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## INPUTS FOR THE ELEVENTH SESSION OF THE UN OPEN-ENDED WORKING GROUP ON AGEING

### EDUCATION, TRAINING, LIFE-LONG LEARNING AND CAPACITY- BUILDING

*1) Q: What are the definitions of the rights of older persons to education, training, life-long learning and capacity-building in the national legislation in your country? Or how should such a right be defined, considering existing national, regional and international legal framework?*

The Act on General Adult Education sets out the parameters for life-long learning and capacity building for older persons.<sup>1</sup> The Act enables everyone aged 25 or older to receive educational offers.

The Act on Higher Education (continuing education system) for adults secures furthermore the access to academy education, diploma education and master's programs.<sup>2</sup>

*2) Q: What are the key normative elements of the rights of older persons to education, training, life-long learning and capacity-building, including such elements as availability, accessibility, acceptability and adaptability? Please provide references to existing standards where applicable.*

See answer to question 1 regarding the Acts enabling life-long learning.

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<sup>1</sup> Bekendtgørelse af lov om almen voksenuddannelse (Consolidated Act on General Adult Education), available in Danish at:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=209294>

<sup>2</sup> Bekendtgørelse af lov om videregående uddannelse

(videreuddannelsessystemet) for voksne (Consolidated Act on Higher Education for Adults), available in Danish at:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=192526>

The Act on State Adult Education Support ensures adults who are aged 25 and older with the necessary economic benefits for undertaking both general adult education and higher education until they reach the state pension age.<sup>3</sup>

Further, state funded universities do have both open and single subject courses.<sup>4</sup> These courses are also available after work and can thereby be combined with a working life.

*3) Q: What are the measures that should be undertaken by the State to respect, protect and fulfil the rights of older persons to education, training, life-long learning and capacity-building, regarding the normative elements as provided above?*

In Denmark single subject courses are being offered on a pay by ECTS point basis. The price differs significantly between faculties with being as low as DKK 250 at the Faculty of Theology<sup>5</sup> and as much as DKK 1200 at the Faculty of Health and Medical Sciences.<sup>6</sup> These prices are for EU/EEA-citizens and are higher for people from outside the EU/EEA. The pay by ECTS point basis may limit older persons to participate in courses at university level. Thus, it could be considered to give a discount to older persons.

*4) Q: What special measures and specific considerations should be considered in developing the normative content of the rights of older persons to education, training, life-long learning and capacity-building?*

See answer to question 3.

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<sup>3</sup> Bekendtgørelse af lov om statens voksenuddannelsesstøtte (Consolidated Act on State Adult Education Support), available in Danish at:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=209974>

<sup>4</sup> See example from Copenhagen University:

<https://evu.ku.dk/openuniversity/>

<sup>5</sup> See prices for single subject courses at the Copenhagen University Faculty of Theology:

<https://teol.ku.dk/uddannelser/aabentuniversitet/deltagerbetaling/>

<sup>6</sup> See prices for single subject courses at the Copenhagen University Faculty of Health and Medical Sciences:

<https://sund.ku.dk/uddannelse/efter-og-videreuddannelser/enkeltfag/>

5) Q: *How should the responsibilities of non-State parties such as private sector be defined in the context of the rights of older persons to education, training, life-long learning and capacity-building?*

Danish folk high schools are offering a wide-ranging variety of courses for seniors.<sup>7</sup> Of the 70 Danish folk high schools, two are entirely meant for seniors. Folk high schools receive state funding<sup>8</sup> and may receive additional funding by the local municipality.

6) Q: *What are the best practices and main challenges faced by your country in the adoption of implementation of the normative framework on education, training, life-long learning and capacity-building for older persons?*

See answer to question 5.

