



**Convention on the  
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COMMITTEE ON THE RIGHTS OF THE CHILD

Fortieth session

SUMMARY RECORD OF THE 1072nd MEETING\*

Held at the Palais Wilson, Geneva,  
on Monday, 26 September 2005, at 10 a.m.

Chairperson: Mr. DOEK

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\* No summary records were issued for the 1070th and 1071st meetings.

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

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Third periodic report of Denmark (CRC/C/129/Add.3; CRC/C/Q/DNK/3; CRC/C/RESP/91; HRI/CORE/1/Add.58)

1. At the invitation of the Chairperson, Ms. Barfoed-Høj, Ms. Bertelsen, Mr. Braad, Ms. Hoffmann, Ms. Johansen, Ms. Müller, Ms. Olesen, Ms. Sandbeck, Mr. Thøgersen, Mr. Thuesen and Mr. Vinthen (Denmark) took places at the Committee table.
2. Mr. VINTHEN (Denmark) said that the independent monitoring of compliance with international human rights standards was one of the top five priorities of Denmark's international human rights policy. The other four were: to continue its efforts in specific areas, such as combating torture; to draw attention to the human rights situation in individual countries; to promote democratization and respect for human rights through development assistance; and to expand cooperation with civil society.
3. Domestically, the Government promoted the best interests of the child through the creation of favourable conditions for the family. Internationally, it did so through intergovernmental cooperation. Denmark's commitment to children was also reflected in its long-standing tradition of contributing to international development assistance, which currently stood at 0.8 per cent of its gross domestic product (GDP), exceeding the target of 0.7 per cent set by the Millennium Development Goals. Denmark had prepared a set of guidelines to help the developing countries that it assisted to translate their policies into action and to safeguard the rights of children to health, education, protection and equality.
4. In 2004, the Government had established the Ministry of Family and Consumer Affairs, whose objective was to coordinate and prepare legislation and programmes concerning children and families. Through an initiative intended to enable families to establish the type of home environment that was best suited to their needs, paternity and maternity leave had been extended to a total of 52 weeks with full cash benefits.
5. In recent years, progress had been made in the area of juvenile justice. In September 2003, a ministerial committee on juvenile delinquency had recommended the establishment of a working group to consider reducing the length of criminal proceedings relating to certain types of offences. In February 2005, it had been decided that certain cases would be prosecuted within the month following the identification of the accused juvenile and that convicted juveniles would begin serving their sentences no later than one month following the final court decision. Since 2000, the Prison and Probation Service had offered anger-management programmes to young persons who had been convicted for offences involving aggression; such programmes would soon become mandatory in all cases involving violence. The National Commissioner of Police had prepared a report concerning crime prevention measures for groups of young persons who caused concern and insecurity in local areas. The report called for the development of a common strategy that involved parents, and for closer cooperation between schools, social services and the police. Police authorities had been asked to adapt the suggestions contained in the report to local efforts and to report to the National Commissioner of Police on the measures they had taken.

6. Ms. OLESEN (Home Rule Government of Greenland, Denmark) said that Greenland had undertaken comprehensive reforms concerning children and young people, particularly in the areas of education and health. In order to ensure conformity with the Convention, the Home Rule Government had begun to reform the school system. The reforms would promote the education and personal and social development of children and young people. The Landsting Regulation on Assistance to Children and Young Persons, which had been adopted in 2003, was an important means of ensuring early intervention in cases involving children and young persons in need of assistance from the authorities. An information campaign had recently been conducted to address the needs of child victims of neglect or abuse.

7. In 2004, a public health programme had been established to improve the health of the general population, including children and young persons. A steering committee had been set up to address four main health issues: alcohol abuse and violence; nutrition and physical activity; sexuality; and smoking. Working groups had been set up to deal with each issue, and another working group had been assigned the tasks of monitoring, research and evaluation. The programme would be developed and implemented over the next few years and its results would be evaluated in 2012.

8. Mr. PARFITT, Country Rapporteur, commended the State party on the substantial progress that it had made in implementing the Convention since its last report. Denmark had ratified the two optional protocols to the Convention, and amended its Home Guard Act with a view to preventing the voluntary enlistment of young persons under 18 in the Danish Home Guard. It had also established the Danish Centre for International Studies and Human Rights, which promoted equal treatment of ethnic minorities, and had enacted legislation to provide legal representation for unaccompanied child asylum-seekers.

