Greenland.

On 1 January 2010, it became easier for disabled citizens to travel abroad on an equal footing with non-disabled citizens. Now, citizens with disabilities can take a large number of disability-compensating services with them, including aids, a disability car, allowances for additional expenses and citizen-managed personal assistance, on temporary stays abroad of up to one month without prior application to the municipalities.

Article 19: Living independently and being included in the community

Social legislation contains a number of provisions aimed at giving private individuals better possibilities of managing on their own or at easing their everyday existence and improving the quality of life. The municipalities provide the help on the basis of a specific and individual assessment of the citizen's need for assistance. These efforts are intended to provide a holistic approach offering services tailored to the special needs of the private individual. These could, for instance, be help provided in the home, including accommodation facilities. Regardless of the type of help, it must be planned so as to be provided in respect of the self-determination, needs and resources of the private individual.

Examples of services under social legislation

In some cases, aids and transport solutions will suffice for a person to perform a given function and manage on his or her own. A person in need of other help can, for instance, obtain personal and practical help (home help) and meal arrangements. Home help can include help with personal hygiene, cleaning, shopping, etc. Home help and meal arrangements are granted on the basis of need and regardless of the recipient's type of accommodation. The services are offered to people with temporarily or permanently reduced functional capacity or special social problems that render them unable to perform the tasks themselves. Permanent help for persons with disabilities is generally free of charge.

Persons with disabilities can obtain assistance for training to maintain physical or mental skills, e.g. physiotherapy or occupational therapy. This may take place at a clinic, a day centre or at the home of the person needing the training.

The municipality must also offer socio-pedagogic assistance to people whose reduced functional capacity means they need assistance, care or support as well as rehabilitation and help developing skills. Socio-pedagogic assistance comprises a broad spectrum of support measures such as training and rehabilitation of everyday skills. Socio-pedagogic assistance is provided regardless of housing arrangement. However, socio-pedagogic assistance will often be an integral part of an accommodation facility.

The municipality may grant financial assistance to hire personal assistants if a person's permanently reduced functional capacity gives rise to a massive need for care, monitoring and accompaniment. Moreover, the municipality must provide escorts to people whose significantly and permanently reduced functional capacity prevents them from getting about on their own.

The municipality may grant financial assistance to hire a personal assistant if a person's permanently reduced functional capacity involves a massive need for care, monitoring and accompaniment.

The municipality must provide an escort to people with significantly and permanently reduced functional capacity that restricts their mobility.

People with permanent and significant functional impairment may also receive financial support to buy a car if the reduced functional capacity significantly reduces their mobility or if their possibilities of obtaining or retaining a job or completing an education are much lower without the use of a car. The need for transport must be of a certain magnitude and inexpedient to meet with other transport arrangements such as schemes for individual disability transport with public transport.

Hearing-impaired people are also offered interpretation for a wealth of activities. The municipality must grant assistance for fitting out homes for people with permanently reduced physical and mental functional capacity when such changes are necessary to make the home more suitable for a disabled person. Persons with disabilities can also apply for disabled-friendly accommodation from among Denmark's social housing offers on www.handicapbolig.dk.

Accommodation facilities

The municipalities offer accommodation facilities and social disabled-friendly accommodation to citizens with a special need for such facilities. Applicants who are eligible for long-term accommodation facilities under the Danish Act on Social Services or for social housing for older people and persons with disabilities and meet the conditions for obtaining such accommodation facilities are entitled to choose between such facilities and to move from one facility to the next. This applies whether the desired facility is located in the citizen's municipality of residence or another municipality. If the desired accommodation facility is located in a municipality other than the citizen's municipality of residence, the citizen must generally fulfil the conditions for obtaining the facility in both municipality areas. The specific offer is based on the needs of the individual citizen. The free choice may be limited with regard to the municipality's control instruments.

The Danish Act on Social Housing, etc. allows a wide variety of housing to be established for rental to persons with disabilities. For instance, social disabled-friendly accommodation can be provided as shared housing arrangements or as individual independent accommodation with own kitchen, bath and toilet. Shared housing can involve individual arrangements, with each resident's having his or her own home with a kitchen, bath and toilet and sharing to some extent a communal area with the other residents, or arrangements where the residents share the kitchen. Finally, social disabled-friendly accommodation can be established as assisted living accommodation with related service areas used for care and service functions directly connected to the accommodation facilities.

Finally, in 2010, the Danish parliament authorised universities to contribute funds to foundations whose principal purpose is to establish short-term rental units close to campus for students or visiting researchers. Accommodation for students must be established in accordance with the rules in the Danish Act on Social Housing, etc. The Ministry of Science, Technology and Innovation will encourage universities to aim to establish a number of residential units in keeping with the new 2011 accessibility standard.

Personal assistance schemes

Citizens who need extensive assistance as a result of significant and permanently reduced functional capacity can obtain financial support for hiring assistants under various legislation. A number of different requirements of remuneration, determination of financial support, etc., apply to the various rules.

Citizen-managed personal assistance

With citizen-managed personal assistance adults with significant and permanently reduced functional capacity who have little or no ability to move and perform everyday functions can hire people to give them practical and personal help in their everyday lives. The scheme enables the citizen to maintain or gain an independent life focused on his or her personal wishes and needs and thus attain greater flexibility in performing tasks and greater influence on his or her own life.

Article 20: Personal mobility

Danish disability policy focuses on giving persons with disabilities access to the help that can ensure mobility regardless of disability. For example, persons whose disabilities make it difficult to retain a job, complete an education programme or maintain leisure-time activities on a par with persons without disabilities without the use of a car receive financial support to buy a car. It is also possible to modify the car if necessitated by the disability. See also Article 19.

The Ministry of Transport's accessibility policy focuses on establishing a coherent traffic system on public roads and paths that also works well for persons with disabilities. This means that accessibility must be in the spotlight in planning, design, construction and operation as well as in the completion of both large and small-scale construction work in the road sector.

Article 21: Freedom of expression and opinion, and access to information

Persons with disabilities have the same freedom of expression and opinion as other people; see, e.g., the Constitutional Act of the Kingdom of Denmark and article 10 of the European Convention on Human Rights.

Use of sign language

Denmark recognises the use of sign language. Against the backdrop of the Danish Public Administration Act and the general administrative law principle on the administration's duty to investigate, an authority is assumed to have an obligation to ensure that a person with a hearing, visual or speech disability has the opportunity to receive interpretation assistance when interacting with the authorities.

Shared interpretation solution

Under social legislation, users of interpreters are also entitled to have an interpreter indefinitely for a wide range of activities essential to participation in society on an equal footing with everyone else. Moreover, the shared interpretation solution entitles each interpreter user an hour bank totalling seven hours of interpretation a year, e.g. for participation in private activities. In 2011, deaf-blind people, however, have an hour bank totalling 20 hours. See also Article 19.

Solutions accessible in the private sector

The Ministry of Science, Technology and Innovation aims to promote the development of accessible solutions in the private sector, including e-commerce solutions, online banking and electronic news media, blogs, etc. Specifically, the National IT and Telecom Agency has put together an initiatives package, containing a wealth of draft initiatives generally intended to boost awareness of the importance of accessibility. One of the initiatives is to appoint a reference group consisting of IT trade associations, IT developers and NGOs to act as advisers when activities in the area are launched or prioritised, including the discussion and prioritisation of the National IT and Telecom Agency initiatives package.

In late 2010, the Equal Opportunities Centre for Disabled Persons, FDIH, the e-commerce Foundation and the Sensus firm of consultants held a seminar on the importance and advantages of accessible private e-commerce solutions. Moreover, the ministry arranged the development of an e-learning tool on IT accessibility targeted at private service providers, including e-commerce shops. For further information, reference is made to Article 9.

In the 2009 agreement on local economy, the government and Local Government Denmark agreed that satisfaction surveys should systematically be used in all local quality management and development. With this as their starting point, pilot projects on comparable user satisfaction surveys in the area of children, older people and disability were launched. In cooperation with 10 municipalities, a concept was developed and tested for completing comparable user satisfaction surveys in the autumn of 2009 and spring of 2010. Based on the pilot project, the government and Local Government Denmark agreed in the 2011 local economy agreement to recommend that municipalities publish information every two years about how users experience the quality of a range of welfare services in the disability area, etc., that they receive. In support of utilising user satisfaction surveys that are comparable across institutions and municipalities, the municipalities were encouraged to apply the jointly devised concept, available as from 2011. The concept is used with the support of inspirational material, exchange of experiences and interdisciplinary analyses.

Article 22: Respect for privacy

Persons with disabilities enjoy the same level of protection of their private and family lives as all other Danish citizens; see, e.g., Article 8 of the European Convention on Human Rights on the right to respect for private and family life.

As already mentioned, there is a wide array of services that citizens with permanently reduced functional capacity can be granted in order to protect their private lives on a par with other citizens. The services include accommodation or home layout, the possibility of hiring personal assistants and options for receiving a large number of aids like wheelchairs and walking frames or body-worn aids such as hearing aids, wigs, etc.

Article 23: Respect for home and the family

Under Danish legislation, persons with disabilities enjoy the same rights as everyone else in terms of marriage, family life and parenthood, etc.

Under the Danish Formation and Dissolution of Marriage Act, people can marry in Denmark provided that they fulfil a number of conditions in relation to age, kinship, marital status and residence permit.

People who are unable to manage their affairs and thus under guardianship may not, however, marry without the consent of their guardians. If the guardian refuses to consent to marriage, the chairman of the local council may authorise the person concerned to marry.

Under the Danish Adoption Act, adoption may only be granted once an assumption based on an examination can be made that the adoption is to the benefit of the individual wanted for adoption. When adopting a child below the age of 18, the person wanting to adopt the child must be approved as an adopter¹. This requires, for instance, that the adopter is fit for raising an adoptive child, including that the adopter can raise the child in its best interests despite the adopter's disability, if any.

Under the Danish Parent Responsibility Act, all decisions on custody, the residence of the child, access, etc., must be based on the child's best interests. The child's best interests in such cases may, for instance, be assessed in consideration of its or its parents' disabilities.

When a physician providing treatment with artificial procreation makes the health assessment and decision on such treatment, he or she must consider whether doubt exists as to the ability of a single woman or a couple to care for a child after its birth. In the event that doubt is found to exist, the physician must, subject to the consent of the single woman or the couple, submit information to the State Administration requesting the administration to decide whether treatment with artificial procreation can be commenced. The rules on the assessment of the extent to which people are unfit as parents (laid down in act and executive order) establish a number of factual criteria to be used for assessment, the purpose of which is to consider the best interests of the coming child.

When the fitness of a woman or a couple as parents is in doubt, the assessment can include the following:

- any substance misuse problems of the woman or the couple;
- the woman's or couple's mental state that may impact on their ability to care for the coming child;
- circumstances that may lead to out-of-home placement of the child; and
- the fact that either or both future parents already have a child in out-of-home placement due to family circumstances.

Hence, the parents' ability to care for a child has an impact on the assessment of the extent to which people are unfit as parents.

¹ However, approval as adopter is not required for adoption of the child or adoptive child of the spouse or where close kinship or other special relationship exists between the adopter and the adoptive child or its parents.

Support to children and young people with special needs

Under social legislation, municipalities are under an obligation to initiate support when a child or young person has special needs for such support. This applies regardless of the reason for the special needs of the child or young person and thus also comprises children with physical or mental impairment. On the basis of the child's or young person's needs, the support can be provided directly to the child or young person or to the family or parents as required. So-called preventive measures such as a contact person, practical or educational support in the home, relief, etc., can be introduced, or out-of-home placement can be arranged. Decisions about support generally require the consent of the custodial parent, but social legislation allows a child or young person to be placed without the consent of the young person above the age of 15 or the custodial parent if there is an apparent risk that the health or development of the child or young person will suffer serious damage due to:

- inadequate care for or treatment of the child or young person;
- violence or other serious instances of abuse;
- substance misuse problems, criminal behaviour or other severe social difficulties or adjustment problems affecting the child or young person; or
- other behavioural or adjustment problems affecting the child or young person.

A decision on out-of-home placement can be appealed against before the National Social Appeals Board. The child or the young person has a right to access to parents, siblings and other networks during placement. However, the social authorities may under special circumstances limit access in consideration of the child or young person. Such decision can be appealed against.

Danish alien law

In the area of alien law, people who are unable to fulfil one or more of the conditions as a result of their disabilities will, in keeping with the Convention, not have to meet these requirements. They will only be exempted from the conditions they are unable to fulfil due to their disabilities. Other requirements unrelated to a person's disability must be met in line with others.

The possibilities of persons with disabilities to live a family life with a spouse, cohabitant or minor children where one of the partners does not already reside in Denmark are protected on an equal basis with other citizens' possibilities. To this end, the conditions of family reunification in the Danish Aliens Act will be departed from if the condition and the disability constitute a barrier preventing the disabled person from enjoying his or her equal right to a family life. This is the case whether the disabled person resides in Denmark or is an applicant and whether the disabled person is a child or an adult.

To the extent that a foreign national suffers from long-term physical, mental, intellectual or sensory impairment and the conditions for obtaining an indefinite (permanent) residence permit combined with the disability prevent the disabled person from obtaining such permit with the advantages following from other legislation, these conditions for indefinite (permanent) residence permit of the Danish Aliens Act will thus be waived.

Reference is made to Article 11 regarding humanitarian efforts.

Article 24: Education

Day-care facilities

As stated in the legislation on day-care facilities, such facilities must help promote the well-being, development and learning, etc., of children and young people. The day-care facilities are to help prevent the intergenerational transmission of poverty and social exclusion by ensuring that day-care facilities are an integral part of both the municipality's general services offered to children and young people and the preventive and supportive initiatives aimed at children and young people in need of special measures, including children and young people with mental or physical disabilities.