## **SOCIAL PROTECTION AND SOCIAL SECURITY**

1) Q: *What is the definition of the right to social security and social protection (including social protection floors) for older persons in the national legislation in your country? Or how should such a right be defined, considering existing national, regional and international legal framework?*

Danish legislation in general ensures social security and social protection to Danish citizens and lawful residents, who have lived in Denmark for a certain period.<sup>9</sup> Social security and social protection includes the following: health insurance; sickness and maternity benefits; unemployment insurance; ATP (Labour Market Supplementary Pension); workers' compensation; old-age pension and early retirement pension; early retirement; child and youth benefits, including child allowance.

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<sup>7</sup> See the website of the Danish Folk High Schools available in English: <http://www.danishfolkhighschools.com/>

<sup>8</sup> Bekendtgørelse af lov om folkehøjskoler (Consolidated Act on Folk High Schools), chapter 4, available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=208249>

<sup>9</sup> Bekendtgørelse af lov om social service (Consolidated Act on social services) section 2, available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=209925> and Bekendtgørelse af lov om social pension (Consolidated Act on social pensions) section 2 requires either Danish citizenship or residence for at least 10 years between age 15 and the state pension age, available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=209560>

As a social protection floor, one can get cash benefits if one is unemployed and does not have any unemployment insurance.<sup>10</sup>

2) Q: *What are the key normative elements of the rights to social protection and social security for older persons? Please provide reference to existing standards on such elements as below, as well as any additional elements:*

*a) Availability of contributory and non-contributory schemes for older persons*

Denmark has three types of pension: law-based state pensions, such as *folkepension* and ATP; occupational pensions and individual pensions.<sup>11</sup>

One is entitled to the law-based state pensions if one is a citizen or lawful resident in Denmark. The state pensions are obligatory contributory schemes that secure a pension for everyone.

The occupational pension is often based on collective agreements and consists of both one's employers and one's personal contributions. The individual pension is a personal choice and is offered by a variety of private actors. The state pension alone should secure an adequate living standard.

*b) Adequacy of benefits to guarantee older person's access to an adequate standard of living and adequate access to health care*

Residents in Denmark will have adequate access to health care according to section 7 of the Danish Health Act.<sup>12</sup>

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<sup>10</sup> Bekendtgørelse af lov om aktiv socialpolitik (Consolidated Act on Active Social Policy), available in Danish at:  
<https://www.retsinformation.dk/Forms/R0710.aspx?id=209997#idec1c5661-4408-416a-bfa0-a510cbec8061>

<sup>11</sup> See the website [www.LifeinDenmark.dk](http://www.LifeinDenmark.dk) for an overview about pension in Denmark: <https://lifeindenmark.borger.dk/living-in-denmark/pension/pension-in-denmark>

<sup>12</sup> Bekendtgørelse af sundhedsloven (The Act on Health ), available in Danish at:  
<https://www.retsinformation.dk/Forms/R0710.aspx?id=210110>

ATP Secures a state pension for everyone. Statistics Denmark (*Danmarks Statistik*) reports further, that people aged 65 or older are the least likely age group to have an income that is below the median and/or live in relative poverty. Only about 0.8% of people aged 65 or older live in relative poverty in Denmark.<sup>13</sup>

*c) Accessibility, including older person's coverage by social security systems, eligibility criteria, and affordability of contributions*

The Act on Social Services secures that everyone who is a lawful resident in Denmark is eligible for social security coverage.<sup>14</sup>

*d) Equitable access by older persons to the enjoyment of the right to social security and social protection, paying special attention to groups in vulnerable situation*

The Act on Social Services secures that everyone who is a lawful resident in Denmark has equitable access to social security and social protection.

