

# **Contribution to the Focus chapter of the Fundamental Rights Report 2022: Social rights and equality in light of the recovery from the COVID- 19 pandemic.**

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**Table 1.a: Measures implemented to foster social rights and equal treatment in the recovery from the pandemic**

<b>Name of the measure in English</b>	Strategic focus on digital solutions and protection of fragile and vulnerable patient groups
<b>Name of the measure in the national language(s)</b>	Strategisk fokus på digitale løsninger og beskyttelse af skrøbelige og udsatte patientgrupper
<b>Reference document for the measure</b> <i>Include an url, where available</i>	The Danish Government, Denmark's Recovery and Resilience Plan – accelerating the green transition, April 2021. The main focus of the plan is green transition but does also include measures in relation to COVID-19.  Available at: <a href="https://en.fm.dk/media/18774/denmarks-recovery-and-resilience-plan-accelerating-the-green-transition_web.pdf">https://en.fm.dk/media/18774/denmarks-recovery-and-resilience-plan-accelerating-the-green-transition_web.pdf</a> .
<b>Social rights covered by the measure</b> <i>Delete as appropriate</i> <i>Multiple answers possible, but preference should be given to measures that apply to one discrete right</i>	<ul style="list-style-type: none"> <li>- the rights of the elderly (Article 25),</li> <li>- right of access to preventive health care and to benefit from medical treatment (Article 35)</li> </ul>
<b>Population group(s) covered by the measure</b> <i>Delete as appropriate</i> <i>Multiple answers possible, but preference should be given to measures that apply to discrete population groups</i>	<ul style="list-style-type: none"> <li>- Older people.</li> <li>- People in need of care (homecare or in residential settings).</li> <li>- Unspecified (fragile and vulnerable patient groups).</li> </ul> <p>The measure is especially targeted at older and vulnerable patients.</p>

<p><b>Summary description of how the measure applies to the population group(s)</b></p>	<p>Increased use of video consultations and telemedicine can reduce the risk of patients contracting an infection when having physical contact with the healthcare system and healthcare providers as well as increase the flexibility and patient involvement during and after treatment. This is especially relevant for vulnerable and elderly patients and will make it possible for healthcare professionals to conduct consultations even though they are subject to home quarantine.</p>
<p><b>Summary description of how the measure will impact (positively or negatively) social rights and equal treatment in the recovery</b></p>	<p>According to the Danish government, the measure will help ensure easier access to medical treatment and information. Easier access to information will help patients cooperating on more equal terms with health professions regarding their treatment. Furthermore, increased use of telemedicine will help shield vulnerable citizens from having to visit hospitals.</p> <p>A number of citizens – primarily elderly and frail citizens in nursing homes and in-home care and other socially vulnerable citizens – do not currently have access to video consultations with their health care professional. According to the government, COVID-19 has demonstrated that there is a need for strategic effort to provide tools for healthcare professionals and patients that support virtual treatment.</p>
<p><b>Summary description of the extent to which the measure foresees the provision of enabling social services</b></p>	<p>The recovery and resilience plan does not mention foreseeing integrating private service provisions.</p>
<p><b>Entity or organisation responsible to implement the measure</b></p>	<p>The Danish Ministry of Health (<i>Sundhedsministeriet</i>) will organise a dialogue with relevant stakeholders to ensure the implementation of the digital initiatives. The stakeholders include the Danish Regions (<i>Danske Regioner</i>), Local Government Denmark (<i>KL</i>) and the Danish organisation of general practitioners (<i>Praktiserende Lægers Organisation</i>).</p> <p>A steering group consisting of the non-profit organisation MedCom (publicly financed and owned) and municipalities will be responsible for the implementation of extended use of video consultations.</p>
<p><b>Duration of the measure</b></p>	<p>2021-2022 with ongoing implementation.</p>
<p><b>Budget allocated to implement the measure</b></p>	<p>DKK 14 million (approximately EUR 1.88 million).</p>

<b>Summary description of how any foreseen impact assessment of the measure will be carried out</b>	Denmark's Recovery and Resilience Plan does not contain any information on how Danish authorities will carry out an impact assessment of the measure.
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**Table 1.b: Measures implemented to foster social rights and equal treatment in the recovery from the pandemic**

