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Committee on Economic, Social and Cultural Rights Sixty-sixth session

Summary record (partial)* of the 41st meeting**

Held at the Palais Wilson, Geneva, on Monday, 7 October 2019, at 10 a.m.

Chair: Mr. Zerbini Ribeiro Leão

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* No summary record was prepared for the rest of the meeting.
** No summary record was issued for the 40th meeting.

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The meeting was called to order at 10.05 a.m.

Substantive issues arising from the implementation of the International Covenant on Economic, Social and Cultural Rights *(continued)*

Submissions by national human rights institutions and non-governmental organizations (continued)

Denmark

1. **Ms. Albittar** (ActionAid Denmark), speaking via video link, said that the integration benefit, which was a lesser social benefit than that provided to most Danish citizens, was targeted at people who had recently arrived in Denmark and was discriminatory against minority groups and kept them in poverty. Eight thousand families, including 20,000 children, faced daily struggles as a result of the lower benefit amount. Since one of the criteria for the benefit was that an individual had not lived in Denmark for 9 out of the previous 10 years, 96 per cent of the recipients were of non-Western origin. The integration benefit contradicted articles 2 and 12 and challenged articles 10 and 11 of the International Covenant on Economic, Social and Cultural Rights, as well as the Danish Constitution, and should be abolished.
2. **Mr. Kedzia** (Country Task Force) said that the State party had indicated that the integration benefit helped people affected by resettlement-related problems to integrate into Danish society and empowered them in their transition to regular employment. It would be interesting to know if Ms. Albittar found any positive aspects of the integration benefit.
3. **Ms. Shin** (Country Rapporteur) said that the State party should explain its rationale in proposing the new law on integration and limiting social benefits, as well as what kinds of incentives or programmes it provided for people who had not lived in Denmark for 9 out of 10 years to work and contribute to Danish society.
4. **Mr. Emuze** (Country Task Force) said that the delegation should indicate if it was appropriate for different benefits to be given to nationals and non-nationals and whether there was a plan for the Government to review the integration benefit.
5. **Ms. Albittar** (ActionAid Denmark), speaking via video link, said that she believed that the Government, in adopting the integration law, had intended to help refugees find jobs, but that it had had the opposite effect, since recipients were receiving approximately 3,000 Danish kroner less than nationals who received social benefits. People could not be pushed to integrate through discrimination. The number of children in poverty was increasing in Denmark and the majority were of non-Western origin. Living in inequality made the recipients of integration benefit less related to the State party and reduced their motivation to contribute to it and participate in society. Left-wing parties in the new Danish Government were pushing for a review of the legislation on integration benefit.
6. **Ms. Jacobsen** (Amnesty International) said that the Government's legislation and practices with regard to rape continued to fall short of international human rights law and standards in a number of ways. Sexuality education was important for tackling gender stereotypes and rape myths and preventing sexual violence, but it currently did not reach enough students or include teaching on consent and sexual violence.
7. A study commissioned by the Ministry of Education in 2018 had shown that only 36 per cent of the 741 seventh grade students in State primary schools interviewed had received sexuality education. Amnesty International called on the Danish authorities to provide mandatory, comprehensive, age-appropriate, gender-sensitive, evidence-based and unbiased sexuality and relationships education to students at all levels of education, including education about consent and bodily and sexual integrity and autonomy, and to introduce a compulsory module on teaching sexuality education as part of teachers' training.
8. Denmark did not explicitly include sex characteristics as protected grounds in anti-discrimination provisions. The medical standards and decision-making processes that led to non-emergency, irreversible and invasive medical interventions carried out on young children constituted a violation of children's right to express their views and to participate

in decisions that affected them. Such interventions were also a violation of their right to private life, bodily integrity and the highest attainable standard of health. Amnesty International called on the Danish authorities to introduce sex characteristics as a ground of discrimination in the Act on Non-discrimination and the Act on Equal Treatment, and to develop national human rights-based guidelines, including an emphasis on postponing non-emergency, invasive and irreversible surgery and hormone treatment for infants and children until they could meaningfully participate in decision-making and give their informed consent.

9. In 2018, the Danish Parliament had adopted a bill, known as “L38”, amending its laws on social housing. Amnesty International was concerned that the law to regulate low-income neighbourhoods was inherently discriminatory against residents from non-Western countries and would push residents into exceedingly expensive housing and even homelessness. The law was expected to remove 11,000 family apartments, and Amnesty International was concerned that it would not be possible to procure new, affordable housing for the residents. Amnesty International called on the Danish authorities to repeal L38 and engage with the affected communities to devise plans and policies to address concerns around unemployment and criminality in a manner that was non-discriminatory and compliant with Denmark’s human rights obligations.