An eligibility assessment committee in the municipality determines whether a child with reduced physical or mental functional capacity in need of support is to be admitted to a general day-care facility under the

Danish Day-Care Facility Act or is to be recommended for admission to a special day-care facility in pursuance of the rules of the Danish Act on Social Services.

In this context, the overall situation of the child and the family is considered, including the nature and extent of the functional impairment, the need for treatment, the mental and social resources and possibilities of the child, the age of the child and its need for social contact with other children with the same functional impairment, e.g. other blind or deaf children, the relationship with siblings, etc., balanced against conditions at the institution.

When a child is admitted to an institution, steps must be taken to ensure that its need for treatment and possibilities of personal development are met. If a child physically, mentally or socially cannot be integrated into the group of children at a general day-care facility, the most expedient way to ensure the child optimum conditions for development will be to offer it a place in, for instance, a disabled children's group that is part of a general day-care facility or in a special day-care facility.

The decision on admission must be taken in close cooperation with the parents. If the child is to be integrated into a general day-care facility, it will be admitted in accordance with the general guidelines for admission in the municipality unless the child's special social or educational need for admission to a day-care facility justifies deviation from the general admission principles.

Primary and lower secondary school

The area of special education has developed significantly since the 1960s. Especially since Denmark acceded to the Salamanca Statement in 1994, the political objective has been to give a greater proportion of children with special needs an education connected to general education. The Salamanca Statement highlights the obligation to offer everyone irrespective of disability the opportunity to receive education in an ordinary class and to take into consideration individual needs in terms of education strategy, teaching form, pace, content and resource requirement. The statement introduced the concept of "inclusive schooling".

The planning of remedial instruction in primary and lower secondary school is based on inclusion in compliance with the Salamanca Statement.

Applicable rules in the area

Children whose development requires special consideration or support that cannot be underpinned within the framework of general education are entitled to remedial instruction and other special educational assistance.

Remedial instruction is provided in connection with general education (e.g. by assigning a support teacher to the pupil), in special classes (e.g. classes for children with pervasive development disorders) and at special schools (e.g. schools with highly specialised competences in remedial instruction for children with severe general learning difficulties).

Remedial instruction and other special educational assistance can only be offered to pupils whose development requires special consideration or support and whose needs cannot exclusively be met with the use of differentiated teaching and class formation within the general education framework. Hence, remedial instruction may not be implemented if a pupil's difficulties can be remedied within the general framework of primary and lower secondary school.

Remedial instruction comprises, for example, counselling and education and training in functional methods and working methods aimed at mitigating or limiting the effect of mental, physical, linguistic or sensory functional difficulties. Moreover, special teaching materials and technical aids necessary to teach a pupil can be provided.

Referral to remedial instruction is subject to educational-psychological counselling and consultation with the pupil and parents. Hence, parents must be involved both in connection with the educational-

psychological assessment and the principal's and the local council's decision to implement remedial instruction and other special educational assistance. Furthermore, parents must be informed in writing of all recommendations, reports, etc., regarding implementation of remedial instruction and other special educational assistance. The same rule applies if the assistance is to be revised or discontinued.

Objective of increased inclusion

In 2009, the Danish Ministry of Education conducted the survey *Educational results and behaviour patterns for children and young people with disabilities* – the first national representative mapping of educational results and patterns for children and young people with disabilities (non-cognitive disabilities).

According to the survey, children with disabilities have many problems in the educational system. Compared to pupils with no disabilities, they receive lower marks, a higher number drop out of school and fewer young people apply for a youth education programme. Moreover, the survey suggests that schools offer particular support to those with the severest problems in school, but also shows that the support is insufficient to offset these children's and young people's disabilities. The survey draws the conclusion that positive expectations and demands, disability-specific guidance and aids followed by remedial instruction and disability-specific knowledge can foster positive educational results for children and young people with non-cognitive disabilities.

In 2010, the government conducted an analysis of remedial instruction in primary and lower secondary school in cooperation with Local Government Denmark. The results show that the expenses of remedial instruction have risen sharply in recent years and that they account for some 30 p.c. of total primary and lower secondary school expenses. The analysis also shows that a relatively large number of Danish pupils are selected for education in remedial classes and special schools compared to Sweden and Finland. There is no documentation to prove that this selection is necessarily relevant for as large a proportion of pupils as currently selected.

The government and Local Government Denmark pursue the clear objective that general primary and lower secondary school in Denmark must be inclusive and comprise the majority of children with special needs. The relatively large segregation in Denmark does not harmonise with the objective of inclusion. As part of the economies of municipalities for 2011 and 2012, the Danish government and Local Government Denmark agreed to work for a more inclusive general primary and lower secondary school so a larger proportion of pupils could be included. An inclusive primary and lower secondary school will free resources that can, for instance, be used for strengthening general education in primary and lower secondary school.

The government has also presented a proposal for primary and lower secondary school, containing a host of initiatives to help reduce the number of pupils selected for segregated remedial instruction.

Pupils with ADHD, Asperger's syndrome, a mild degree of autism and non-cognitive disabilities are among the pupils expected to be included in general education.

Below follow a number of the initiatives launched with a view to ensuring that all children are included in primary and lower secondary school educations:

School development with a view to inclusion in general education

Funds have been earmarked for school development that increases inclusion and educational standards and reduces the volume of pupils referred to remedial instruction. An amount of DKK 13 billion currently goes to the remedial instruction area, with some 33,000 pupils receiving education at special schools and in remedial classes. That number is too high and conflicts with the objective set by the government and municipalities for an inclusive primary and lower secondary school. Twenty-three municipalities have been granted subsidies for projects under the following headings: a) Local strategies, organisation forms and stand-by measures, b) Framework for learning at school or class level and c) Supplementary or

alternative pupil activities planned in connection with the education pupils receive in general. The development work was completed at the end of 2010.

The evaluation of the development work revealed, for instance, that more pupils can be included in general education than is currently the case. Success hinges on applying an inclusion method carefully tailored to the specific difficulties of the target group. The evaluation also showed that inclusion is generally promoted by a systematic starting point, parent involvement and teacher competences in areas like relationship work, evaluation and differentiated teaching. However, the evaluation also showed that schools had trouble including pupils with massive difficulties.

Guide to the consideration of cases on remedial instruction and special educational assistance in municipalities

The Ministry of Education has prepared a guide that offers practical help with planning and carrying out the best possible case consideration process. First and foremost, the guide addresses the administrators responsible for making decisions on remedial instruction/special educational assistance, i.e. principals, children and culture directors, local caseworkers and educational-psychological guidance staff. The guide was published in December 2008 and most recently updated in February 2011.

Other initiatives

The Government has also taken various initiatives to strengthen the quality of remedial instruction, including:

- The trial purchase of IT rucksacks for pupils with reading/spelling difficulties. The purpose is to increase their learning and possibilities of completing a youth education programme. The project will be completed in 2013.
- Publication of a manual setting out the objectives for local supervision of remedial instruction, principles for supervision, tasks of supervisors, supervisor means and organisation of supervision. The manual is not a binding document, but serves only as inspiration and support for local supervisory activities.
- Preparation of observation material with a view to providing a more detailed description of specific reduced functional capacity in bilingual pupils that is a result of circumstances other than linguistic problems and with a view to preparing descriptions of methods and materials. The development work is scheduled for launch in the spring of 2011.
- The Ministry of Education has started developing a dyslexia test to be used at all educational levels for the purpose of identifying pupils with dyslexia earlier in the course of education. The test is scheduled to be completed in 2013.

Youth education programmes

According to the agreement on implementing the globalisation pool of November 2006, aimed at making Denmark a leading growth, knowledge and entrepreneur society, at least 95 p.c. of the young people in a given year must complete a youth education programme from 2015. This is termed the 95 p.c. target.

Meeting this ambitious target calls for more than viewing the youth education programmes separately. Primary school and primary school counselling are key co-players. The government has therefore launched initiatives regarding primary school, counselling and vocational training programmes. All the initiatives are meant to help meet the 95 p.c. target.

In terms of youth education programmes, special educational assistance is provided to ensure that pupils with both physically and mentally reduced functional capacity are able to complete their education and acquire the education competences and possible continuing education competences set out for the education programme. A pupil/student with reduced functional capacity can thus receive education at the institutions offering it.

Legislation covers both mental and physical disabilities in pupils from private primary and lower secondary schools to students attending a continuing education programme. Moreover, a pilot scheme exists that enables adults who have special needs or disabilities and are attending a labour market education programme to apply to the school for special educational assistance. Target groups and forms of support vary for the educational levels that have rules on special educational assistance. This can lead to transition problems – e.g. in connection with testing and analysis, particularly for the very large group of support recipients with dyslexia.

The Ministry of Education has just published a guide on how municipalities and educational institutions can cooperate when launching special educational assistance in youth education programmes. Disabled Peoples Organisations Denmark has been a member of the working group preparing the guide.

Educational and vocational counselling for young people with special needs

The municipalities are responsible for counselling young people, including young people with special needs, in the transition from primary education to youth education programmes or employment. When the guidance reform was implemented in 2004, UU was established with 46 centres across the country. UU is tasked with counselling young people in the transition from primary school to youth education programmes or employment. A main reason for the reform was to step up counselling activities for those young people in special need of counselling.

The applicable rules in the counselling area also state that counselling must be undertaken by people who have an education in educational and vocational counselling approved by the Ministry of Education, or who can document a similar level of competence in counselling. The ministry has therefore arranged for a diploma programme in educational and vocational counselling to be prepared. One of the modules in this education programme is entitled Counselling of children, young people and adults with special needs. The purpose of the module is for students to acquire the knowledge and qualifications required to offer educational and employment counselling to children, young people and adults whose development requires special consideration or support.

Youth education programmes for young people with special needs

In 2007, the Danish parliament passed an act on youth education programmes for young people with special needs. The objective of youth education programmes is for mentally disabled young people and other young people with special needs to attain the personal, social and academic competences for independent and active participation in adult life and, if possible, for further education and employment.

Consequently, after completing primary school, mentally disabled young people and other young people with special needs who are unable to complete another youth education programme with special educational assistance have obtained a legal claim for a three-year youth education programme adapted to their particular circumstances and needs. In this way, these young people enjoy an equal footing with other young people so they all have the chance to complete a youth education programme. The youth education programme for young people with special needs is a planned and coordinated programme described in an education plan whose aim is to create progress in the development of the individual young person.

The local council is responsible for the youth education programme for young people with special needs as well as for financing the programme.

At 28 February 2010 (latest statement), the youth education programme had a total of 3,418 active young people.

The act entered into force on 1 August 2007 and is due for revision in the sessional year 2011-12 of the Danish parliament.

- In 2008, 2009 and 2010, the Minister for Education presented the *Redegørelse til Folketingets Uddannelsesudvalg om den løbende evaluering af ungdomsuddannelse for unge med særlige behov*

(report to the education committee of the Danish parliament on the ongoing evaluation of youth education programmes for young people with special needs).

- *A Guide to youth education programmes for young people with special needs*, intended to explain and elaborate on the foundation of rules. The guide has been submitted for external consultation and is scheduled for publication in mid-2011.
- As a follow-up on the agreement on the Finance Act for 2010, a *Working group on a second part for the youth education programme for young people with special needs* was appointed with the participation of relevant experts and stakeholders who are to assess the need for establishing a second part to the youth education programme and submit a proposal in this respect if necessary. The working group has regularly involved relevant experts and stakeholders and contacted school associations, stakeholder associations, the social partners, etc. The work is expected to be completed in mid-2011.

Other initiatives

Experiments with special classes in upper secondary school for pupils with Asperger's Syndrome.

At the Høje-Taastrup and Paderup upper secondary schools, experiments have been conducted since 2007 and 2008 with special classes for pupils with Asperger's Syndrome. The Ministry of Education has also allocated funds for starting up new classes. The experiments mainly involved establishing small classes, increasing teacher man hours and providing a structured school day, but exemption is not granted from the provisions on education and tests. The object of the experiments is for the pupils to complete general upper secondary school. The upper secondary schools must also aim at including pupils in ordinary class instruction and the regular school environment. In 2009/2010, the Danish Evaluation Institute completed a sub-evaluation of the first year of school at three schools with three-year programmes for pupils with Asperger's Syndrome.

Adult education

This section highlights some of the initiatives that were launched with a view to increasing the quality of activities aimed at adults with disabilities:

Stronger flexibility and availability of higher education

In 2009, the Ministry of Education allocated DKK 6 million to nine different IT projects in didactics, study tools, competence development, IT-based test forms, differentiated teaching, retention, supplementary and higher education, distance education and education competences for the new millennium.

The purpose of the projects was to enhance the flexibility and availability of education programmes by means of IT so higher education programmes could better meet special needs – whether in relation to geography, learning or competences. The projects contributed to developing best practice for targeted use of IT with a view to communicating and disseminating the useful experience gained from enhanced flexibility and improved IT competences. Support measures for university education programmes are managed by the Ministry of Education.

Development of sign language interpreter programme

In 2010, the Ministry of Education conducted a survey of the situation of the sign language interpreter programme in Denmark. The survey paved the way for ensuring that the programme is still offered at two places in Denmark and that development of a more up-to-date programme as a professional bachelor programme was commenced.

Educational guide to teaching adults with dyslexia

On behalf of the Ministry of Education, the Danish Information Centre for Dyslexia prepared an educational guide to teaching adults with dyslexia. The guide is intended to guide and inspire teaching and special educational assistance for adults with dyslexia. The two target groups are participants with Danish as their mother tongue and as their second language. The guide offers specific proposals for planning reading education teaching and for achieving expedient coordination with other educational

offers or the dyslexia education given at companies. The guide was published as a web publication on the Ministry of Education's website and in book form by the Danish Knowledge Centre for Dyslexia. The preparation of the guide was started in 2006 and completed in 2010.