<b>Name of the measure in English</b>	National initiative for the most vulnerable children's well-being and learning after COVID-19.
<b>Name of the measure in the national language(s)</b>	Nationalt initiativ for de mest udsatte børns trivsel og læring efter COVID-19.
<b>Reference document for the measure</b>  <i>Include an url, where available</i>	<p>The national Board of Social Services (<i>Socialstyrelsen</i>), 2021.</p> <p>Available at: <a href="https://socialstyrelsen.dk/projekter-og-initiativer/born/nationalt-initiativ-for-de-mest-udsatte-borns-trivsel-og-laering-efter-covid-19">https://socialstyrelsen.dk/projekter-og-initiativer/born/nationalt-initiativ-for-de-mest-udsatte-borns-trivsel-og-laering-efter-covid-19</a>.</p> <p>The national Board of Social Services, inspiration catalogue, available in Danish at: <a href="https://socialstyrelsen.dk/projekter-og-initiativer/born/nationalt-initiativ-for-de-mest-udsatte-borns-trivsel-og-laering-efter-covid-19">https://socialstyrelsen.dk/projekter-og-initiativer/born/nationalt-initiativ-for-de-mest-udsatte-borns-trivsel-og-laering-efter-covid-19</a>.</p>
<b>Social rights covered by the measure</b>  <i>Delete as appropriate</i>  <i>Multiple answers possible, but preference should be given to</i>	<ul style="list-style-type: none"> <li>- right to education (Article 14).</li> <li>- the rights of the child (Article 24).</li> </ul>

<p><i>measures that apply to one discrete right</i></p>	
<p><b>Population group(s) covered by the measure</b></p> <p><i>Delete as appropriate</i></p> <p><i>Multiple answers possible, but preference should be given to measures that apply to discrete population groups</i></p>	<ul style="list-style-type: none"> <li>- Children and youth.</li> <li>- Individuals from disadvantaged socio-economic backgrounds: children from socially disadvantaged families.</li> </ul>
<p><b>Summary description of how the measure applies to the population group(s)</b></p>	<p>The target group for the measure is vulnerable children in primary school. The purpose of the measure is to improve these pupils' subject knowledge and well-being, as a Danish study shows that this group has learned less during the COVID-19 shutdown compared to when they have received normal school lessons.</p>
<p><b>Summary description of how the measure will impact (positively or negatively) social rights and equal treatment in the recovery</b></p>	<p>According to the national Board of Social Services, the measure will positively impact children from socially disadvantaged families. The children may for instance receive lessons in smaller groups or be provided an additional teacher in class. According to an inspiration catalogue devised by the national Board of Social Services, municipalities can identify the children by including quantitative and qualitative data. The quantitative data is typically provided by the school management and the resource persons, while the qualitative data can be collected by the teaching team.</p> <p>Of relevant quantitative data is for instance absence recordings, the latest Danish National Tests in reading and mathematics and older pupils with a continuous low assessment grade.</p> <p>Of relevant qualitative data is for instance questions on whether the pupil has experienced difficulties participating in virtual teaching, whether the pupil is placed in social care, whether the pupil has a functional disability, and whether the pupil has changed during lockdowns.</p>

<b>Summary description of the extent to which the measure foresees the provision of enabling social services</b>	25 municipalities will receive a direct offer to receive subvention to implement measures in primary schools. The municipalities chosen are considered having an especially large share of the target group.
<b>Entity or organisation responsible to implement the measure</b>	The municipalities choosing to participate in the measure.
<b>Duration of the measure</b>	2021-2022.
<b>Budget allocated to implement the measure</b>	DKK 86 million (EUR 11,56 million)
<b>Summary description of how any foreseen impact assessment of the measure will be carried out</b>	VIVE – The Danish Center for Social Science Research ( <i>VIVE - Det Nationale Forsknings- og Analysecenter for Velfærd</i> ) is responsible for evaluating the measure.

**Table 2.1: Tool or mechanism to monitor the effectiveness of national schemes to foster social rights and equal treatment in the recovery from the pandemic**

<b>Name of the monitoring tool or mechanism in English</b>	The Danish Institute for Human Rights (DIHR)
<b>Name of the monitoring tool or mechanism in the national language(s)</b>	Institut for Menneskerettigheder