10. **Ms. Thomasen** (Center for Reproductive Rights) said that the Center for Reproductive Rights was concerned about compliance with article 12 of the Covenant as a result of legal and policy barriers preventing undocumented migrant women from accessing quality and affordable maternal health care in Denmark. Undocumented migrant women were not entitled to any coverage of the costs of antenatal care during pregnancy and must pay the full cost of such care out of pocket. As a result, many undocumented migrant women in Denmark did not access adequate antenatal care, which exposed them to higher risks of maternal mortality and morbidity. While Danish law provided that undocumented migrant women could access free emergency care, including care during childbirth, recent policy guidance circumscribed that entitlement, so that it applied only to maternal care during obstetric emergencies or when delivery took place before 37 weeks of pregnancy or after 41 weeks. As a result, many undocumented migrant women in Denmark risked being billed for the full cost of care during childbirth.

11. In the absence of guidelines as to what constituted an emergency, health-care providers might construe emergency care narrowly, thereby excluding undocumented migrant women from cost coverage for certain elements of maternal health care. The restrictive policies might also negatively impact the quality of care that undocumented migrant women received, and there had been reports that undocumented migrant women in Denmark had been discharged earlier than usual from health-care facilities after birth because of concerns about their ability to pay the costs of a longer stay.

12. Denmark should reform its laws and policies to allow undocumented migrant women to obtain free or subsidized maternal health care, including antenatal care; repeal the Ministry of Health guidelines restricting access to free maternal health care for undocumented migrant women to acute births; issue guidelines establishing a broad interpretation of entitlements to free emergency care for undocumented migrant women that would encompass all forms of maternal health care; and ensure that entitlements to affordable maternal health care were accessible in practice by removing any legal, administrative, language and cultural barriers.

13. **Mr. Emuze** asked whether the Government had any plans to review the situation of undocumented migrant women who were pregnant to ensure that they were able to obtain access to obstetric care.

14. With regard to the amendments to the Act on Social Housing, the Act on Renting Social Housing and the Act on Rent, also known as L38, he wondered how the impact on those affected could be mitigated and how the Government intended to uphold their right to shelter.

15. **Ms. Shin** said that it was her understanding that sexuality education was not compulsory in Denmark. If that was the case, she would appreciate information on whether schools taught it at their own discretion and at what level.

16. **Ms. Jacobsen** (Amnesty International) said that sexuality education was compulsory in Denmark. However, there was no fixed number of teaching hours set aside for it and it was not mandatory for teachers to attend training on how to teach sexuality education to their students. A survey conducted by the Ministry of Education had found that only 36 per cent of students interviewed had received any form of sexuality education, and that the sexuality education lessons that did take place focused heavily on biology and made no mention of consent or relationships. In the light of ongoing difficulties in Denmark with regard to the prevention and prosecution of sexual violence and rape cases, the introduction of age-appropriate sexuality education beginning at the elementary school level was vital to changing attitudes.

17. With regard to the housing reforms, the legislation known as L38 had not yet been implemented and its consequences therefore remained to be seen. However, there were concerns about possible forced evictions and inherent discrimination in the legislation. The Government should repeal the legislation and consult with the persons affected by it.

18. **Ms. Thomasen** (Center for Reproductive Rights) said that it was not yet clear whether the new Government planned to review or amend the legislation and policies on access to obstetric care for undocumented migrant women.

Slovakia

19. **Ms. Thomasen** (Center for Reproductive Rights) said that a range of legal, policy and financial barriers in Slovakia prevented undocumented migrant women from accessing adequate and quality maternal health care. Although such women were in principle entitled to emergency health care, the majority of them did not meet the conditions for participation in the public health insurance system and were therefore obliged to meet the cost of their care themselves. As a result, they were exposed to serious health risks, including increased likelihood of maternal mortality and morbidity. The Committee might consider recommending that Slovakia should adopt laws and policies guaranteeing undocumented migrant women access to maternal health care free of charge or, at a minimum, at subsidized rates.

20. With regard to the right to sexual and reproductive health, the public health insurance system did not cover any form of contraception; such coverage was in fact explicitly prohibited by law. Neither did the system cover the cost of abortion on request, rendering it inaccessible for many low-income and young women.

21. Retrogressive legislation had been adopted in 2009 that obliged women to observe a mandatory waiting period before obtaining access to abortion services. New legislative proposals, which would see women provided with medically inaccurate information about abortion and force them to undergo ultrasound scans and be shown images of the fetus, were due to be considered by parliament in October 2019. It was vital that the Government refrained from adopting regressive measures and instead removed the barriers that continued to undermine women's access to legal abortion services in Slovakia. The Committee might wish to consider recommending that the Government should reform its laws and policies to align them with the Covenant and with the Committee's general comment No. 22 on the right to sexual and reproductive health ([E/C.12/GC/22](#)).

Senegal

22. **Ms. Martínez** (Human Rights Watch) said that in Senegal, primary school education was not yet completely free and secondary school students were liable for high tuition fees and furniture costs, forcing many students, particularly girls, to drop out.