Dyslexia test for adults with Danish as their second language

On behalf of the Ministry of Education, the Centre for Reading Research developed and tried out a test for more certainly identifying dyslexia in adults with Danish as their second language. The trial showed that the newly developed test materials were well suited for identifying the group of people with dyslexia and Danish as their second language. The development work was launched to improve institutions' current possibilities for assessing whether reading difficulties in adults with Danish as their second language were mainly due to general difficulties with the Danish language or whether they were likely to be partly caused by dyslexia.

The dyslexia test, a guide and an instruction video were forwarded to all providers of dyslexia teaching for adults in the spring of 2011.

Danish language course for adult foreign nationals

Like other foreign nationals, foreign nationals with disabilities and traumatised foreign nationals with a legal stay in Denmark enjoy the right to a three-year Danish language course, offered under one of the three Danish language courses depending on the foreign national's schooling from his or her home country and the expected pace of learning. The offer must be planned according to the needs and qualifications of the private individual.

Providers of Danish language courses can offer teaching in small groups and individual teaching for foreign nationals with disabilities. Under the Danish act on Danish language courses, the local council is under an obligation to extend the three-year education period if a foreign national has been unable to attend the course due to illness, trauma or disability.

To facilitate the development of offers for persons with disabilities and traumatised refugees and foreign nationals, the Ministry of Integration supports a number of development projects, including supplementary training in teaching persons with disabilities and traumatised persons in connection with the Danish language courses and the TRIB (traumatised people in employment) project, completed in 2010. Moreover, the Ministry of Integration issued a number of publications, one being the guide *Undervisning af traumatiserede flygtninge og indvandrere i dansk som andetsprog med et rehabiliterende perspektiv* (teaching traumatised refugees and immigrants Danish as a second language with a rehabilitating perspective), August 2005, and funded the gathering of experience. *It is a question of smoothing the way – teaching course participants with special teaching needs in Danish language programmes and in cooperation with remedial instruction – status and inspiration*, UCC 2008. Guides and reports are available at www.nyidanmark.dk.

Education as job activation offer

Under Danish employment legislation, offers of education may be made to unemployed people – including general education – when an assessment suggests that this is the best and fastest way for the unemployed person to find a job. While attending the education programme, the person will receive his or her former family benefit, e.g. cash benefit, unemployment benefit or sickness benefit.

For the purpose of helping people with special needs to attend the education programme, aids in the form of teaching materials, tools and small workstation adjustments can be offered during the education period. Subsidies for a mentor for the programme participant are available.

Education as rehabilitation

Moreover, *rehabilitation* is available for people with documented reduced capacity for work for physical, mental or social reasons. This requires that rehabilitation has a realistic possibility of leading to full or partial self-support and that no other types of vocational activities that can help the person to self-support

exist in the place of actual rehabilitation. The rehabilitation must qualify the person for an ordinary job or – if not possible – a flexible working arrangement.

Activities that the rehabilitee completes before the occupational aim is clear are known as pre-rehabilitation. These activities are aimed at furthering work experience or readiness and include a programme of introduction to occupation or education at primary and lower secondary or upper secondary schools or other clarifying activities. Once the occupational aim has been clarified, the municipalities will, together with the rehabilitee, draw up a job plan from which the employment goal appears.

During rehabilitation with a job plan, the person receives rehabilitation benefits in the amount of the highest daily cash benefits. Young people below the age of 25 generally receive half the amount. As at 15 April 2011, benefits are likely to be changed for young people below the age of 30. Subsequently, these young people will receive rehabilitation benefits in the amount of the cash benefits unless they are providers for resident children or had a considerable income prior to rehabilitation.

The rehabilitation must be as short as possible and rehabilitation benefits are payable only for a maximum period of five years. In special circumstances, the period may be longer.

During rehabilitation, special support is available for teaching materials, tools, workstation adjustments and a mentor. Furthermore, special support is available for necessary additional accommodation expenses due to reduced physical or mental functional capability for rehabilitees below the age of 25 who receive half the amount of rehabilitation benefits.

If the person's employment problems can be solved directly through participation in other vocational activities, rehabilitation cannot be offered.

Article 25: Health

The Danish health care system is based on the principle of equal and easy access for all citizens, and the vast majority of health care services in Denmark are free of charge of citizens. The Danish health sector consists of a primary sector – private practising health care professionals and municipal health care – and a secondary sector – the hospitals.

As part of the primary sector is thus made up of authorized health care professionals – general practitioners, specialist practitioners, physiotherapists, dentists, etc., who have private practices but in agreement with the public authorities, which pay in full or in part for patients' treatment. The general practitioner functions as patients' primary health care provider and has a gatekeeper function to specialized treatment etc. in the rest of the health sector.

The municipalities are responsible for a vast number of health care services such as retraining, home nursing, health care and dental care and also have primary responsibility for preventive and health-promoting activities.

In general, hearing-impaired people have access to interpretation in connection with treatment by a general practitioner, a specialist practitioner or at a hospital. Unlimited interpretation is offered to general and specialist practitioners, etc.

The Danish Health Act contains no separate rules on interpretation for hearing-impaired people. However, the hospitals service is under an obligation to offer interpretation assistance in connection with hospital treatment if the hospital finds it necessary for providing treatment, etc. In such cases, interpretation assistance is considered part of hospital treatment, and the expenses in this respect are payable by the hospitals service.

Interpretation assistance for health services in addition to treatment at a hospital is provided according to the rules in the act on national interpretation authority as indefinite interpretation; see Articles 19 and 21.

Initiatives:

- To improve control with the handling of medicine – especially at shelters – the Danish National Board of Health, in concert with the Ministry of Social Affairs, Local Government Denmark, Danish Regions and the Ministry of the Interior and Health, is currently completing a project in which medical health officers use statistics on pharmaceuticals for making targeted inspections of shelters where pharmaceutical use is particularly significant.
- With these statistics in mind, in late 2010/early 2011, the medical health officers approached a total of 92 institutions, all of which subsequently prepared a report for the Danish National Board of Health. On the basis of these reports, the medical health officers make inspection visits at selected shelters and contact the prescribing practitioners. The project will be evaluated in the near future to establish whether a basis exists for making the statistics and the intensified inspection permanent.

Dental care

The municipalities are, against a smaller co-payment by the patients, bound to provide dental care for residents who as a consequence of reduced mobility or considerable physical or mental disabilities are having difficulties using the regular dental care services. The Danish National Board of Health's guide on the extent of and requirements for local and regional dental care sets out the more detailed requirements for welfare and special dental care.

Free physiotherapy

The municipalities provide free physiotherapy to people with permanent severe physical disability and to people with reduced functional capacity as a result of a progressive illness. The target group consists of four diagnostic groups:

- Congenital or hereditary diseases
- Acquired neurological diseases
- Physical disabilities as a result of accident
- Reduced functional capacity in joints and/or muscles as a result of inflammatory diseases

A guide from the Danish National Board of Health lays down the more detailed definition of the target group.

The purpose of free physiotherapy is to improve functions, maintain functions or delay the deterioration of functions. Physiotherapy is provided for groups of people or individually and comprises elements such as physical fitness training and weight-lifting as well as manual treatment.

Preventive home visits

Danish social legislation contains provisions aimed at promoting the health of citizens, etc. This applies, for instance, to offers of preventive home visits, which the local council must offer to all people aged 75 or over and living in their own homes. However, the local council may choose to exclude citizens receiving assistance with both personal care and practical help. The object is to offer preventive and health-promoting activities to older people, including those with reduced functional capacity, by offering advice and guidance on activities and support options.

Offer of training and retraining

The Regional Council must according to the Danish Health Act offer an individual retraining plan for patients with a medically grounded need for retraining after discharge from a hospital.

Retraining is also according to the Danish social legislation offered to alleviate physically reduced functional capacity caused by diseases or accident and not treated in connection with hospitalisation. Moreover, people whose physical or mental impairment or special problems necessitate help in maintaining their physical or mental functions are offered such help.

Public health campaigns

Every year, the Danish National Board of Health conducts a large number of national health-promoting and preventive campaigns that focus on life style, physical activity, tobacco and alcohol, etc. In words and images, the campaigns are planned so as to be easily comprehensible and accessible to everyone. As part of the national influenza vaccination campaign, advertisements are inserted in various patient associations' magazines targeting groups of patients and persons with disabilities at risk of falling seriously ill from influenza. A special initiative for mentally ill homeless people was launched in 2009 to help this group stop smoking.

Information about HIV and AIDS

Persons with disabilities are normally referred to the ordinary information channels via electronic websites, written information materials and personal advice. However, in 2010, an initiative on sex and health was launched for young people with learning difficulties – primarily mentally disabled people. The objective is to devise methods for communicating sex information to young people with special needs and offer them sex education, including information about HIV/AIDS.

Article 26: Habilitation and rehabilitation

Danish social legislation contains a large number of provisions that aim in various ways to ensure the habilitation and rehabilitation of people with congenital and/or acquired disability. These services complement rehabilitation services from other sector areas. The assistance under social legislation consists of rehabilitation and/or maintenance of physical, mental, cognitive and social skills as well as of support in the form of aids, cover of expenses, personal and practical assistance, etc., to compensate the citizen for his or her functional impairment. The objective is to give the citizen the best possible functional capacity – in terms of movement and activity, cognition, emotion as well as socially. All these forms of help constitute voluntary services for the citizen, and he or she has a possibility to complain about both the nature and scope of the assistance offered.

Rehabilitation in the health area

The Danish Health Act provides for a right to equal and easy access to the health sector. Rehabilitation is not referred to in health legislation as a separate task or area of responsibility. Statutory services such as "retraining", "home nursing" and "patient-targeted prevention" are, however, all examples of services aimed at rehabilitation and to which everyone with a (medically) technical need is entitled – although subject to the restrictions following from individual provisions.

Rehabilitation in the health area is characterised by services from authorised health care professionals. These are often initiated at a hospital and then, after discharge from hospital, provided by the patient's own general practitioner (who can, for instance, refer the patient to services provided by a private physiotherapist) and the municipalities.

The Danish National Board of Health has just completed a health work with pathway programmes for treating and rehabilitating both children and adults with traumatic brain damage and similar disorders as well as apoplexy. The work describes overall interdisciplinary, cross-sectoral and coordinated activities. The pathway programmes for children and young people and adults, respectively, with acquired brain damage were published on 15 June 2011 and will represent the framework for enhanced regional and municipal activities.

The 2011 Finance Act allocates DKK 150 million in the period 2011-2014 for disadvantaged patients with brain damage. The funds are allocated for enhancing activities in the area of retraining and rehabilitation for patients subjected to long and serious courses of disease. Moreover, the government, the Danish People's Party and MP Pia Christmas-Møller, as part of the new agreement on health activities aimed at people with brain damage, contributed another DKK 100 million to speedier retraining and rehabilitation for young people with brain damage and DKK 50 million to a new brain damage centre at Glostrup Hospital.

The government has prepared joint guidelines on municipal rehabilitation. The guidelines are to underpin the municipal, interdisciplinary performance of tasks in the area of rehabilitation. The guidelines describe the existing set of rules across areas of legislation, the objective of rehabilitation, typical activities in rehabilitation programmes and the interdisciplinary cooperation, e.g. across municipal areas of administration.

Offers of rehabilitation to new Danes with health problems

Disease and health problems constitute a barrier to refugees' and immigrants' affiliation to the labour market in Denmark. The Ministry of Refugee, Immigration and Integration Affairs thus launched a survey among ten Danish municipalities for the purpose of shedding light on the course of ethnic minorities' diseases and their impact on employment of ethnic minorities. The results are communicated in the publication "Health and integration" from March 2009.

According to the survey, some 80 p.c. of new Danes receiving long-term cash benefits are not ready to join the labour market on account of health problems, the majority being women with unresolved health issues. On the basis of the municipalities participating in the survey, cash benefit claimants with a Danish background who are sick have their diseases and resources identified almost four times more often than sick new Danes.

To remedy this, in the autumn of 2008, the Ministry of Refugee, Immigration and Integration Affairs used a number of courses for local caseworkers to communicate effective methods and useful forms of cooperation between employment and health players that can further labour market participation for new Danes. Moreover, the Ministry of Refugee, Immigration and Integration Affairs supported the development of the so-called Health-identifying Team in the Municipality of Odense, which uses an interdisciplinary method for identifying cash benefit claimants with complex or non-transparent disease patterns. The model is used by several other municipalities.

In the years ahead, the ministry will also aim at giving new Danes with health problems stronger ties to the labour market. One way will be to support a number of development projects.

Article 27: Work and employment

In 2002, the percentage age of employed persons with disabilities was 51 p.c. The percentage age was 53.7 in 2005. In 2008, the percentage was 51.2 p.c. and 46.6 p.c. in 2010.

The percentage of persons *without disabilities* did not change noticeably between 2002 and 2008, but a sharp fall of 4.6 p.c. was seen in 2008-2010 from 81.9 p.c. to 77 p.c. Hence, between 2008 and 2010, employment fell for persons with and without disabilities. Despite targeted efforts to increase the number of persons with disabilities in employment, the level remains relatively static.

To ensure that persons with disabilities can be affiliated to the labour market, the Danish government and Disabled Peoples Organisations Denmark have launched a four-year disability strategy. The strategy springs from the idea that it must be possible to unite disabilities and employment. As part of the strategy, the two parties are launching nine initiatives focusing on the three key players in activities in favour of persons with disabilities – job centres, the private individual and businesses. The initiatives cover the following three action areas and comprise both the retention and inclusion of persons with disabilities in the labour market:

- Facilitating the combination of disabilities and work
- Spreading awareness of existing compensation options
- Obtaining more knowledge about effective means of getting more persons with disabilities into employment

Private and public businesses also have a possibility of applying for funds from a pool (the Disabled Pool) for projects that variously help persons with disabilities find a place in the labour market.