9. Reforms concerning the placement of children in alternative care gave greater consideration to the views of children under 12, and a youth forum had been established to advise the Government on youth issues. Legislative amendments provided for the training of law enforcement officers to handle cases of sexual abuse more sensitively. Other child protection measures included the requirement that persons working with children under the age of 15 disclose any criminal record they might have.

10. The Committee was concerned at the lack of statistical data on the situation of children in Greenland and the Faeroe Islands, and the failure to take into account the views of children at the national and local levels and in schools. Other concerns included the high level of alcohol use among young people, the incarceration of children under the age of criminal responsibility, and the practice of holding juvenile offenders in solitary confinement or in the same facilities as adult offenders.

11. He asked why Denmark had not incorporated the Convention into its domestic law, since that would have many benefits for children. The Committee believed that children's interests were best served by the establishment of a single body to coordinate children's services at the national level, and he wished to know what measures the Government planned to take in that regard.

12. He asked how the Government planned to give effect to the objectives contained in the outcome document of the special session of the General Assembly devoted to children. He asked whether a plan of action would be formulated and how children's views would be taken into account in that process. He enquired whether the Government planned to establish an office to receive and investigate complaints from children concerning violations of their rights. He wished to know what steps were being taken to ensure that information concerning the Convention was incorporated into school curricula.

13. Mr. FILALI asked whether it would consider withdrawing its reservation to article 40, paragraph 2 (b) (v), of the Convention. He wished to know whether domestic law or the Convention would prevail in the event of a conflict between the two. Denmark's unwillingness to incorporate the Convention into its domestic law was difficult to reconcile with its efforts to promote the Convention. The delegation should clarify the meaning of the term "negative social legacy".

14. Mr. POLLAR requested information on the various structures that had been established by the Government to give effect to the Convention, including their interaction with non-governmental organizations (NGOs). The delegation should explain the status of child refugees and asylum-seekers in Denmark. He requested information on budgetary appropriations to the courts; complaints of violations that had resulted in a court decision; offences committed by children under the age of criminal responsibility; children held in solitary confinement or in the same facilities as adults; domestic adoptions; the infant and child mortality rates; and the suicide rate. The delegation should provide a full account of the situation of children in Greenland.

15. Ms. OUEDRAOGO asked whether the youth forum pilot project had been evaluated. She requested additional information on the criteria used to elect candidates to the Youth Parliament and the outcome of the five bills it had submitted to the Minister of Education.

16. It would be useful to know how the State party planned to monitor implementation of the code of conduct for children's use of the Internet. It was unclear whether investigations into Internet crime focused exclusively on child pornography, or whether they also targeted paedophilia, violence and discrimination against children.

17. The reporting State should indicate what action had been taken in the light of the recommendations that the Media Council for Children and Youth had made on children's use of computer games. In particular, she asked whether any regulations had been introduced on the sale and acquisition of such games.

18. Mr. LIWSKI asked whether Denmark had any mechanisms to prevent torture or other cruel, inhuman or degrading treatment or punishment of children in institutions. Further information on any complaints regarding such treatment in centres for asylum-seekers should be provided. In particular, he wished to know what procedures were followed in investigating those complaints, and how the perpetrators had been punished.

19. Mr. SIDDIQUI asked why Denmark's generous contributions to international assistance had declined in recent years. It was unclear whether the National Council for Children would be able to carry out its mandate if it did not receive a more generous budget. He enquired whether the Government would encourage municipalities to develop policies for children based on the Convention.

20. Mr. POLLAR asked whether Parliament or any other institution received reports on the implementation of the Convention. It was unclear whether the Government cooperated with civil society in the implementation of the Convention. He enquired how the State party would disseminate information on the outcome of the delegation's current discussion with the Committee, and what steps were being taken to raise public awareness of Denmark's periodic reports.

21. The CHAIRPERSON, speaking in his capacity as Alternate Country Rapporteur, asked why the State party had not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The reporting State should indicate whether it was in favour of establishing an individual complaints procedure. He asked why the State party was unwilling to incorporate the Convention into domestic legislation.

22. In the light of the amendments to the Act on Social Services, he wished to know what support local authorities were receiving in their preparation of cohesive child policies. The reporting State should indicate how the Government would assess compliance with those policies. The delegation should explain the reasons for prolonging out-of-home placement, even when the aim of the placement had been achieved.

23. He did not understand why there was a difference of two years between the minimum age at which young people could buy alcohol and tobacco in mainland Denmark and in Greenland.