More than every third unskilled senior is restricted in work due to pain.<sup>15</sup> People, who had a specially tiring profession, e.g. blue-collar workers, throughout their time on the labour market, report higher levels of work related pain, than people working in other sectors. The government is currently looking for more flexible pension age options.<sup>16</sup>

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<sup>13</sup> See Statistics Denmark for an overview about poverty in Denmark, available in Danish at: <https://www.dst.dk/da/Statistik/Sdg/01-afskaf-fattigdom/delmaal-02/indikator-1>

<sup>14</sup> Bekendtgørelse af lov om social service (Consolidated Act on social services) section 2, available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=209925>

<sup>15</sup> See report from the Danish Ministry of Employment, where one in three unskilled seniors being limited in their work because of pain. Available in Danish at: <https://bm.dk/media/10897/seniorers-arbejdsmiljoe-og-helbred.pdf>

<sup>16</sup> See link to newspaper article in The Danish newspaper Politiken, available in Danish at:

*e) Participation of older persons in the design and administration of the social security system*

Stakeholders and interest groups, such as the DaneAge Association (*Ældresagen*) or Danish Seniors (*Danske Seniors*) are actively invited to comment on legislative processes. A follow up on the recent legislative process, that the DaneAge Association comments in two out of three instances on proposed legislation.<sup>17</sup>

*3) Q: What are the measures that should be undertaken by the State to respect, protect and fulfil the right of social security and social protection for older persons, regarding the normative elements as provided above?*

Regarding the current situation for seniors, who had a specially tiring profession, it could be considered to establish different schemes for seniors to either go on pension earlier or scale down their working time gradually. The current government evaluates a more flexible pension age.<sup>18</sup>

*4) Q: What special measures and specific considerations should be considered in developing the normative content of the right of older persons to social protection and social security?*

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<https://politiken.dk/indland/politik/FV19/art7274251/Mette-F.-vil-hurtigt-sikre-ret-til-tidligere-folkepension>

<sup>17</sup> See the Public Consultation Portal which allows for the public to gain access to legislative proposals, draft regulations, etc. as well as consultation responses. Available in Danish at:

<https://hoeringsportalen.dk/>

<sup>18</sup> See the Coalition Agreement

[https://ufm.dk/ministeriet/regeringsgrundlag-vision-og-strategier/regeringen-mette-frederiksens-forstaelsespapir/retfaerdig-retning-for-danmark\\_2019-06-25\\_endelig.pdf](https://ufm.dk/ministeriet/regeringsgrundlag-vision-og-strategier/regeringen-mette-frederiksens-forstaelsespapir/retfaerdig-retning-for-danmark_2019-06-25_endelig.pdf)

People aged between 55-64 have a comparatively low presence on the labour market.<sup>19</sup> The government identified this as an issue also relating to a strict pension age.<sup>20</sup>

*5) Q: How should the responsibilities of non-State parties such as private sector be defined in the context of the right of older persons to social protection and social security?*

Non-state parties should realize the value and experience of senior workers. The senior job scheme, as discussed under *Right to Work and Access to the Labour Market*, only exist in the public sector currently, but could be broadened to include certain branches in the private sector on a voluntary basis. This would both allow for more diverse working experiences to those partaking in the senior job scheme and would also allow for companies to reduce biases towards older workers.

*6) Q: What are the best practices and main challenges faced by your country in the adoption and implementation of the normative framework on social security and social protection for older persons?*

Senior jobs allow for people who have been unemployed for an extended period and have used their right to unemployment insurance, to be able to apply for a job in the municipality. If one gets employed, one will receive a salary. If one does not get employed, the applicant will receive a renewed right to unemployment insurance benefits.

## **RIGHT TO WORK AND ACCESS TO THE LABOUR MARKET**

*1) Q: What are the legal provisions and policy frameworks in your country that recognise the right to work and access to the labour market by older persons?*

Pay and working conditions are typically defined in collective agreements made by the trade unions and employers' organisations

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<sup>19</sup> See Statistics Denmark on labour market affiliation by age, available in Danish at: <https://www.dst.dk/da/Statistik/emner/arbejde-indkomst-og-formue/tilknytning-til-arbejdsmarkedet/arbejdskraftundersogelsen-arbejdsmarkedstilknytning>

<sup>20</sup> See the Coalition Agreement of the Danish government, available in Danish at: [https://ufm.dk/ministeriet/regeringsgrundlag-vision-og-strategier/regeringen-mette-frederiksens-forstaelsespapir/retfaerdig-retning-for-danmark\\_2019-06-25\\_endelig.pdf](https://ufm.dk/ministeriet/regeringsgrundlag-vision-og-strategier/regeringen-mette-frederiksens-forstaelsespapir/retfaerdig-retning-for-danmark_2019-06-25_endelig.pdf)