The municipal is responsible for employment activities, but the National Board of Industrial Injuries helps establish the injured person's situation and can, for instance, award a temporary loss of earning capacity. This helps prevent the injured person from feeling locked in his or her situation, the risk being that the person in question loses his or her affiliation to the labour market.

In general, the time spent on considering industrial injury cases is in the spotlight. Moreover, the National Board of Industrial Injuries focuses on cases where industrial injury threatens to prevent a person from returning to the labour market. Such cases enjoy particularly high priority for the purpose of timely completion.

The National Board of Industrial Injuries also aims at involving other relevant players such as trade unions to support the injured person in his or her endeavours to return to the labour market.

Furthermore, persons with disabilities – regardless of disability – are covered by general employment policy measures. If the disability entails a need for special measures or assistance, personal assistance, for example, such measures or assistance can be granted through the Act on Compensation for Disabled Persons in Employment, etc. The objective of the compensation schemes is to enhance and stimulate the possibilities of employing persons with disabilities and retaining them in the market, and to offer them the same possibilities of pursuing a trade or profession as persons without disabilities. Reference is also made to Article 19.

The Danish Act on Prohibition against Differential Treatment on the Labour Market forbids direct and indirect differential treatment and harassment as well as instructions to discriminate on grounds of disability, etc. Disability was inserted in the act as a discrimination criterion that implements parts of Council Directive 2000/78 establishing a general framework for equal treatment in employment and occupation.

It follows from the Danish Act on Prohibition against Differential Treatment on the Labour Market that an employer may not discriminate against wage earners or applicants in terms of vacant positions on employment, dismissal, transfer, promotion or with respect to wage and working conditions. Discrimination in terms of wage conditions exists where equal pay is not paid for equal work or work of the same value.

Also, under the act, an obligation of adjustment applies to persons with disabilities, meaning that an employer must take the measures that are expedient in consideration of the specific requirements for granting a person with disability access to employment, to work or to success in employment. However, the obligation of adjustment does not apply if the employer is thus imposed a disproportionately heavy burden. If the burden is sufficiently alleviated through public measures, it is not considered to be disproportionately heavy.

It should be added that the prohibition against differential treatment also applies to anyone carrying out counselling and education activities, anyone offering employment, anyone laying down provisions and making decisions on access to carrying out self-employed activities and anyone making decisions concerning membership and participation in an employee or employer occupation and the advantages enjoyed by the members of such organisations.

Compensation for persons with disabilities in employment, etc.

The objective of the Danish Act on Compensation for Persons with Disabilities in Employment is to enhance and stimulate the possibilities of employing persons with disabilities and retaining them in the market, and to offer them the same possibilities of pursuing a trade or profession as persons without disabilities. The Act on Compensation for Disabled Persons in Employment contains four schemes:

Personal assistance for persons with disabilities in employment

Subsidies may be granted to a business for the remuneration, etc., of a personal assistant. Personal assistance can be offered to unemployed people, wage earners and self-employed businessmen who have a need for special personal assistance on account of physical or mental impairment. The objective of the

scheme is to offer persons with disabilities the same possibilities of pursuing a trade or a profession as persons without disabilities. The personal assistance is to aid the person with functions following from the job and for which the person concerned has a need for special personal assistance due to his or her functional impairment.

Support may also be offered to employees who, on account of permanent and severe physical or mental impairment, have a need for personal assistance outside normal working hours to take part in general supplementary and further training in the relevant job.

Wage subsidies on employment of newly educated people

With a view to gradual inclusion into the labour market of a disabled person who has completed an education programme of at least 18 months' duration, which can entitle the person to membership of an unemployment insurance fund, support may be granted to employment with a public or private employer for a period of up to two years after the programme was completed. Employment with subsidies will only be awarded if the person has not obtained employment that has produced experience in the field for which the education programme qualifies him or her. Wage subsidies may be granted for a period of up to one year.

Preferential access

In connection with filling a vacant position, public employers are under an obligation to give a disabled person who has difficulty finding employment in the ordinary labour market preferential access to the vacant position if, in the opinion of the employer, the person with disability has the same qualifications as the other applicants.

Subsidies for aids, etc., for workstation design and layout

Under employment legislation, subsidies are granted for aids, tools, small-scale workstation design and layout or teaching equipment.

Employment in the area of the Ministry of Defence

Disability policy initiatives are formed on the basis of current legislation in the area of the Ministry of Defence. The Ministry of Defence is exempted from the prohibition against differential treatment. Due to the physical and mental requirements of military service, discrimination on account of age and disability is permitted as being in good physical condition and health is an ultimate requirement as concerns operations safety on international missions.

In executing the tasks of the Danish Defence, employees risk receiving both physical and mental injuries. If an employee is injured in active duty, the Danish Defence explicitly wants to live up to its special responsibility as an employer. As soon as possible, the Danish Defence will offer the person concerned and his or her closest family the best possible help.

A broad range of measures will be applied to offer a meaningful working life to injured employees no longer able to work in their previous positions. Employees whose functional capacity is permanently impaired are generally offered permanent employment in another job provided that the employee has or can obtain the competences needed to perform the job.

In October 2010, the government released its veterans policy, which lays down the framework for how society best recognises and, if needed, supports veterans.

The overall objective of the veterans policy is to prepare veterans as best possible before they are deployed. And to give them a worthy welcome when they return.

The veterans policy must also ensure that the families of veterans receive help throughout deployment and that veterans are recognised for their vital contribution on behalf of the Danish state.

Finally, through holistic efforts, society is meant to offer speedy, relevant, coordinated and respectful treatment to the veterans who have been physically or mentally injured in international service. The policy is interministerial. This makes it clear that all society is responsible for offering veterans optimum help when they need it. A key goal of the veterans policy is to coordinate measures across the state, regions and municipalities.

The veterans policy contains 19 planned, specific initiatives that supplement existing services made available by the state, regions and municipalities to all citizens. The initiatives also build on the existing foundation of measures taken by the Danish Defence, etc., in recent years.

One example of the new measures is that veterans with amputations who will benefit from a sports prosthesis or a sports wheelchair will be offered such life-long maintenance and potential replacement.

Moreover, an accommodation service is offered for physically injured employees who have finished hospital treatment. The Danish Defence has acquired two specially laid-out temporary homes for motor-impaired injured employees who are waiting for the municipalities to provide or furnish a permanent, suitable home after discharge from hospital. The homes are located close to the Copenhagen University Hospital and its rehabilitation centre.

The Danish Defence expects a rise in the number of employees receiving permanent mental injuries in connection with their service in mission areas. As far as possible, the Danish Defence also wants to expand and establish supporting measures for this group, the aim being to prevent the effects of missions from developing into permanent injury with a risk of subsequent work-related and, perhaps, social marginalisation. Significant preventive and supportive measures are currently being taken, but it is not an easy task. The problem has treatment, employment and personal perspectives. For instance, questions arise about the cause, identification and diagnosis of the injury, the employee's affiliation to the Danish Defence, the need and options for treatment, prognosis and labour market perspective as well as the division of tasks between the state, regions and municipalities.

Due to the special nature of military tasks, the Ministry of Defence finds it imperative to create the best possible terms for employees injured on duty. For instance, the Ministry of Defence cooperates with other departments, civilian businesses and professional organisations in its endeavour to provide employees whose functional capacity has been impaired with the best possible conditions for an active working life. Measures are holistic and attach great importance to the employee's receiving speedy, relevant and respectful treatment and also the employee's taking an active part in the process.

If the employee is or becomes suited for performing a new job in the Danish Defence, a job that requires retraining, such supplementary training will be provided, e.g. via courses, on-the-job training, retraining and, perhaps, as rehabilitation in cooperation with the municipality of residence.

If an employee is injured or in any other way experiences reduced capacity for work and this is not a result of his or her service, the Danish Defence will also try to find him or her a job on normal terms and give him or her a career that makes use of his or her competences and which he or she can perform. The Danish Defence takes consideration beyond that required by the rules on normal employment on the basis of employer responsibility.

In addition, the Ministry of Defence's department and underlying authorities generally carry out targeted work on the number of people employed on special terms. In 2010, the target was for the Danish Defence to have 350 employees on average – the number was 538.

Finally, any requests/wishes are fulfilled to the greatest possible extent which originate in the employees' disability circumstances and that can be fulfilled by means of tools, equipment, etc. Sign interpretation is undertaken in cooperation with the Danish Deaf Association.

Employment-targeted initiatives for traumatised refugees and immigrants

Some 25-30 p.c. of refugees in Denmark are found to be living with traumas often caused by war experiences and torture in the countries from which they fled. The traumas affect refugees to a degree that makes it difficult for them to be integrated into Danish society. In Denmark, traumatised people often have to wait for a health evaluation and offers of treatment, etc. This calls for special initiatives to ensure traumatised refugees a well-functioning and meaningful everyday life. The Ministry of Refugee, Immigration and Integration Affairs thus takes various measures aimed at underpinning and creating coherence in the initiatives for traumatised families.

About 25 p.c. of sick unemployed people with ethnic minority backgrounds and claiming cash benefits are traumatised. Many job centres have difficulty handling traumas that have not been diagnosed from a health perspective.

To improve integration, the Ministry of Refugee, Immigration and Integration Affairs concentrates on employment-targeted initiatives for traumatised new Danes. This includes what it takes for traumatised people with a potential to work to find a job and establish an affiliation to the labour market. A three-year development project on traumatised people in employment shows traumatised refugees have the potential to be employed as long as people are willing to make changes, tailor measures and have patience with the group. A focal point of the project is that job centres must pave the way for labour market rehabilitation and ensure that rehabilitation is followed up with skill upgrading, motivating talks and workplaces.

Article 28: Adequate standard of living and social protection

Social assistance

Social assistance is for people who are neither self-supporting nor ensured social security, the amount of which depends on age, support situation and length of stay. The assistance is independent of the recipient's disability, if any.

The amount of the individual social security should be seen in the light of the fact that a large number of supplementary allowances exist, which take into account various expenses such as housing costs, expenses of children and day-care centres. These provisions are not reserved for persons with disabilities.

When it comes to persons with disabilities in particular, reference is made to allowances under social legislation (see below).

People receiving support under social legislation to mind a disabled child do not have to use their employment potential to be awarded social assistance.

As regards assistance during rehabilitation, reference is made to "education during rehabilitation" regarding Article 24.

Danish State Educational Grant and Loan Scheme supplementary grant (disability allowance)

Disability allowances can be granted to students who receive grants from the Danish State Educational Grant and Loan Scheme and, on account of permanent physical and mental impairment, are unable to work while studying. The scheme aims at ensuring students basic income support during their studies, to allow them to concentrate on their studies and thus become self-supporting once they end. Unlike other support schemes, the law has an education policy aim, which means that the assessment does not take into consideration whether the student is deemed to become self-supporting through the educational programme in question. Grants are offered for students to finish their education regardless of functional impairment.

Cover of additional expenses of supporting a child below the age of 18

Under social legislation, the local council must cover the necessary additional expenses of support in the home of a child below the age of 18 with significant and permanent functional impairment or impairing

chronic or long-term illness when the additional expenses arise from the functional impairment. Help is provided in the form of an allowance for additional expenses, which is fixed on the basis of a monthly standard amount, DKK 2,776 in 2011. One example of additional expenses is the additional expenses of food, medicine, transport and disability-oriented courses.

Cover of lost wages

The local council must also provide help to cover the lost wages of people who are home to support a child below the age of 18 with significant and permanent functional impairment or impairing chronic or long-term illness. The in-home care of the child must be necessary due to the child's functional impairment, and it must be most expedient for the mother or father to provide such care. Help is available to cover lost wages of a few hours a week up to full time (37 hours) as well as for single days, e.g. in connection with the child's hospital visits. On 1 January 2011, a ceiling on the amount parents can receive as lost wages was adopted.

Cover of additional expenses for people above the age of 18

The local council must also cover the necessary additional expenses of daily life for people between the age of 18 and old-age pension age with permanent physical or mental impairment and for people with permanent physical or mental impairment who have postponed payment of old-age pension. The additional expenses must be a consequence of the functional impairment and may not be covered under other legislation or other provisions in the Danish Act on Social Services. People receiving anticipatory pension according to the rules applicable prior to 1 January 2003 are not entitled to have additional expenses covered unless they also have been granted citizen-managed personal assistance under the Danish Act on Social Services. The benefit is determined on the basis of the private individual's probable additional expenses, and support may, for instance, be granted for additional transport expenses, other assistance and leisure activities. Support is available when probable additional expenses amount to at least DKK 500 a month. The support is calculated with a basic amount of DKK 1,500 a month. The basic amount increases by DKK 500 a month to DKK 2,000 a month when probable additional expenses exceed DKK 1,750 a month. Next, the basic amount increases by DKK 500 a month every time the additional expenses increase by DKK 500 a month.

The fundamental principle that social services are normally universal and free of charge is also a significant element in ensuring persons with disabilities an adequate standard of living. Consequently, benefits are granted on the basis of a specific individual assessment of the private individual's needs regardless of his or her financial situation. Reference is also made to Article 19 for other options of support.

Article 29: Participation in political and public life

Amendment to the rules on assistance in voting

Electors who on account of disability, poor health or for similar reasons are unable to access a polling station or voting booth or in any other way are unable to vote in the prescribed way may under the Danish Parliamentary Elections Act request the assistance needed to cast their vote.