24. Ms. BERTELSEN (Denmark) said that the Government had followed the recommendation of the Incorporation Committee not to incorporate the Convention into domestic legislation, particularly since the Convention did not oblige States parties to do so. The Government had undertaken a thorough analysis of Danish legislation and had found that it was in conformity with the provisions of the Convention, and steps had been taken to ensure that all new legislation was in line with the Convention. Moreover, since the Convention could be invoked in Danish courts, its incorporation into domestic law would be a purely symbolic act.

25. Under the rule of interpretation, when a doubt arose as to how to interpret a legal provision, the authorities were obliged to favour the interpretation that best complied with Denmark's existing treaty obligations. Under the rule of presumption, the courts assumed that Parliament had not intended to adopt legislation contrary to Denmark's international obligations. In the absence of any specific indications to the contrary, a conflict between a treaty obligation that had previously been observed in Denmark and a provision subsequently enacted in domestic legislation should therefore be resolved in accordance with the treaty obligation.

26. Ms. SMITH, supported by Mr. FILALI and Mr. PARFITT, said that, since the Government believed that incorporation of the Convention would merely be a symbolic act, it was difficult to understand why the State party did not take that step. Given that Denmark had incorporated the European Convention on Human Rights into its domestic law, she did not understand why the Convention on the Rights of the Child and other United Nations Conventions had not received equal treatment.
27. The CHAIRPERSON asked whether, in the case of a conflict between domestic legislation and a provision of the Convention, the Convention would prevail in a court. He wished to know whether the Government planned to withdraw its reservation to article 40 in the light of recent legislative amendments.
28. Ms. BERTELSEN (Denmark) said that, if Denmark's domestic legislation was in conflict with the Convention, the Convention would prevail in the courts. Although the Government had decided not to incorporate the Convention into its domestic legislation, the Convention remained a high priority in Denmark. While recent legislative amendments would significantly limit the scope of Denmark's reservation to article 40, the reservation would be maintained.
29. Ms. BARFOED-HØJ (Denmark) said that the Ministry of Family and Consumer Affairs was responsible for disseminating information, legislation and policies on children, young people and the family among the municipal authorities. The decentralization process currently under way made it particularly important for municipalities to have access to all information on policies and the authority to implement them.
30. The youth forum, which had been established by the Ministry of Social Affairs and was currently operated by the Ministry of Family and Consumer Affairs, discussed specific issues relating to children and young people, including day care, school curricula and parental divorce. The Government intended to transform the forum into an Internet-based discussion group in order to make it accessible to all.
31. Mr. PARFITT asked what the impact of the results of youth forum discussions were, and whether they were incorporated into amendments to policies and legislation.
32. The CHAIRPERSON asked what the difference was between the youth forum and the Youth Parliament.
33. Ms. BARFOED-HØJ (Denmark) said that specific subjects were selected for discussion in the youth forum, and the results of discussions were transmitted to policymakers.
34. Mr. THUESEN (Denmark) said that the Youth Parliament had met in the spring of 2005 and had drafted recommendations on a number of issues which would be transmitted to Parliament. The Danish Parliament took the recommendations of the Youth Parliament very seriously.
35. Although the Convention was not taught in schools, human rights in general were considered an important aspect of education and had been incorporated into school curricula and teacher training programmes. Although teachers could choose to receive training in special needs education, the Government was considering making it a compulsory element of all teacher

training programmes. In order to ensure that children with disabilities had physical access to schools, the Government was planning to establish a national authority under the Ministry of Education in 2006 to supervise, evaluate and implement the policy of equal access to primary education.

36. Ms. ORTIZ asked what role the media played in the dissemination of the Convention. There had been reports that negative information about ethnic minorities had been published in the Danish media; such information could incite xenophobia. She was particularly concerned about racially motivated juvenile crime and violence, and asked what measures were being taken to ensure that the media respected children's rights and the principles contained in the Convention.

37. Mr. VINTHEN (Denmark) said that, although the Danish media were independent, the law placed limits on the kind of information that could be broadcast or published, particularly with respect to the incitement of hatred. The Government was committed to eliminating xenophobia and discrimination and was making efforts to protect the most vulnerable groups of society.

38. The Committee's concluding observations on Denmark's third periodic report, together with the report itself, would be posted on the Government's Internet site. A meeting would be held between the representatives of the various ministries present in the Danish delegation to draw up a plan for the implementation of the Committee's recommendations. With regard to statistics, he said that there were shortcomings in Denmark's data collection system, and efforts would be made to provide all the statistics requested by the Committee in Denmark's future reports.