(i.e. the Danish Model).<sup>21</sup> Sections 1 and 2 in the Act Prohibiting Discrimination in Employment<sup>22</sup> prohibits age discrimination in relation to work and access to the labour market while discrimination due to disability is generally prohibited according to section 5 in the Act on the Prohibition of Discrimination Due to Disability.<sup>23</sup>

**2) Q: What are the challenges faced by older persons for the realization of their right to work and access to the labour market in your country?**

- Employers' prejudices about the capability for older persons.<sup>24</sup>
- Lack of personnel policies considering the needs of older people.<sup>25</sup>
- Lack of a national strategy aiming at keeping older persons in the labour market.<sup>26</sup>

**3) Q: What data, statistics and research are available regarding older persons engaged in informal work, particularly older women, including conditions of their work and economic value?**

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<sup>21</sup> See the Danish Business Authority on the Danish Labour Market Model <https://danishbusinessauthority.dk/danish-labour-market-model>

<sup>22</sup> Lov om forbud mod forskelsbehandling på arbejdsmarkedet m.v. (the Act Prohibiting Discrimination in Employment), available in Danish at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=179869>

<sup>23</sup> Lov om forbud mod forskelsbehandling på grund af handicap (the Act on the Prohibition of Discrimination Due to Disability), available in Danish at:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=201823>

<sup>24</sup> Andersen, L. L., Jensen, P. H., Meng, A., & Sundstrup, E. (2019). Strong labour market inequality of opportunities at the workplace for supporting a long and healthy work life: The SeniorWorkingLife study. *International Journal of Environmental Research and Public Health*. Available in English at: <https://www.mdpi.com/1660-4601/16/18/3264/htm>

<sup>25</sup> The DaneAge Association: *An Anthropological Study of Seniors in the Private Labour Market*. Available in Danish at: <https://www.aeldresagen.dk/-/media/aeldresagen-dk/Delte/Dokumentation/Analyser/aeldresagen-rapport-seniorpolitik-paa-arbejdsmarkedet-2016.pdf>, p. 4.

<sup>26</sup> Website by Ældresagen (The DaneAge Association) discussing the need to adapt the labour market for a longer working life. Available in Danish at: <https://www.aeldresagen.dk/presse/maerkesager/arbejdsliv/synspunkt/tilpas-arbejdsmarkedet-til-laengere-arbejdsliv>



The Rockwool Foundation is continuously doing research about undeclared work.<sup>27</sup> Statistics Denmark does a quarterly Labour Force Survey.<sup>28</sup>

Statistics Denmark does not have any specific data to create statistics on the informal sector.<sup>29</sup> However, the International Labour Organization has published the third edition of its rapport on “Women and men in the informal economy: A statistical picture” in 2018. The data for Denmark is based on a survey from 2012 and shows, that the amount of informal labour outside of agriculture is 10,8%.<sup>30</sup>

*4) Q: What steps have been taken to ensure the access of older persons to the labour market including through physical accessibility, access to information about employment opportunities, training and the provision of appropriate workplace accommodations?*

The website [www.jobnet.dk](http://www.jobnet.dk) allows to search for employment opportunities nationwide in Denmark.<sup>31</sup>

The Act on General Adult Education sets out the parameters for life-long learning and capacity building.<sup>32</sup> The Act ensures for everyone aged 25 or older to receive educational offers.