In the sessional year 2008/09, the Danish parliament passed new rules in the election legislation, i.e. the Parliamentary Elections Act, the European Parliament Elections Act, and the Local and Regional Government Elections Act on assistance in voting on election day and at advance voting, which entered into force on 1 April 2009. The rules mean that in future all voters in need of assistance in voting may demand that a person of their own choice provide such assistance.

The act was amended to pave the way for Denmark's ratification of the UN Convention on the Rights of Persons with Disabilities as the Convention orders the States Parties to guarantee that persons with disabilities can freely express their will as voters, and to allow them for this purpose, where necessary and at their request, to obtain assistance voting from a person of their own choice. The previous rules only gave this option to blind and visually impaired people, and only on election day.

However, under the new rules, a polling supervisor or appointed elector (or an advance vote recipient) must assist *at the same time* to ensure that the elector is not exposed to undue influence, thus guaranteeing that people in need of voting assistance can vote by secret ballot in elections and public referendums without intimidation and are free to express their will as voters. If a voter does not wish to appoint a personal assistant, two polling supervisors or appointed electors (or two advance vote recipients) will provide assistance as was the case before the act was amended.

Moreover, the election authorities are – in the Ministry's guidelines on elections – instructed to the effect that voting should be organised such that any voting assistance is provided out of earshot of all others but the polling supervisors/appointed electors that are providing assistance to the voter and a potential assistant appointed by the voter; see the secret ballot requirement as stated in the UN Convention on the Rights of Persons with Disabilities.

The people in charge of voting may not advise a voter or make suggestions regarding for which party or candidate the elector should vote during voting, and the administrators assisting in voting are under a duty of silence with respect to what they learn about a voter's voting; see the requirements of the UN Convention on the Rights of Persons with Disabilities to the effect that electors with disabilities can vote by secret ballot in elections and public referendums without intimidation. This also applies if the administrator acts as an assistant. Non-compliance with this entails criminal liability punishable by fine or imprisonment of up to four months.

The rules on assistance in voting are stated in the Parliamentary Elections Act, the Local and Regional Government Elections Act and the Danish European Parliament Elections Act, which refers to the rules in the Parliamentary Elections Act.

Local disability councils

Denmark's disability policy is extensively implemented by the municipalities. In 2007, it became compulsory for each municipality to establish a disability council. The local council appoints a disability council, which acts as adviser to the local council in disability policy matters and communicates points of view between citizens and the local council in local policy issues regarding persons with disabilities. The council is composed such that all members represent different groups of disabilities and different sectors in the municipality area.

Disability organisations receive annual financial assistance from a central pool for running the associations.

Article 30: Participation in cultural life, recreation, leisure and sport

Participation in cultural life

On the basis of Denmark's ratification of the UN Convention on the Rights of Persons with Disabilities, the government's strategy *Kultur for alle – kultur i hele landet* (culture for all – culture throughout the country) also deals with accessibility for citizens with disabilities. In support of accessibility, the Ministry of Culture is drawing up an action plan for persons with disabilities and their access to culture, underpinned by a pool of DKK 7 million.

The Ministry of Culture considers accessibility to Denmark's cultural heritage and cultural institutions an important part of enabling the entire Danish population to experience, learn and participate in cultural offers. Technological solutions are developed on an ongoing basis and can be used by visually impaired people, for instance.

Moreover, various institutions in the Ministry of Culture's area carry out ongoing activities for persons with disabilities:

NOTA is a state-owned library under the Ministry of Culture, which produces and provides audio books, e-books and Braille for visually impaired and dyslexic people, www.nota.dk. *NOTA*'s primary task is to

ensure that dyslexic people have access to knowledge, participation in society and experiences in ways tailored to their needs.

Under the public service contract of 2011-2014, *the Danish Broadcasting Corporation* must aim to make its public service offers accessible to all persons with disabilities by using the relevant technological options, including audio description, subtitling and sign interpretation. Moreover, the Danish Broadcasting Corporation must be aware of new technological solutions.

As a new initiative taken after the ratification of the UN Convention on the Rights of Persons with Disabilities, the Danish Broadcasting Corporation must, under its public service contract, also establish a user council for disability organisations, thus providing users and the corporation with an ongoing forum for discussing the corporation's disability services.

The *Danish Sports Organisation for the Disabled* aims at promoting physical exercise and competitive sports for persons with disabilities, www.dhif.dk. Deaf sports have their own organisation, the Danish Deaf Sports Association, which is a member of the Danish Sports Organisation for the Disabled. The Danish Sports Organisation for the Disabled organises national rallies, tournaments and organisation championships as well as participating in international rallies and championships such as the Nordic, European and world championships and the Paralympic Games and the Special Olympics, which organises and develops sports for people with retardation of development.

A guide, *Idrætsrum for alle* (sports room for everyone), has been prepared on accessibility to sports facilities; see <http://www.handivid.dk/subpages/Idraet/Idraetsrumforalle.html>. Moreover, an anthology, *Friluftsliv for mennesker med funktionsnedsættelse* (outdoor life for persons with functional impairment) has been prepared and a network on the same subject established.

Published by the Danish Sports Organisation for the Disabled, *Skolesport Leg, Liv & Læring* (school sport, game, life and learning) is a concept for children's participation in sports in the interface between special schools, school-based leisure-time facilities and local sports associations. The concept entails an offer to do sports during school hours at one's own school or in the local sports associations.

The Danish Sports Organisation for the Disabled also organises sports camps during the summer holidays for children and young people with disabilities and the *Nordisk Børne- og Ungdomslejr*, a sports rally for disabled Nordic children and young people aged 12-16.

In addition, the Ministry of Culture has, after the ratification of the UN Convention on the Rights of Persons with Disabilities, established an award, the Minister for Culture's Disability Sport Prize, in the amount of DKK 75,000 to direct the spotlight on Danish athletes with disabilities. The prize was awarded in 2009 and 2010.

The *Danish Disability Sport Information Centre* aims at helping improve the quality of the work with persons with disabilities. To this end, it collects, processes and communicates information about disability sports and jobs on special terms and attempts to transfer the methods and views of humanity characterising disability sport to other sectors of society. This includes teaching, prevention, re-training and job provision on special terms. By developing new knowledge and methods in the work with persons with disabilities. The information centre's latest initiative has involved preparing a development programme for previously deployed soldiers with physical or mental injury.

Participation in association activities

The survey *Handicap og foreningsliv 2009* (disability and association life 2009) shows that persons with disabilities are under-represented in general association life. Attention has therefore been focused on the problem, e.g. with the launch of a project regarding leisure guides that support the integration of persons with disabilities into general association life.

In 2008, the Danish Workers' Sports Federation received funds in support of a project entitled *Idræt – også for sindslidende* (sports – also for mentally ill people). In 2011, the project was granted financial support for another two years. One project aim is to strengthen and communicate sports offers for mentally ill people on a national scale by means of structured and supervised sports offers targeted at the individual citizen and the culture of the psychiatric institution.

Physical education

All school classes must have physical education throughout school, and Joint Goals 2009 pinpoints and enhances the goals of physical education at school. Physical education is focused on allowing pupils to participate in all-round sports activities that give them broad experience in movement and physical activity and develop a pleasure for movement. The object of physical education is also to bestow pupils with the sports experiences, experience and reflections from which they attain the skills and knowledge that make physical and general development possible.

The planning of lessons, including choice of teaching and working methods, teaching material and topic selection, must in all disciplines meet the objectives of primary and lower secondary school, meet the objectives of the disciplines and subjects and be varied to match the needs and qualifications of the individual pupil.

General education

Under the General Education Act, the municipalities provides subsidies for general education activities in the municipality area. The individual municipality may decide to provide additional subsidies for activities or lessons for participants with disabilities or greater subsidies to persons with special needs.

Furthermore, the Ministry of Education provides special subsidies so that persons with disabilities can take part in voluntary association life and general adult education. A pool has been earmarked for this purpose, from which subsidies may be provided for transport, interpretation assistance, etc., to improve disabled persons' possibilities of participating in general education activities. According to current practice, subsidies may also be provided for equipment for disability-compensating purposes in connection with participation in general education activities. The pool is DKK 7.5 million in 2011.

IV. Specific Convention provisions related to boys, girls and women with disabilities

Article 6: Women with disabilities

Denmark's disability policy is based on the principle that persons with disabilities must be integrated into existing services. This means that initiatives aimed at equality between women and men must prevent not only discrimination but also discrimination against women with disabilities.

Article 7: Children with disabilities

Danish legislation, including social legislation, contains a number of special provisions to guarantee treatment of and special support to children with disabilities. Initiatives focused on children with disabilities are planned so as to provide the optimum framework for boys and girls with disabilities to live a good and active life, a life that as far as possible gives them the same possibilities as non-disabled boys and girls of the same age. The fundamental legal protection principles of Danish legislation ensure that children and young people with disabilities generally enjoy the same right as non-disabled children and young people of the same age and can exert the same influence on their lives as other children and young people.

To underpin the objective of equal treatment of children and young people with disabilities, a range of initiatives has been launched and planned to pave the way for greater inclusion of boys and girls with disabilities and to help eliminate prejudice against children and young people with disabilities. As part of this effort, Denmark has decided to finance a UN position as a specialist in children with disabilities. The position is scheduled to be advertised during the summer of 2011 and is with UNICEF.

The 2009 report on educational results and patterns for children and young people with disabilities produced a representative basis for documenting disabled children's and young people's performance throughout the educational system. The report forms part of the public pool project of funds earmarked for disadvantaged groups *Nye og nemmere veje* (new and easier roads), under which nine centrally initiated projects were completed between 2006 and 2009. The project was primarily intended to launch a host of initiatives aimed at developing the disability area and making it easier for people to live with their disabilities.

The mapping and survey of children born in 1990 are the first national representative mapping of educational results for children and young people with disabilities. For the first time, a representative survey was made to establish how children and young people with disabilities manage compared to children and young people without disabilities. The objective of the report was to establish a knowledge base for players in the area. Hence, the mapping provides a platform for analysis activities aimed at identifying what inhibits and what promotes educational results for children and young people with disabilities.

For instance, the report points out that an active social life has a vital impact on completion frequency in primary education. The experience of exclusion adversely impacts performance. This expression magnifies with the extent of disability. The report is to create a basis for qualifying education and counselling, etc.

Health for children with special needs

The Danish Health Act states that everyone has a right to equal and easy access to the health sector.

Under the Danish Health Act, municipalities are required to appoint one or more interdisciplinary groups with a view to considering children and young people with special needs, including promoting the private individual's development, health and welfare, and establishing adequate contact to medical, psychological and other expert knowledge.

Since August 2008/January 2009, children and adolescents with mental disorders, have enjoyed extended rights to examination and treatment. This means that children and young people in need of psychiatric assessment and necessary treatment are entitled to receive this within a period of two months. If the region of residence cannot provide treatment within this two-month deadline, the patient can free of charge seek treatment at a private hospital or clinic with which the regions have an agreement.

Integration initiatives in relation to children in traumatised refugee families

Denmark recognises that children in traumatised refugee families belong to a particularly vulnerable group. It takes special support, including support in everyday life, to ensure that these children's development and integration are maintained in school and education programmes, social networks, etc., for the children (and their families). It also means that the children of traumatised families need care as soon as possible. The Ministry of Refugee, Immigration and Integration Affairs has therefore launched various development projects for traumatised families with children living at home. In concert with several organisations, the Ministry has also directed attention to children and young people in refugee families where one or both parents are traumatised.

Humanitarian residence permit on account of reduced parental resources

Certain types of serious physical diseases and disabilities which, according to current practice, do not in themselves qualify for a humanitarian residence permit can motivate a humanitarian residence permit in Denmark for families with children if the diseases or disabilities of the parents have severely limited their parental resources for taking care of their children.

Hence, a humanitarian residence permit may, subject to a specific assessment, be granted if all of the following conditions are met:

- The family has minor children;
- at least one member of the family suffers from a serious physical disease or disability, which, however, is not so serious as to motivate a humanitarian residence permit in itself; and
- both parents suffer from physical or mental diseases or disabilities with the effect that both parents only have very limited parental resources for taking care of their children.

This practice is particularly applicable in cases where one or more of the children also suffer from a disease or disability and where no family or social network exists in the home country or where an existing network must be characterised as weak. The existence of a close family network in Denmark can also form part of the assessment.

V. Specific obligations under the Convention

Article 31: Statistics and data collection

As a result of the principle of sector accountability, the individual sector ministry is responsible for collecting data in the individual area. No common norm exists for data processing of specific statistics in the disability area, and no permanent norms exist in terms of highlighting the disability aspect in relation to statistics on the individual sectors.

General disability-related statistics are available via Statistics Denmark and the National Social Appeals Board as statements and reports on the extent of social benefits and services. These are categorised in compliance with relevant statutory provisions. Hence, Denmark does not centrally register data on private individuals. Instead, Denmark conducts national surveys that can be merged with registered data with a view to stressing the trend in, e.g., employment of persons with disabilities in relation to the population in general. The Danish National Institute of Social Research conducts such surveys, and the institute performs various surveys and analyses in the area of social welfare, including the disability area. The results of the surveys are accessible to the public and constitute a significant part of the public debate on the development of social welfare in general.

At present, there is no complete list of relevant disability data and statistics, but work is being undertaken under the auspices of the Interministerial Committee of Civil Servants on Disability Matters to prepare one.

A documentation project to improve social statistics has been launched in the area of disability. The objective of the project is to make specific recommendations for improving, renewing and simplifying the ongoing documentation of local activities and their effects. Project participants are Local Government Denmark, Statistics Denmark, Danish Regions, the Ministry of Finance and the Ministry of Social Affairs (chairman). The project group aims at preparing an agreement comprising a proposal for introducing a reporting system that is based on the civil registration number and builds on the electronic transfer of data generated in local casework. Short term, the purpose is to establish better basic documentation in the area so that developments in the disability area can be monitored. The long-term objective is to measure the effects of central and local government disability policy.