23. The Government had made inadequate progress on ensuring the safety of girls in schools. Recent research conducted by Human Rights Watch had found that sexual exploitation, harassment and abuse by teachers and school staff remained pervasive. Female students were sometimes threatened with lower grades or excluded from class discussions if they rejected or spoke publicly about unwanted advances by staff. There was no policy or strategy in place to prevent and combat school-related sexual violence, nor was there a legally-binding national code of conduct for teachers. School authorities rarely intervened

in relationships between staff and students and very few cases were prosecuted. In some instances, teachers married their students following a sexual relationship.

24. Despite the high numbers of teenage pregnancies and the related school dropout rate, the Government did not provide support to enable teenage mothers to remain in school and had made little progress in tackling the root causes of the problem. The little information on sexuality and reproduction that was provided in schools was often unscientific or incorrect. The Government had delayed a number of efforts to adopt a compulsory and comprehensive national sexuality education curriculum, in part as a result of pressure from religious groups. The Committee might wish to recommend that the Government should eliminate secondary school fees and indirect costs, adopt a national education policy on sexual exploitation, harassment and abuse, explicitly prohibit all forms of sexual violence against girls and young women in and around educational establishments, and expedite the adoption of comprehensive sexuality education in the official national curriculum.

25. For more than a decade, there had been widespread violations of the rights of *talibe* children, who were students at Qur'anic schools (*daaras*). The scale of the abuse was staggering, with an estimated 100,000 children, some of whom had been trafficked from neighbouring countries, being ill-treated and forced to beg for food or money. Although the President had announced in May 2019 that the problem of children begging in the streets would be resolved, no decisive action had yet been taken. Legislation aimed at regulating Qur'anic schools had been approved in June 2018 but had not yet been voted on by the National Assembly. The Committee might wish to consider recommending that the Government should take steps to regulate Qur'anic schools through the adoption of the draft legislation, prevent and punish the trafficking and abuse of *talibe* children, and make available additional financial and human resources for the child protection system, including children's shelters, social services and child protection committees.

26. Consensual same-sex sexual activity was illegal in Senegal, and the related legislation was regularly used to justify the arrest of individuals perceived to be homosexual. Such arrests were often violent and were triggered by unsubstantiated reports by family members or neighbours. The criminalization of men who had sex with men and men perceived to be gay or bisexual was undermining the Government's efforts to address the HIV epidemic. Fear of arrest and prosecution also restricted the ability of health activists who worked with men who had sex with men to operate freely and prevented those men from obtaining access to health services. The Committee might wish to consider recommending that the Government should decriminalize consensual same-sex sexual activity, adopt and implement legislation prohibiting discrimination on the basis of sexual orientation and gender identity, and ensure that organizations engaged in the prevention and treatment of HIV among men who had sex with men were able to operate freely without fear of police harassment.

27. **Mr. De Schutter** (Country Task Force) said that he would appreciate information on whether the impunity enjoyed by teachers who abused and exploited children in Qur'anic schools was the result of a lack of capacity in the prosecution service, gaps in the legislative arsenal or an absence of political will to tackle the issue. Were the children in such schools Senegalese nationals or victims of trafficking from other countries?

28. **Mr. Windfuhr** (Country Task Force) asked what proportion of street begging in Senegal involved children from Qur'anic schools.

29. **Mr. Mancisidor de la Fuente** said that, in the light of the recent exposé by the British Broadcasting Corporation of harassment, abuse and rape in universities in a number of countries in West Africa, he would be interested to learn whether the same problems had been identified in Senegal.

30. **Ms. Martínez** (Human Rights Watch) said that there were no regulations governing the establishment of Qur'anic schools. The lack of capacity in the prosecution service, gaps in the legislative arsenal and an absence of political will were all contributing factors to the ongoing impunity enjoyed by teachers in such schools. The Government's ability to move forward on the issue had been restricted by significant pressure from religious and traditional groups. Many government officials and police officers were aware of serious

abuses in the schools but did not take action. More needed to be done to hold Qur'anic teachers to account and to prosecute those who committed serious abuses against children. The lack of resources for the child protection system was also a significant factor, particularly in rural areas.

31. Many Qur'anic teachers were complicit in the trafficking of children into Senegal from neighbouring countries. The Government was not doing enough to ensure that border guards and police officers identified children who entered the country with individuals other than their parents or legal guardians. Senegalese parents who sent their children to Qur'anic schools were often unaware of the harsh conditions that prevailed there. There had also been cases of negligent parents who repeatedly sent their children to the schools even after government officials had returned them to their family homes.

32. The plight of *talibe* children was symptomatic of the wider problem of continued reliance on Qur'anic schools to provide traditional education. The Government had taken some steps, with support from UNICEF and other partners, towards regulating Qur'anic schools and ensuring that children received quality education.

33. With regard to sexual exploitation in universities, the phenomenon of “sexually transmitted grades” was well known across French-speaking West Africa. Although the research conducted by Human Rights Watch had focused on secondary schools, the issue also appeared to be deeply entrenched in universities in Senegal.

The public part of the meeting rose at 11.10 a.m.