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<sup>27</sup> Research into the subject of Taxation and Undeclared Work by the Rockwool Foundation (Rockwool Fonden). Available in English at: <https://www.rockwoolfonden.dk/en/research-areas/taxation-and-undeclared-work/>

<sup>28</sup> Labour Force Survey by Statistics Denmark (Danmarks Statistik) <https://www.dst.dk/en/Statistik/dokumentation/metode/aku-arbejdskraftundersogelsen>

<sup>29</sup> Information about informal employment in non-agriculture employment by Statistics Denmark (Danmarks Statistik). Available in English at: <https://www.dst.dk/en/Statistik/Sdg/08-anstaendige-jobs-og-oekonomisk-vaekst/delmaal-03/indikator-1>

<sup>30</sup> The International Labour Organization Publication on Women and men in the informal economy: A statistical picture: Third Edition issued on the 30<sup>th</sup> of April: [https://www.ilo.org/global/publications/books/WCMS\\_626831/lang--en/index.htm](https://www.ilo.org/global/publications/books/WCMS_626831/lang--en/index.htm)

<sup>31</sup> The website of the Danish Job Centers where one can find open positions nationwide, available in English at: <https://info.jobnet.dk/om-jobnet/jobnet-in-english>

<sup>32</sup> Bekendtgørelse af lov om almen voksenuddannelse (Consolidated Act on general adult education), available in Danish at:

The Higher Education Act (continuing education system) for adults shall furthermore secure the access to academy education, diploma education and master's programs.

*5) Q: What steps have been taken to ensure the availability of specialised services to assist and support older persons to identify and find employment?*

Once unemployed, it is mandatory to undergo activation offers by the job centre.<sup>33</sup> For people who turned 50 or older, this will happen after 13 weeks. The activation offer will include preparation of an individualised plan on how people will get back to work. The jobcentres are charged with procuring jobs for jobseekers and ensuring that companies find the labour they need. The jobcentres assist all applicants in finding help and guidance on recruitment, job hunting or general information on the labour market.

Similarly, if people are members of an unemployment insurance fund, they often do receive individualised help by the insurance fund to help them find employment.

*6) Q: What good practices are available in terms of ensuring the older persons' enjoyment of their right to work and their access to the labour market?*

In the event of older persons being out of a job for an extended period, one can apply for a senior job.<sup>34</sup> The senior job scheme is designed for people who are out of a job, have no further rights to unemployment benefits and are still at least five years away from the state pension age. In this case, they can apply for a senior job in their municipality and will either be employed here, or, if the municipality cannot employ them, will get renewed rights to unemployment benefits. This either

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<https://www.retsinformation.dk/Forms/R0710.aspx?id=209294>

<sup>33</sup> <https://www.detfagligeus.dk/faa->

[hjaelp/loenmodtager/ledig/aktiveringstilbud-fra-jobcentret/](https://www.detfagligeus.dk/faa-hjaelp/loenmodtager/ledig/aktiveringstilbud-fra-jobcentret/)

<sup>34</sup> Bekendtgørelse af lov om seniorjob (Consolidated Act on Senior Jobs), available in Danish at:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=174209> and

Styrelsen for Arbejdsmarked og Rekruttering (Danish Agency for Labour Market and Recruitment) on the Senior Job scheme, available in Danish at: <https://star.dk/indsatser-og-ordninger/indsatser-ved-sygdom-nedslidning-mv/seniorjob/>

allows for elderly people to come back to work or it ensures that these people get further unemployment benefits.

*7) Q: What protections are available to ensure older enjoy just and favourable conditions of work, including fair wages and equal remuneration for work of equal value, safe working conditions, both in the formal and informal sector?*

Due to the nature of the Danish labour market work conditions will differ according to the collective agreement covering the specific area of work. There is a statutory prohibition of discrimination in the labour market (See answer to questions 1, 8 and 9). Section 2 in Act Prohibiting Discrimination in Employment establishes, that unequal pay for work of equal value will be considered discrimination.

The Act on Working Environment ensures safe working conditions in all working places and for all workers, with only a few exceptions, e.g. if work is attended solely in the family, military service or in the employer's private household.<sup>35</sup>

*8) Q: In your country, is age one of the prohibited grounds for discrimination in relation to work and access to the labour market, including older age?*

Age is a prohibited ground for discrimination in relation to work and access to the labour market according to sections 1 and 2 in the Act Prohibiting Discrimination in Employment. This accounts for both direct and indirect discrimination.