In addition, other national players contribute to collecting and communicating information in the area.

The *Social Services Gateway* is a freely accessible Internet-based portal where authorities, providers and citizens can seek information about local, regional and private services for persons with disabilities (and other disadvantaged groups). The gateway was established in 2007 to reinforce the foundation for individual citizens' choice of specific services and with a view to generating general openness and transparency in the services existing in the area. Today, local and regional councils report information to the Social Services Gateway about a vast number of different aspects of individual services, including target groups, number of places, services and methods of treatment, rates, staff, physical conditions, evaluations of conditions, food and eating conditions, resident activities, etc. The Social Services Gateway is run by the National Board of Social Services under the Ministry of Social Affairs.

Moreover, various national *research and evaluation institutions* contribute new knowledge and data collection in the disability area. From 2009 through 2010, the Danish National Centre for Social Research – an independent national research centre under the Ministry of Social Affairs – released 24 publications on disability. The Danish Evaluation Institute for Local Governments (KREVI) and the Institute of Local Government Studies (AKF) each released two publications in the area during the same period.

In 2008 and 2010, the *Ministry of Science, Technology and Innovation* mapped the accessibility of 234 and 226 public websites, respectively. The results of the mappings were published on webtjek.itst.dk and can be used actively to centre focus on the accessibility of public websites, while also targeting the government's initiatives in the area even better.

The *Ministry of Education* participates in the OECD project Pathways for Disabled Students to Tertiary Education and Employment. The project includes, for instance, a three-year longitudinal study among just over 400 Danish young people.

Article 32: International cooperation

The Ministry of Social Affairs is the coordinating ministry for disability matters and, together with the Interministerial Committee of Civil Servants on Disability Matters, is the focal point of the UN Convention on the Rights of Persons with Disabilities; see Article 33(1). This helps ensure intersectoral focus and knowledge on international activities and cooperation of relevance in relation to the Convention.

Denmark also takes an active part in a range of international forums on disability, including the European Commission High Level Group on Disability, which, based on the Convention, etc., discusses disability issues, disability policy and the conditions of persons with disabilities.

Denmark plays an active part in CAHPAH, the European Co-ordination Forum for the Council of Europe Disability Action Plan. Finally, Denmark is active in Nordic disability cooperation under the Nordic Council of Ministers.

Also, the Ministry of Science, Technology and Innovation takes part in European and Nordic projects on IT accessibility, to share knowledge and develop tools among other objectives. At the moment, the National IT and Telecom Agency participates in the EU-backed thematic network ATIS4all (Assistive Technologies and Inclusive solutions for All) and has been involved in developing UWEM 2 (Unified Web Evaluation Methodology). This involvement is in recognition that all countries face the same challenges and that many synergies and much inspiration are likely to be achieved from working together with other countries.

International cooperation in relation to the Danish development policy

As mentioned under Article 11, allowance is made for the fact that persons with disabilities are a vulnerable group in connection with the strategy on Denmark's humanitarian efforts 2010-2015. Moreover, persons with disabilities are highlighted as a particularly disadvantaged group in the development policy strategy (2010). Persons with disabilities are specifically addressed in the chapter on Danish development policy in fragile states. The strategy on Denmark's support to civil society in third-world countries (2008) stresses the importance of paying special attention to implementing conventions that promote the rights of particularly disadvantaged groups, including persons with disabilities. In continuation hereof, support is lent to a number of development projects through grants to Danish NGOs involved in projects for persons with disabilities in third-world countries.

Article 33: National implementation and monitoring

Article 33(1) of the UN Convention on the Rights of Persons with Disabilities requires States Parties to establish a structure for coordinating national implementation.

The Ministry of Social Affairs was appointed as the national nexus for matters related to implementing the Convention. The reason for the appointment is that the Ministry of Social Affairs is the coordinating ministry for disability matters. The Ministry of Social Affairs (the then Ministry of the Interior and Social Affairs) was appointed as the national nexus by parliamentary resolution B 194, which adopted the ratification of the Convention. As the coordinating ministry for disability matters, the Ministry exercises its function as the national nexus in close contact and coordination with the other parts of the government and organisations in the disability area.

The Minister for Social Affairs is the coordinating minister for disability and holds responsibility for an interministerial committee of civil servants on disability matters, which assists the government in coordinating various sector areas. The terms of reference for the Interministerial Committee of Civil Servants on Disability Matters were revised and now provide that the committee is tasked with the central

administration's coordinating function to facilitate interministerial activities in different sectors and at different levels aimed at implementing the UN Convention on the Rights of Persons with Disabilities; see Article 33(1) of the Convention. The Interministerial Committee of Civil Servants on Disability Matters seats representatives from all ministries. Disability organisations are involved in the committee work as needed.

Motion B 15 laid down the framework for Denmark's compliance with Article 33(2) of the UN Convention on the Rights of Persons with Disabilities on promoting, protecting and monitoring the implementation of the Convention.

The task of promoting, protecting and monitoring under Article 33(2) of the Convention was placed with the Danish Institute for Human Rights. The Danish Institute for Human Rights is Denmark's national human rights institution and is accredited as a National Human Rights Institution (NHRI), meaning that the institution has a mandate based on the Paris Principles.

According to Article 33(3) of the UN Convention on the Rights of Persons with Disabilities, civil society, in particular persons with disabilities and their representative organisations, must be involved and participate fully in the monitoring process. Involvement will be effected through the Danish Disability Council, already tasked with advising the Danish government on disability issues. As a result of Denmark's accession to the UN Convention on the Rights of Persons with Disabilities, the Danish Disability Council has, for instance, been tasked with discussing and assessing developments in society for persons with disabilities on the basis of the Convention.

The Parliamentary Ombudsman contributes to monitoring and protecting in the disability area by continuing his current work of monitoring developments in equal treatment, as requested by the Danish parliament in parliamentary resolution B 43 of 2 April 1993.

Thus, together, the Danish Institute of Human Rights, the Danish Disability Council and the Danish Parliamentary Ombudsman constitute the framework for promoting, protecting and monitoring the UN Convention on the Rights of Persons with Disabilities in accordance with the obligations stipulated in Article 33(2) of the Convention.

VI. Greenland

For a general description of the Greenland Self-Government arrangement, reference is made to the report from Denmark and Greenland to the United Nations Permanent Forum on Indigenous Issues, Eighth Session (E/C.19/2009/4/Add.4) and to the General Assembly (A/64/676).

II. General provisions of the Convention (articles 1-4)

See introductory section of the report.

Article 5: Equality and non-discrimination

The UN General Assembly adopted "Standard Rules on the Equalization of Opportunities for Persons with Disabilities" in 1993. In 1996, the Inatsisartut (the Landsting) autumn assembly agreed to work for the viewpoints comprised in the UN Standard Rules. Greenland has also acceded to the European Convention on Human Rights and is obligated to observe the prohibition against discrimination in Article 14, which ensures against discrimination due to disabilities.

It is a basic principle of Greenland law that persons with disabilities enjoy the same rights and protection under the law as other citizens.

In Greenland the Act on Public Access to Documents in Administrative Files and the Case Processing Act apply to all citizens. The public authorities are obligated to treat all citizens equally regardless of disabilities. No subjective, negative discrimination of persons due to e.g. disabilities is allowed.

Article 6: Women with disabilities

See the main section of the report.

Article 7: Children with disabilities

In Greenland, children's rights are mainly regulated by the Parliament of Greenland Order on assistance to children and young people. The relief measures introduced are based on the child's needs. If the child is covered by the order, the assistance provided must take the child's special needs arising from the disability as its starting point.

This legislation acknowledges the principles of the UN Convention on the Rights of the Child. Work is therefore aimed at making a targeted, early effort as regards children and young people with reduced physical or mental functional capacity.

If a decision that will affect the child is to be made, the child must be interviewed to the extent possible. The child's viewpoints must be included and given proper weight considering the child's age and maturity. If the child is under the age of ten, information about the child's outlook on the proposed relief measure must, to the extent warranted by the child's maturity and the nature of the case, be available. If the child is covered by the Parliament of Greenland Order on assistance to persons with severe disabilities, the child may be granted relief measures as stipulated in legislation.

Article 8: Awareness-raising

A special unit, IPIS, serving as a knowledge and consultancy centre on disabilities has been created under the Department for Family, Culture, Church and Equality. IPIS is mainly targeted at persons with disabilities, relatives, professionals and institutions. The advisory function at IPIS is adapted to Greenland conditions and can be contacted via their website www.IPIS.gl.

Article 9: Accessibility

Building and construction

In Greenland, building regulations may lay down rules on construction and layout of housing to ensure that the layout and permanent constructions and facilities are made so that persons with disabilities can use the building.

The building regulations may lay down that the accessibility rules must apply if an existing building is reconstructed or otherwise changed even if the planned reconstruction or change has no bearing on the accessibility of the building. Provisions may be made concerning financial coherence between the expenses of constructing the planned project and the expenses of ensuring that expenses no disproportion exists between them. Such provisions may comprise publicly accessible buildings, commercial buildings and services.

The authorisation has yet to be effected, but a pilot study has been launched for an upcoming revision of the building regulations.

Public buildings

The 2006 Danish Building Regulations (BR06) list a number of general accessibility requirements for buildings. Generally, many public services are located in older buildings where accessibility for persons with disabilities has not been considered when the building was constructed. Consequently, only minor accessibility improvements for persons with disabilities are possible in these buildings, e.g. in the form of ramps.

In 2010 and 2011, the Department for Housing, Traffic and Infrastructure conducted courses for the players involved (clients, project managers and builders), where the problems facing people with disabilities were addressed. The purpose of the course is to ensure that future building takes persons with disabilities into greater account.

Special discount schemes

No special subsidies are granted for persons with disabilities in the service contract areas. In these areas, persons are granted the same ticket price subsidies as other population groups. However, the Parliament of Greenland Order on assistance to persons with disabilities allows the public authorities to fully or partially subsidise transport as a relief measure.

Arctic Umiaq Line offers discounts on presentation of a pensioner card. A discount is also offered to persons accompanying blind persons travelling with Arctic Umiaq Line. Air Greenland allows the person accompanying a blind person to travel free.

Aviation and sea transport

In the aviation and sea transport area, no special Greenland legislation is in place to ensure persons with special physical or mental disabilities equal access to such transportation. The aviation area has not been repossessed and is administered by the Danish Transport Authority under the Ministry of Transport. The sea transport area has not been repossessed and is administered by the Danish Maritime Authority.

Physical accessibility in courts

Historically, the courts in Greenland have been located in old buildings where accessibility for persons with disabilities was not considered when the building was constructed. Only minor accessibility improvements for persons with disabilities are possible in these court buildings, e.g. in the form of detachable ramps.

The court buildings have undergone no major renovations in recent years. For several years, however, the Greenland judicial system has endeavoured to consider disabled persons' accessibility when buildings have been altered, including by concluding new leases and by setting requirements in connection with new building initiatives, although the financial framework limits the extent of these initiatives. The judicial system has also tried to give persons with disabilities access in old buildings; a step so far implemented at the local court in Sisimiut and at the entrance to the administration and course department in Nuuk.

The individual court will usually call in the required assistance for wheelchair users, who are parties to or witnesses in a case and who cannot enter the court rooms by means of detachable ramps, etc.

Article 10: Right to life

All human beings have an intrinsic right to life according to Article 2 of the European Convention on Human Rights.

Under the abortion legislation, a woman living in Greenland is entitled to have an induced abortion if the procedure can be done before the end of the 12th pregnancy week. Under extenuating circumstances, this time limit can be extended, e.g. if genetic conditions or disease during the foetal stage put the child at risk of a severe physical or mental disease.

Prior to the abortion procedure, the woman must be informed that she can contact the regional social committee for counselling about her options for receiving support to carry through the pregnancy and support after birth.

Article 11: Situations of risk and humanitarian emergencies

See the main section of the report.

Article 12: Equal recognition before the law

Under Greenland law, persons with disabilities have the same right to recognition before the law and legal capacity as other persons. If a person with disabilities lacks the ability to act on his/her own behalf, the Legal Guardianship Act makes it possible to dispossess that person of his/her right to recognition before the law and legal capacity and to appoint a legal guardian instead. Guardianship may be relevant in cases where an adult is unable to safeguard his/her own interests due to mental illness, reduced mental development or other debilitating condition.

Article 13: Access to justice

The rules concerning access to justice are stipulated in the Greenland Administration of Justice Act. Under the Greenland Administration of Justice Act, disabled persons enjoy the same rights as other persons.

Depending on the circumstances, special support may be granted to persons with disabilities. For instance, the courts may assign legal counsel in cases where such action is usually not required if deemed expedient in respect of the defendant, e.g. due to the person's mental disability. Moreover, a disabled person will to the extent necessary be able to bring a support person to a trial hearing.

Article 14: Liberty and security of the person

Under Greenland law, persons with disabilities enjoy the same right to freedom and personal security as others and enjoy equal protection against arbitrary deprivation of liberty; see the Constitutional Act of the Kingdom of Denmark and Article 5 of the European Convention on Human Rights.

Use of force under Danish social legislation

Generally, the social legislation stipulates that no force must be used. However, under certain circumstances use of force is necessary to protect a person against him- or herself or others, in which cases self-defence is warranted under the criminal code.

In cases where the disabled person's condition can be described as a mental illness or a similar condition, the person can be compulsorily admitted to hospital, retained, treated or physically forced. Force may only be used once all other options have been exhausted, and the means of force must always be proportional to its purpose.

Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment

See the main section of the report.