<p><b>Reference document for the monitoring tool or mechanism</b></p> <p><i>Include an url, where available</i></p>	<p>The Danish Institute for Human Rights, Our work in Denmark.</p> <p>Available at: <a href="https://www.humanrights.dk/our-work/our-work-denmark">https://www.humanrights.dk/our-work/our-work-denmark</a>.</p>
<p><b>Organisation(s) involved in the monitoring tool or mechanism</b></p> <p><i>Delete as appropriate</i></p> <p><i>Multiple answers possible</i></p>	<ul style="list-style-type: none"> <li>- National human rights institution: The Danish Institute for Human Rights (<i>Institut for Menneskerettigheder</i>).</li> <li>- Equality body: The Danish Institute for Human Rights (<i>Institut for Menneskerettigheder</i>).</li> <li>- Independent mechanism to promote, protect and monitor implementation of the UN Convention on the Rights of Persons with Disabilities: The Danish Institute for Human Rights (<i>Institut for Mennekerettigheder</i>).</li> </ul>
<p><b>Summary description of how these organisation(s) are involved in the monitoring tool or mechanism</b></p>	<p>DIHR is the Danish National Human Rights Institution (NHRI). DIHR was established in 1987 and is regulated by act no. 553 of 18 June 2012 on the Institute for Human Rights. DIHR is an independent, self-governing institution within the public administration and is established and functioning in accordance with the UN Paris Principles. DIHR is accredited as an A-status NHRI.</p> <p>DIHR is also appointed as a National Equality Body in accordance with EU directives on equal treatment of all persons regardless of gender, race or ethnic origin.</p> <p>Since 2011, DIHR has been appointed as the independent mechanism for monitoring, promoting, and protecting the implementation of the CRPD in Denmark under Article 33(2) of the Convention. DIHR is part of the Danish independent monitoring framework together with the Danish Disability Counsel and the Danish Parliamentary Ombudsman.</p>
<p><b>Summary description of the functioning of the tool or mechanism used to monitor the effectiveness of schemes adopted to foster social rights and equal treatment in the recovery</b></p>	<p>DIHR works continuously on promoting and protecting human rights and equal treatment in Denmark and abroad.</p> <p>Among other things DIHR conduct academic research, analyses and reports on human rights issues. This also includes human rights issues in relation to COVID-19 and recovery from the pandemic. See for instance this probing paper published by the DIHR's international department in May 2020: <a href="#">COVID-19 response and recovery must build on human rights and SDGs</a>. See also this report on COVID-19 measures in Denmark by the DIHR's national department in June 2020. <a href="#">COVID-19 measures in Denmark – legal and human rights consequences</a> (<i>COVID-19-tiltag – retssikkerhedsmæssige og menneskeretlige konsekvenser</i>).</p>



	<p>Moreover, DIHR writes public consultation memos in relation to new legislation. Bills in relation to measures foreseen under the recovery and resilience plan will also be investigated.</p> <p>Specifically, regarding COVID-19 restrictions, an employee from DIHR is an appointed member of the Board of Appeal for Visitor Restrictions (<i>Ankenævnet for besøgsrestriktioner</i>). According to the Danish Epidemic Act, the Danish Patient Safety Authority (<i>Styrelsen for Patientsikkerhed</i>) has the possibility to order the Municipal Council (<i>kommunalbestyrelsen</i>) to temporarily restrict or ban visitors' access to private or public nursing homes, relief centres, protected housing offers (botilbud) etc., located in the municipality in question. Persons residing or staying in one of the above-mentioned types of accommodations and their close relatives can make a complaint to the Board of Appeal for Visitor Restrictions if they are affected by restrictions on visits. The Board is responsible for ensuring the legality of the order issued by The Danish Patient Safety Authority and the correct subsequent implementation of the order by the municipality.</p>
<p><b>Summary description of the obligations, standards and benchmarks against which the effectiveness will be evaluated</b></p>	<p>DIHR monitors the human rights situation in Denmark in the context of relevant international human rights obligations, e.g. the European Convention on Human Rights, the UN Convention on Economic, Social and Cultural Rights and the UN Convention on the Rights of Persons with Disabilities.</p> <p>As regards the rights of persons with disabilities, DIHR has for several years been engaged in a project which aims at identifying a set of statistical outcome indicators to measure the implementation of the CRPD in Denmark. This project has led to the production of The Disability Index (<i>Handicapbarometeret.dk</i>), a webpage, that displays the situation of persons with disabilities compared to persons without disabilities in relation to ten key areas of life. Each indicator consists of comparative data points and all indicators are disaggregated on sex, ethnicity, age, type of disability (physical or mental) and degree of disability (minor or major) in order to highlight the intersection between disability and these categories. In regard to some of the indicators the Disability Index provides the opportunity to follow the development from 2012 to 2020.</p>

<b>Summary description of what the tool or mechanism foresees when non-compliance with obligations and standards is identified, with a particular emphasis on enforcement and remedial action</b>	<p>DIHR has no enforcement or sanctioning power. DIHR mainly provides recommendations as to how human rights conventions ratified by the Danish State can be implemented in Danish law and practice.</p> <p>Among its powers DIHR has the capacity to intervene in legal proceedings. Thus, DIHR can intervene as a third party before the Danish courts and the European Court of Human Rights. Moreover, DIHR can file a complaint on behalf of complainants before the Danish Board of Equal Treatment (<i>Ligebehandlingsnævnet</i>). Furthermore, since 2016, the DIHR has been authorized to file complaints in its own name in cases of principal matter.</p>
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