*9) Q: What mechanisms are necessary, or already in place, for older persons to lodge complaints and seek redress for denial of their right to work and access to the labour market?*

Complaints regarding discrimination can be lodged with the Board of Equal Treatment, cf. section 1 in the Act on the Board of Equal

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<sup>35</sup> Bekendtgørelse af lov om arbejdsmiljø (Consolidated Act on the Working Environment), available in Danish at:  
<https://www.retsinformation.dk/Forms/R0710.aspx?id=192632>

Treatment.<sup>36</sup> Filing a complaint is free and the Board of Equal Treatment can provide compensation.<sup>37</sup>

In cases of significance for the applicant's occupation and cases of principle the Department of Civil Affairs can grant legal aid if certain requirements are met, cf. chapter 31 in the Danish Administration of Justice Act.<sup>38</sup>

## **ACCESS TO JUSTICE**

*1) Q: How is the access to justice by older persons guaranteed under the national legal and policy framework? What judicial and non-judicial mechanisms are in place for all older persons to complain and seek redress for denial of their rights?*

There are different types of legal aid which can be granted under the Danish Administration of Justice Act.

- If a person has a low income, is not covered by a legal insurance and the case fulfils the requirement in sections 327 and 328.<sup>39</sup>
- If the case is of principle, of general interest or of significance for the applicant's social or occupational situation legal aid can be granted even if the person does not have a low income.<sup>40</sup>

Before commencing legal proceedings, it is possible for people with a low income to get legal aid in the form of legal counselling from a lawyer.<sup>41</sup>

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<sup>36</sup> Lov om ligebehandlingsnævnet (the Act on the National Board of Equal Treatment), available in Danish at:

<https://www.retsinformation.dk/Forms/r0710.aspx?id=179851>

<sup>37</sup> Webpage with information about the Board of Equal Treatment (in Danish): <https://ast.dk/naevn/ligebehandlingsnaevnet>

<sup>38</sup> Lov om rettens pleje (the Danish Administration of Justice Act), available in Danish at:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=209542>

<sup>39</sup> Lov om rettens pleje (the Danish Administration of Justice Act), section 325, available in Danish at:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=209542>

<sup>40</sup> Lov om rettens pleje (the Danish Administration of Justice Act), section 329, available in Danish at:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=209542>

<sup>41</sup> Lov om rettens pleje (the Danish Administration of Justice Act), section 323, available in Danish at:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=209542>

Complaints regarding discrimination can be lodged with the Board of Equal Treatment, cf. section 1 in the Act on the Board of Equal Treatment.<sup>42</sup>

A case can be brought before the Danish courts if one or more provisions in the international conventions that Denmark has ratified have been violated. This also applies to violation of rights protected under the Danish constitution or other national legislation.

*2) Q: What steps have been taken to ensure the availability of judicial and non-judicial mechanisms for older persons in urban, rural and remote areas in your country? Are there alternative dispute settlement mechanisms available?*

There are several approved private appeal boards on a wide variety of subjects that allow for pleading one's case outside of the traditional court system.<sup>43</sup> The Act on Alternative Dispute Settlement in connection with consumer complaints sets out the overarching framework for the setup of the appeal boards. The appeal boards shall ensure an efficient and flexible complaint handling.

