



29 June 2009

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**EUROPEAN SOCIAL CHARTER**

**REPLY TO SUPPLEMENTARY QUESTION**

28th report on the implementation of  
the European Social Charter

submitted by

**THE GOVERNMENT OF DENMARK**

(for the period 1 January 2003 to 31 December 2007:  
**Articles 13§4**)

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Report registered at the Secretariat on 24 June 2009

CYCLE 2009



Council of Europe  
Secretariat General  
Att: Mr. Régis Brillat  
Directorate General of Human Rights and Legal Affairs  
Directorate of Monitoring  
F-67075 Strasbourg Cedex

Re: Question in respect of the 28<sup>th</sup> report of Denmark

Dear Mr. Brillat,

Reference is made to your letter of 25 May 2009 regarding the question posed by the European Committee of Social Rights concerning the reporting on article 13§4 in the 28<sup>th</sup> report of Denmark.

The Committee's question dealt with whether the following categories of foreign nationals are eligible for emergency medical and emergency social assistance (e.g. food, shelter and clothing) in case of need:

- lawfully present in Denmark (e.g. students, tourists etc);
- unlawfully present, other than those whose applications for refugee or stateless person status have been rejected

The remarks from the Danish authorities are as follows:

Anybody staying in Denmark – lawfully or unlawfully - is entitled to acute hospital care free of charge in the event of accident, sudden illness and birth or aggravation of chronic diseases etc. If the patient according to the concrete circumstances can not or should not be repatriated further non-acute hospital treatment may be given – against payment or not as is considered reasonable in the concrete situation.

Regarding emergency social assistance – any foreign national staying in Denmark – lawfully or unlawfully – is entitled to emergency assistance. If the person is lawfully staying in Denmark the assistance is provided by the municipality. The municipal authority may provide assistance towards reasonable individual expenses incurred by a person due to a change of circumstances if the payment of such expenses by the person concerned would seriously reduce the possibilities of that person and his/her family of providing for themselves in future. Normally assistance shall only be granted if the expense has arisen as a result of unforeseeable needs. If the person is not lawfully staying in Denmark, assistance is provided by the Danish Immigration Service.

Yours sincerely

Kim Taasby



## APPENDIX

SECRETARIAT GENERAL

DIRECTORATE GENERAL OF HUMAN RIGHTS  
AND LEGAL AFFAIRS

DIRECTORATE OF MONITORING

HEAD OF THE DEPARTMENT  
OF THE EUROPEAN SOCIAL CHARTER  
EXECUTIVE SECRETARY  
OF THE EUROPEAN COMMITTEE OF SOCIAL  
RIGHTS

ESC 108  
NC/JW



Mr Jørgen Winther,  
Head of Unit,  
Danish Education Support Agency,  
Danasvej 30,  
DK-1780 COPENHAGEN V

Strasbourg, 25 May 2009

Dear Mr Winther,

The European Committee of Social Rights is currently examining the 28th Danish report on the European Social Charter and has instructed me to forward to you the enclosed question concerning Article 13§4.

The Committee would be grateful if you could reply to this question before 27 June 2009 in order to allow the information to be taken into account in Conclusions 2009.

Yours sincerely,

Régis Brillat

**EUROPEAN COMMITTEE OF SOCIAL RIGHTS**  
**COMITÉ EUROPÉEN DES DROITS SOCIAUX**



Question in respect of the 28<sup>th</sup> report of Denmark

Article 13§4:

The Committee recalls that under Article 13§4 of the Charter, legislation or practice which denies entitlement to emergency medical assistance to foreign nationals, within the territory of a State Party, even if they are there illegally, is contrary to the Charter (International Federation of Human Rights (FIDH) v. France, Complaint No.14/2003, decision on the merits of 8 September 2004).

The Committee asks whether the following categories of foreign nationals are eligible for emergency medical and emergency social assistance (e.g. food, shelter, clothing) in case of need:

- lawfully present in Denmark (e.g. students, tourists etc);
- unlawfully present, other than those whose applications for refugee or stateless person status have been rejected