Article 16: Freedom from exploitation, violence and abuse

Unfortunately, it remains a fact that disabled persons are particularly vulnerable to exploitation, violence and abuse. Some of this abuse occurs within the family/circle of acquaintances and is therefore difficult to identify. The Greenland municipalities have a general supervision duty in respect of all children, young people and persons with disabilities comprised by the Parliament of Greenland Order on assistance to persons with disabilities. The municipality must take action if it is aware of violence against or exploitation of a child or a disabled person.

The Department for Family, Culture, Church and Equality has a supervision duty in the municipalities. This supervision is to clarify whether the municipality administers the social legislation correctly and whether the rules on case processing are observed. The Department also has a supervision duty in respect of all residential homes in Greenland.

Criminal code

The Greenland criminal code protects persons with disabilities against exploitation, violence and abuse in the same way it protects other persons. The criminal code includes special provisions on exploitation of a person's mental illness or mental retardation to obtain sexual intercourse or other sexual contact without being married to the person in question.

In a criminal case, whether the perpetrator has exploited the defenceless position of the person in question may be an aggravating circumstance.

Children's house

2011 will see the opening of a children's house for children and adolescents who are victims of sexual abuse, including children and young people with disabilities. The house is located in Nuuk.

The purpose of the children's house is to strengthen the possibilities of treating and preventing sexual assaults. The house is to contribute to a coherent, interdisciplinary investigation and treatment process for children who are victims of sexual assault and must also serve as a counselling and knowledge centre for municipalities and other players in contact with sexually assaulted children and young people. The Greenland Self-Government finances and is in charge of operating and developing the children's house.

Tasiorta

A counselling hotline has been established in Greenland that all citizens, including disabled children and young people, can call if they have been victims of sexual assaults or violence. Counselling is handled by professional psychologists and comprises treatment aspects such as crisis intervention and problem handling. Counselling can also help inform the individual citizen about which treatment offers are deemed most suitable for him/her. This free professional counselling is offered nationwide and receives annual subsidies from the Self-Government.

Article 17: Protecting the integrity of the person

See the main section of the report.

Article 18: Liberty of movement and nationality

See the main section of the report.

Article 19: Living independently and being included in the community

The social legislation includes a number of provisions that aim at allowing persons with disabilities to lead a high-quality, independent life.

Relief measures may be offered to compensate persons with severe disabilities for their significantly reduced functional capabilities. The relief measures can be provided as counselling, advisory services, support, nursing, granting of aids, etc.

Examples of services under the social legislation

In case of reduced functional capacity, aids and transport solutions will often be sufficient to make a person independent. If the disabled person has daily chores that she or he is unable to do without assistance, home help may be granted to the extent needed.

Physiotherapy or occupational therapy may be granted if the disabled person needs exercise to help maintain physical or mental skills. However, in this connection, it is important to emphasise that the offers available may differ greatly depending on where the disabled person lives. If the person lives in an area where such facilities are unavailable, the person may be granted a temporary stay in a place where access to exercise or rehabilitation is available.

A disabled person who is unable to live in his or her own home without special educational support may be granted a number of hours per week for such support. Such support can be used for buying groceries, planning daily chores, psychological support, etc.

Persons with severe disabilities over the age of 18 whose disabilities make them unable to live in their own homes must be offered housing in an assisted-living complex or sheltered unit. The specific offer will depend on how independent the person is. If a person with disabilities has special needs that cannot be covered in an assisted-living complex or sheltered unit, the person is entitled to stay in a residential home. If no residential homes can accommodate the special needs of a disabled person are available in Greenland, the person may be granted a place in a residential home in Denmark.

Article 20: Personal mobility

Greenland's nature creates special challenges to personal mobility, making equal access difficult to provide. Nonetheless, focus is put on trying to give persons with physical disabilities the possibility of participating in general community activities, including activities outside the home.

The municipality can establish a special transportation scheme for disabled persons if there is a special need. The municipality may also grant a disabled person financial assistance for transportation by taxi. The municipality may also grant a motorised vehicle if a disabled person lives or regularly visits a place without public transportation.

Article 21: Freedom of expression and opinion, and access to information

Disabled persons have the same freedom of expression and opinion as other people; see e.g., the Constitutional Act of the Kingdom of Denmark and European Convention on Human Rights.

Against the backdrop of the Case Processing Act and the general principle on the administration's duty to investigate, an authority is assumed to have an obligation to ensure that a person with a hearing, visual or speech disability can receive interpretation assistance when interacting with the authorities. Greenland currently has a consultant for the deaf, who acts as an interpreter when deaf persons are in contact with the public authorities.

Presently, IPIS is in contact with the Danish Deaf Association, which is planning to test remote interpretation in future.

Article 22: Respect for privacy

Persons with disabilities enjoy the same protection of their privacy as other citizens in Greenland. Persons with disabilities can receive relief measures to ensure that their privacy is protected on a par with other citizens. This may comprise an offer for special accommodation or home layout, a support person, relief measures, etc., to ensure that disabled persons achieve a greater degree of independence.

Article 23: Respect for home and the family

Persons with disabilities have the same right to start a family and marry as other citizens. However, people who due to mental disabilities have been declared unfit to manage their own affairs cannot marry without their guardian's consent or enter into other legally binding transactions.

Persons with disabilities have the same right to fertility treatment as other citizens. Decisions are made on a case-by-case basis about whether taking the pregnancy to term will jeopardise the person's health and whether the person will have the requisite resources to take care of the child.

Article 24: Education

The municipalities must ensure that its employees have the competencies required to offer disabled persons proper assistance. Greenland legislation allows the municipality to incur the following expenses for courses: course fee, travel and accommodation, full or partial compensation for lost wages.

In the educational area, special classes have been established for children who have special needs and require special education. Major towns offer the possibility of creating classes where pupils with the same needs are taught together.

Nuuk has a special day school aimed at children and young people diagnosed with ADHD and DAMP. Part of the primary and lower secondary school, the school is a comprehensive offer comprising school and after-school care. Generally, the education offered to persons with disabilities depends on the resources in the local community. The offers available may differ between major towns and the villages. At present, work involves initiatives to ensure that disabled people receive special consideration in the educational system.

Article 25: Health

The Greenland health care system is built on the principle of equal access for all. Medical assistance, treatment and dental care are services paid by the public authorities. The public authorities may grant subsidies for full or partial payment of physiotherapy/occupational therapy if the need for such services has arisen or is a consequence of the disability.

Under the health care legislation, persons with disabilities have the same legal status as other persons. Consequently, legislation grants persons with disabilities the same health care services of the same quality as it grants other persons. However, in practice, conditions in Greenland, including infrastructure and lack of resources, mean that persons with disabilities do not always have equal access to the health care system.

Article 26: Habilitation and rehabilitation

See the main section of the report.

Article 27: Work and employment

To ensure young persons with severe disabilities the best possible conditions in respect of education and work, an action plan for any further education or work will be prepared after they have completed school. Persons with disabilities have the right to apply for admission to a training programme or work on an equal basis with others.

If the functional impairment has no impact on working capacity, the disabled person must be hired on the same terms as others. An agreement can be made with the employer if, e.g., the disabled person will only be able to perform special tasks or work part-time.

Greenland legislation includes provisions to the effect that persons with disabilities who are unable to carry out an ordinary job should to the widest extent possible be offered one of the following options:

sheltered employment in an ordinary workplace, work in a sheltered workshop, test of capacity for work or rehabilitation, activity offers in a day centre.

The rehabilitation legislation allows a person with severe disabilities to enter a rehabilitation scheme. Under a rehabilitation scheme, the municipality will refund the employer for 20-80 p.c. of the pay. The purpose of rehabilitation is to give the rehabilitee the possibility of testing his/her skills at an ordinary job. A rehabilitation plan is prepared for the rehabilitation and must include information about the rehabilitee's health, training, former occupation and social conditions. Anticipatory pension can only be awarded when all rehabilitation options are deemed exhausted. Once the options of rehabilitation for employment on normal terms have been exhausted, the municipality must help people who do not receive anticipatory pension and who cannot achieve or maintain employment on normal terms to obtain a flexible working arrangement.

Article 28: Adequate standard of living and social protection

No rules are in place providing persons with disabilities special access to social services. Persons with disabilities may apply for anticipatory pension or public assistance on an equal basis with others persons if their functional impairment renders them unable to support themselves and their families.

Most persons with disabilities unable to work due to their functional impairment have currently been awarded anticipatory pensions. When disabled persons reach the age of 65, they will transfer to retirement pension.

A person with severe disabilities is eligible for financial assistance from the public authorities for a number of additional expenses if these are a direct consequence of the disability.

Article 29: Participation in political and public life

Persons with disabilities have the same right as other citizens to participate in political and public life. Greenland has several disability associations working actively to improve the conditions of disabled persons.

Article 30: Participation in cultural life, recreation, leisure and sport

Special initiatives have been launched to ensure that persons with disabilities can participate in cultural life on an equal basis with others.

For instance, KNR uses new technologies to give persons with disabilities stronger access to programmes and to ensure that coverage of events of great social interest is texted or sign interpreted.

Legislation allows after-school teaching to be organised as special education. Special education means individually tailored education for disabled persons.

At present, Greenland has no disability sport clubs, but the Greenland sports association GIF is working to support the development of organised disability sports.

Article 31: Statistics and data collection

The Department for Family, Culture, Church and Equality regularly collects data about the disability area. The purpose of this data collection is to gain better insight into any measures needed in the area. It is also meant to give the Department for Family, Culture, Church and Equality a solid basis for fulfilling its general duty to supervise the disability area.

Article 32: International cooperation

The Department for Family, Culture, Church and Equality participates in the cooperation dealing with disability issues under the Nordic Council of Ministers for social and health affairs. Greenland also participates in the Nordic Council on Disability Policy. The council is a policy-preparing and advisory

body for the Nordic Council of Ministers and puts important disability policy issues on the Nordic and national political agendas.

Article 33: National implementation and monitoring

The Department for Family, Culture, Church and Equality is the focal point for matters related to implementing the Convention. This is because the disability area falls under the auspices of this Department. Since the Convention concerns the policy areas of several departments, the Department for Family, Culture, Church and Equality will be working closely with other departments to ensure the provisions of the Convention are implemented.

VII. Section F: Faroe Islands

Introduction

Space limitations have necessitated a strictly prioritised account of the measures initiated in connection with the obligations of the Convention. Hence, it has not been possible to provide an elaborate review of all Convention articles. On the basis of the general provisions of the Convention in Article 3, however, a decision was made to focus on the articles concerning persons with disabilities' possibilities of living an independent life and of forming an active part of and being included in society on an equal basis with other citizens. The general part of the report on Faroese society and persons with disabilities considers a number of Convention articles, while each of the other sections is more limited to 1-3 of the Convention articles.

The preparation of the report involved relevant Faroese ministries and boards as well as other relevant parties such as the Faroese Association for Persons with Disabilities.

Articles 1-5, 8, 10, 12, 14-17, 22, 31 and 33: General comments on Faroese society and persons with disabilities

The Faroe Islands are a self-governing country within the Kingdom of Denmark. When an area of jurisdiction is governed by the Faroese authorities, legislative power rests with the Parliament of the Faroe Islands and administrative power rests with the government of the Faroe Islands. For a general description of the Faroese Home Rule arrangement, reference is made to the fifth periodic report on the International Covenant on Civil and Political Rights (CCPR/C/DNK/5.add.paras 29-55) concerning the Faroe Islands.

The respect of human rights and democracy are fundamental values of Faroese society. It is a fundamental legal principle that all people are equal before the law, in which the cornerstone of the community governed by law rests on the fundamental principles of the private individual's right to freedom of speech and to participate in political as well as public life and respect for the sanctity of private life. These are constitutional rights applicable to all citizens. Hence, persons with disabilities, as all other citizens, enjoy the same rights and protection under the law against abuse, violence, exploitation, arbitrary deprivation of liberty and discrimination; see the Constitutional Act of the Kingdom of Denmark, the European Convention on Human Rights and the Danish Administration of Justice Act. In cases where the authorities need to intervene, e.g. in the form of guardianship, the new legislation from 1 May 2010 on guardianship will ensure that guardianship intervention is kept to a minimum and that guardianship is better adjusted to the private individual's needs and possibilities.

Continuous efforts are made to improve the welfare system and thus meet the fundamental needs of all citizens, also those of persons with disabilities. The Faroese government is responsible for most of expenditure for education, health, social services, health care for older people and pensions. The Faroese disability policy is based on the principles of compensation, sector responsibility, solidarity and equal treatment. By means of legislation, information and guidance, the objective is to ensure that persons with disabilities enjoy the same inclusion in society as a whole as other people. When new acts and executive orders are prepared, national disability organisations obviously form part of the legislative process and are key sparring partners.

With about 48,000 inhabitants, the small size of the country naturally limits the economic and administrative means available, for which reason a slightly different approach to compliance with the Convention must be taken than in the other Nordic countries. For instance, the public sector has limited resources available for offering social services, compiling and producing statistical data and establishing new control functions. In connection with control functions, attempts are instead made to use existing bodies such as the Ombudsman, the courts, the public administration and public boards and NGOs, which are often represented in public boards.

The small number of inhabitants makes for a transparent society with a short distance between the political echelon and citizens and organisations and associations, which also means that all citizens have easy access to the media and the public domain. In recent years, politicians and society in general have become more aware of creating the circumstances to ensure that the disabled have equal opportunities in society. In 2002, the Minister for Social Affairs appointed a disability council, charged with advising the authorities and focusing on disability policy themes by using the media and organising public events. The council receives appropriation under the Finance Act. Moreover, the Faroese disability organisations, funded under the Finance Act, go to great lengths to make the authorities and the rest of society aware of the situation of persons with disabilities.