Furthermore, nationwide there are 98 legal aid institutions including assistance by lawyers, where the costs are state subsidised or free, that help citizens with a wide range of legal problems.<sup>44</sup>

*3) Q: What steps have been taken to ensure that all justice systems (judicial and non-judicial) are secure, affordable and physically accessible for older persons and adapted to their needs?*

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<sup>42</sup> Lov om ligebehandlingsnævnet (the Act on the National Board of Equal Treatment), available in Danish at:

<https://www.retsinformation.dk/Forms/r0710.aspx?id=179851>

<sup>43</sup> Website of Nævnenes Hus (Alternative Dispute Resolution Center), available in Danish at: <https://naevneneshus.dk/om-os/godkendte-ankenaevn/> and Lov om alternativ tvistløsning i forbindelse med forbrugerklager (forbrugerklageloven) (Alternative Dispute Resolution Act for Consumer Complaints (Consumer Complaints Act)) available in Danish at:

<https://www.retsinformation.dk/Forms/R0710.aspx?id=169709>

<sup>44</sup> Beretning om tilskud til Retshjælpsinstitutioner 2019, available in Danish at:

[http://www.civilstyrelsen.dk/~media/FP\\_retshjaelp%20beretning/Civilstyrelsens\\_beretning\\_om\\_tilskud\\_til\\_retshjaelpsinstitutionerne\\_2019.aspx](http://www.civilstyrelsen.dk/~media/FP_retshjaelp%20beretning/Civilstyrelsens_beretning_om_tilskud_til_retshjaelpsinstitutionerne_2019.aspx)

Danish building legislation<sup>45</sup> stipulates accessibility requirements when construction and designing new buildings intended for public use.

Also see answer to question 1 about legal aid.

*4) Q: What are the existing provisions to guarantee legal assistance for older persons?*

See answer to question 1.

*5) Q: What are the specific challenges encountered by older persons in accessing justice and remedy in your country?*

Most communication between public authorities (including the justice system) and citizens is conducted through e-Boks – an online digital mailbox.<sup>46</sup> This can affect older persons, especially the group who have never been on the internet.<sup>47</sup>

*6) Q: What good practices are available in terms of ensuring equal and effective access to justice and remedy for older persons?*

See answer to question 1.

*7) Q: What are the provision adopted to ensure effective access to justice for older persons on an equal basis with others, including age-appropriate procedures in all administrative and legal proceedings?*

It is possible to be exempted from e-Boks if – for instance – the older person does not have a computer.<sup>48</sup>

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<sup>45</sup> Byggeloven, available in Danish at:

<https://www.retsinformation.dk/Forms/r0710.aspx?id=183662>

<sup>46</sup> Lov om Digital Post fra offentlige afsendere (Act on Public Digital Post), section 7, available in Danish at:

<https://www.retsinformation.dk/Forms/r0710.aspx?id=181901>

<sup>47</sup> Website of Ældresagen (The Dane Age Association) discussing digitalization and access to justice for older persons, available in Danish at:

<https://www.aeldresagen.dk/presse/maerkesager/digitalisering/synspunkt/digitalisering-presse-retssikkerhed>

<sup>48</sup> Lov om Digital Post fra offentlige afsendere (Act on Public Digital Post), section 5, available in Danish at:

<https://www.retsinformation.dk/Forms/r0710.aspx?id=181901>

*8) Q: Please specify existing public policies and awareness-raising and capacity building programmes established for all justice system personnel to address the negative impact of ageism and age discrimination in justice system.*

The Institute does not have any specific knowledge on this issue.

*9) Q: How do you ensure justice systems function in accordance with the principles of independence and impartiality? Please specify if there is any oversight mechanism in place to address any discrimination against older persons committed by justice system professionals.*

Complaints concerning judges and deputy judges can be lodged with the Special Court of Indictment and Revision.<sup>49</sup>

In chapter 5 in The Danish Administration of Justice Act<sup>50</sup> ensures the courts full independence and impartiality.

Yours sincerely,

Kerry Knudten-Erkelenz

LEGAL ADVISER

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<sup>49</sup> Website of the Danish Courts explaining The Special Court of Indictment and Revision, available in Danish at:  
<http://www.domstol.dk/DENSAERLIGEKLAGERET/THE%20SPECIAL%20COURT%20OF%20INDICTMENT%20AND%20REVISION/Pages/default.asp>

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<sup>50</sup> Lov om rettens pleje (the Danish Administration of Justice Act), available at (in Danish):  
<https://www.retsinformation.dk/Forms/R0710.aspx?id=209542>