Articles 9 and 29: Accessibility and participation in political and public life

In 2009, the Faroese Government issued *Executive Order No. 149 of 3 December on accessibility*. The rules lay down requirements for buildings housing public services and for buildings housing restaurants, shops and offices whose field of work targets administration and special services. For instance, requirements are laid down for lifts, doors, toilets, stairs, ramps, car parks and footpaths. In addition, the executive order stipulates rules on necessary aids such as induction loops. The executive order lays down requirements for new buildings and refurbishment and requirements regarding the lease of buildings to be used as premises for public services.

The enterprise and construction authority (Landsverk) in the Faroe Islands, which is responsible for maintenance and new construction of all public buildings, follows the Danish building regulations, but a Faroese building act with up-to-date accessibility requirements is currently under preparation. All new buildings are subject to requirements for safe and unobstructed transport and mobility in and around buildings as well as requirements to the effect that facilities and aids must be available at schools and cultural and educational institutions.

The Faroe Islands have completed building modifications that grant wheelchair users access to courts of law, public administration buildings and other buildings and areas used for various public events. The municipal authorities are responsible for building and maintaining primary and lower secondary schools.

Pursuant to *Act No. 49 of the Faroese Parliament of 20 July 1978 on parliamentary election*, as amended, Article 26 sets out special rules on how persons with disabilities can gain access to and exercise their right to vote. The rule comprises accessibility in the broad sense.

Articles 13, 21 and 30: Access to justice, freedom of expression and opinion and access to information and participation in cultural life, recreation, leisure and sport

Pursuant to the Public Administration Act and the general administrative principle on the administration's duty to investigate, the authorities are assumed to have an obligation to ensure that a person with a hearing, visual or speech disability is given the opportunity to receive interpretation assistance when interacting with the authorities. The Faroese Administration of Justice Act includes provisions to ensure that persons with disabilities have access to justice on an equal basis with others. Thus, provisions are in place to the effect that persons with disabilities have access to interpretation during trials and that persons with speech disabilities can be examined, etc., via written questions and answers or with the use of an interpreter. In addition, a number of rules have been established to ensure that defendants and witnesses are offered assistance in connection with the hearing of criminal cases. These rules also apply to persons with disabilities. The Interpretation Service, which receives funding under the Finance Act, provides interpretation assistance to deaf people on request and in emergency situations. The service is manned 24 hours a day.

Every year, the Faroese Ministry of Culture and the country's municipalities allocate funds for establishing and using IT systems and equipment. In recent years, priority has been given to establishing interactive whiteboards, IT rucksacks and other types of IT tools at educational institutions. Together with

the municipal authorities, the Ministry of Culture has designed a web portal whose purpose is to communicate electronic and interactive teaching materials, offering persons with disabilities greater and more flexible learning possibilities. Special education has been established, comprising, for example, counselling and education and training in functional methods and working methods aimed at mitigating or limiting mental, physical, linguistic or sensory functional difficulties. Moreover, special teaching materials and technical aids necessary for teaching can be provided.

Under educational law, all pupils and students are entitled to specially planned education programmes and exams and the use of IT and other aids that meet their individual needs. With *Executive Order No. 85 of 7 May 2003 on teaching in and teaching using sign language*, the Ministry of Culture has stated that children and young people with sign language as their first language are entitled to a sign language interpreter throughout the programme and that they and their relatives are to be offered lessons, courses, counselling, etc., in sign language. At the same time, work is under way to update and improve acts and rules concerning possibilities of communication and speech.

Pursuant to *Act No. 79 of the Faroese Parliament of 8 May 2001 on library activities*, as amended, the National Library must procure audio books for those who for some reason cannot read ordinary printed text. Funds are allocated under the Finance Act for this purpose every year.

Under the public service contract of 2010, applicable to the period 2011-2013 and concluded between the Faroese radio and TV and the Ministry of Culture, disabled people are ensured new services and rights. Public services for deaf and hearing-impaired people have been strengthened, and requirements have been laid down to the effect that news must be interpreted by a sign language interpreter when initially broadcast or the day after at the latest. Broadcasts of considerable interest and importance to society must be subtitled and/or interpreted by a sign language interpreter, e.g. election programmes in connection with parliamentary elections. The aim should be to offer simple Internet services targeted at people with impaired vision and/or hearing.

In the public and private sector, however, the situation is not quite satisfactory in terms of providing information and knowledge in accessible format to people with impaired hearing and vision. The Association of the Hard of Hearing calls for more funds for interpretation provisions so that people with severe hearing impairment stand a better chance of taking part in societal life. Statutory rules on the right to interpretation provision for hearing-impaired and deaf people are lacking, and overall coordinated efforts are needed regarding accessibility to websites and other IT solutions.

Article 24: Education

People of all ages with special needs are entitled to education on an equal footing with everyone else, and this has been practised at all levels since the Salamanca Statement and the vision of "schools for all".

Pursuant to the Act on Primary and Secondary Education, children with special needs are entitled to special education and/or other form of special educational assistance and aids. The rules comprise both pre-school children and children in the mandatory primary school. Pursuant to *Executive Order No. 94 of 22 June on special educational assistance for pupils with physical and mental impairment*, as amended, pupils with special needs in all youth education programmes are entitled to special educational assistance and aids. Every year, the Finance Act allocates funds for this purpose. In recent years, the Ministry of Culture has launched various specific measures to upgrade the special educational area. Programmes covering dyslexia, AKT (behaviour, contact, well-being), reading instructor and specialist teacher education programmes have been set up, and PPR (educational and psychological guidance) offices on the Faroe Islands have been upgraded and decentralised. Moreover, new IT-based examination papers that help pupils with special needs are being prepared.

In the wake of the extensive reform work, the rights of persons with disabilities have been increased and specified in new legislation on youth education programmes, set to take effect in 2012. In this connection,

efforts are being made to adjust and prepare identical executive orders and guidelines for all education programmes.

Pursuant to *Act No. 70 of the Faroese Parliament of 30 June 1983 on leisure-time education, etc.*, most recently amended on 10 December 2003, municipal authorities must establish special education for adults. The Ministry of Culture offers economic support to the municipal authorities to finance approved education programmes of a technical, creative and social nature.

The technical remedial instruction for adults must allow for and be planned in accordance with the special needs of the private individual and include writing, reading and arithmetic as well as address problems with hearing, vision, speech, language and movement. More detailed provisions on teaching have been laid down in *Executive Order No. 5 of 7 December 1984 on remedial instruction for adults*.

Articles 6 and 27: Women with disabilities and work and employment

Act No. 63 of the Faroese Parliament of 26 May 2011 on the ban against discrimination in the labour market due to disability forbids employers to discriminate against disabled employees or applicants for vacant positions in connection with employment, termination, transfer or in matters of pay and employment terms in general, including the principle of equal pay for equal work. The act is mandatory and cannot be derogated from to the disadvantage of the employee.

Moreover, the act states that, in connection with job advertisements or applications for vocational training programmes, advertising specifically for disabled people or stating that disabled applicants are preferred is prohibited. Neither may advertisements say that applications from persons with disabilities are unwanted. Finally, provisions in individual or collective agreements or provisions in employers' internal rules conflicting with the provisions of the law are invalid. This applies to both public and private employers.

Act No. 52 of the Faroese Parliament of 3 May 1994 on gender equality between women and men generally bans discrimination on account of gender. In addition, the act states that women and men must enjoy equal opportunities for education, work and technical and cultural development. It is found that this act and the act banning discrimination in the labour market on account of disability together provide the necessary assurance that disabled women are not discriminated against on account of both disability and gender.

Articles 19 and 20: Living independently and being included in the community and personal mobility

The original Danish Parliamentary Act No. 100 of March 8 1988 on Public Welfare applies in the social area. In its original form, this act is based more on the concept of welfare than on modern-day disability policy. The act has seen several amendments, but the legislative basis remains unsatisfactory and therefore so does administrative practice in the area. However, the Faroese Ministry of Social Affairs has started revising the social services area. On 1 April 2010, new rules on aids came into force. The autumn of 2011 will see a new bill on rehabilitation and protected work being presented in the Faroese parliament.

Social legislation contains a number of provisions aimed at giving private individuals better possibilities of managing on their own or at easing their everyday existence and improving the quality of life. For instance, the social services authorities can offer support for aids, the purchase of a car and housing changes. Moreover, the social services authorities can offer support for personal assistance and help and care with necessary practical tasks in the home, and assign a support person to disabled people so that they can live an independent and active life. Help and support are based on the person's needs, but do not come under a scheme of citizen-managed personal assistance. They are intended, however, to make help more flexible and citizen-managed.

People aged 18-66 years receiving home help in the period 2004-2009: The group of people receiving home help is 0.2-0.5 p.c. of the total population aged 18-66 years. (Source: Nososko)

Support for accommodation

The Faroese housing market is mainly a private market, and people with special needs can have difficulty finding a suitable home. For several years, the Faroese government has been working on alternatives to private owner-occupied dwellings or private rentals. There is an acute shortage of additional and up-to-date sheltered housing as well as of independent disabled-friendly housing. The government is actively trying to produce more housing. Funds have been allocated under the Finance Act for some 60 sheltered housing units, which must be ready in 2013. Moreover, the government is preparing a bill on private cooperative housing and on social housing.

The number of people below the age of 67 who are on a waiting list for a service unit totalled 38 in November 2010. People below the age of 67 living in institutional accommodation/a service unit in the period 2004-2009: The group of people living in institutional accommodation/a service unit is 0.3-0.5 p.c. of the total population aged 18-66 years. (Source: Nososko)

Support for transport

People with permanently reduced mobility for mental or physical reasons can apply for support for purchasing a car if the reduced mobility constitutes a significant disadvantage in terms of transport, work or education. The municipalities can establish transport for people whose disability prevents them from using public transport. Support for the scheme is allocated under the Finance Act. The three biggest municipal authorities in the country are part of the scheme.

In accordance with article 33 of the Act on Primary and Secondary Education, the municipalities must provide free transport for pupils with permanent physical and/or mental disabilities.

Articles 23 and 28: Respect for home and the family and adequate standard of living and social protection

Under social legislation, municipal authorities are under an obligation to initiate support when a child or young person is living under circumstances that can be detrimental to the child's or young person's health or development. Support is based on the best interests of the child or young person. Parents whose disabilities make family life and parenthood difficult can apply for a support person scheme under social legislation.

People who are neither self-supporting nor ensured social security are offered social assistance. The social assistance is means-tested and depends on household income and assets. The assistance is independent of the recipient's disability, if any.

Under social legislation, rehabilitation is offered to people whose earning capacity is reduced for physical, mental or social reasons and who therefore have difficulty maintaining their affiliation to the labour market. Rehabilitation benefits are means-tested and independent of household income and assets. A legislative amendment is scheduled for presentation in 2011, the main objective of which is to enhance rehabilitation initiatives.

Recipients of rehabilitation benefits in the period 2004-2009: The group of people receiving rehabilitation benefits is 0.7-0.8 p.c. of the total population aged 18-66 years. (Source: Nososko)

Cover of additional expenses and lost wages

Under social legislation, the social services authorities must cover the necessary additional expenses of support in the home of a child who is under 18 and has a physical or mental disorder, if such support entails special expenses.

The social services authorities must also provide help to cover the lost wages of people who provide in-home support of a child who is under 18 and has significant and permanent functional impairment or debilitating chronic or long-term illness. Cover is not provided for lost wages in excess of DKK 25,000 a month. The benefit is conditional upon the fact that the reduced functional capacity compels the child to be cared for in the home.

If a person incurs expenses for health care, medicine, dental treatment or the like not covered under Faroese legislation on public health insurance or social accident insurance, the person may receive support if he or she is unable to pay the expenses without assistance. Moreover, support is available for aids, both body-worn and non-body-worn aids, and for special diets or clothing. Support must be given for aids if such aids can significantly mitigate the permanent consequences of the reduced functional capacity, alleviate daily life in the home or are needed in working life.

The social services authorities must also cover the necessary additional expenses of daily life of people between the age of 18 and old-age pension age who have permanent physical or mental impairment and have postponed payment of old-age pension. The additional expenses must result from the functional impairment and cannot be covered under other legislation.

People receiving the highest amount of anticipatory pension aged 18-66 in the period 2000-2010: The group of people receiving the highest amount of anticipatory pension is 2.0-2.2 p.c. of the total population aged 18-66 years. (Source: Statistics Faroe Islands)

Articles 25 and 26: Health and habilitation and rehabilitation

In general, focus is on reducing waiting times in the health sector. Due to a growing demand in the field of child and youth psychiatry, an action plan is being prepared with a view to reducing waiting times, which are too long in some areas. It would be advantageous for legislation in the Faroe Islands to lay down rules ensuring disabled people treatment within a specific deadline where treatment could be targeted at the private individual's needs and a disability thus minimised and potential other disabilities prevented.

Under social legislation, assistance is available for rehabilitation and/or maintenance of physical, mental, cognitive and social skills, partly in the form of aids, cover of expenses, personal and practical assistance, etc., to compensate the citizen for functional impairment.

In the social area, rehabilitating social activities are primarily implemented in voluntary activity and social activity facilities for people with functional impairment. Furthermore, physio- and ergotherapy form part of permanent treatment. The challenge of social area rehabilitation has been, however, that it was not organised across disciplines or sectors. Consequently, there have been no organised holistic initiatives for the private individual. This being the case, the government has launched an interdisciplinary rehabilitation service in the social area to develop holistic and coordinated rehabilitating initiatives. This service is under development and should be launched in early 2012.

Extending the rules in the act on hospitals to entitle everyone to rehabilitation in the same way as everyone is entitled to free medical treatment is under consideration. The framework for laying down such rules on rehabilitation must first be in place. This year, for example, efforts are being made to increase public rehabilitation facilities by establishing an out-patient clinic for people with back problems, and the physiotherapy options have also been expanded.