39. Ms. OLESEN (Home Rule Government of Greenland, Denmark) said that Greenland had a considerable amount of data on health-related issues, such as birth rates, abortions, mortality, sexually transmitted diseases and suicide. Efforts were being made to improve data collection on other issues, and a documentation centre had been established to collect data on issues relating to children and young people. The data, which was collected on a biennial basis, was published in reports, the most recent of which could be submitted to the Committee. Increased attention was being paid to the collection of data on social issues.

40. The CHAIRPERSON asked what the central Government was doing to assist the municipalities in drawing up the cohesive social policies to be implemented from 1 January 2007.

41. Ms. SANDBECK (Denmark) said that a coherent children's social policy would be drawn up and would enter into force on 1 January 2007. The Social Appeals Board would carry out an investigation into the status of those policies.

42. Ms. BARFOED-HØJ (Denmark) said that a comprehensive action plan had not been drawn up in accordance with the outcome document of the special session of the General Assembly devoted to children. A series of targeted action plans on specific issues relating to children had been established; the plans allowed the Government to provide targeted funding allocations. The action plans met all the recommendations of the special session's outcome document.

43. The CHAIRPERSON asked how the Government had taken account of the outcome document in drafting those action plans. He wished to know whether there was a comprehensive framework for policies on children's issues, and what role the Ministry of Family and Consumer Affairs played in ensuring that children's policies were implemented by all municipalities.

44. Ms. BARFOED-HØJ (Denmark) said that the coordination of policies on children's issues was an ongoing responsibility of the Ministry of Family and Consumer Affairs.

45. Mr. PARFITT wished to know the Government's position on the integration of children with disabilities into mainstream education.

46. Mr. SIDDIQUI asked whether it would be possible for the Government to combine its sectoral action plans to form a comprehensive plan, as recommended in the outcome document of the special session of the General Assembly. He wished to know whether the budget of the National Council for Children had been reduced.

47. Mr. THUESEN (Denmark) said that the Government had an integration policy for including children with disabilities in mainstream education.

48. Mr. VINTHEN (Denmark) said that he would transmit the Committee's concerns about Denmark's reduction of funding for development assistance to the Government. However, the Government's contribution to development assistance was above the United Nations target of 0.7 per cent of GDP.

49. The CHAIRPERSON asked whether the Danish Government took account of the Committee's concerns when it drafted bilateral agreements. He wished to know whether proper consideration was given to children's issues in Poverty Reduction Strategy Papers.

50. Mr. VINTHEN (Denmark) said that the Government was making efforts to ensure that the recommendations of all United Nations treaty monitoring bodies were taken into account in new development projects. Danish development assistance was based on bilateral assistance to programme countries and on contributions to multinational development organizations. Bilateral assistance programmes were developed in cooperation with the relevant partner country, and country-based strategies were given particular attention.

51. Ms. BARFOED-HØJ (Denmark) said that the Ministry of Family and Consumer Affairs was currently discussing the future of the National Council for Children with a view to making it more effective. Although efforts were being made to increase funding allocations for the Council, discussions on the issue had not yet been concluded.

52. Mr. PARFITT wished to know what steps the Government was taking to prevent the media from inciting racism and xenophobia. He enquired whether there were any programmes to prevent the sexual abuse of children. The delegation should explain why the sale of alcohol was prohibited to children under the age of 16 in Denmark as opposed to the age of 18 in Greenland, and why taxes on alcohol and tobacco had been significantly reduced.

53. Ms. LEE asked what the Government's position was with regard to the Dakar Framework for Action. She stressed the need to ensure that children with disabilities had access not only to education but also to recreational and cultural activities, and asked whether such children and

their parents were informed of their rights. She warned against the negative effects of the policy of compulsory distribution of bilingual pupils and expressed concern that in some childcare institutions teachers with a minority background were not allowed to use their mother tongue with children who spoke the same language. She requested information on the situation of unaccompanied child asylum-seekers and on the toll-free 24-hour child helpline.

54. Mr. FILALI requested information on child asylum-seekers who had disappeared in Denmark, and asked how the Government intended to prevent such disappearances in the future. He wished to know where and for how long juvenile offenders were detained while their cases were being investigated. The delegation should explain why children between the ages of 15 and 17 were sometimes detained with adults. Children aged 15 to 18 could be placed in solitary confinement for up to eight weeks, which was an excessively long period of time. He recommended that children should not be placed in solitary confinement. He expressed concern that, during the first phase of the socio-educational treatment programme for children under the age of 15, children were placed in a “secure institution”. He was concerned that persons below the age of 18 could not join a religious community against their parents’ wishes.

55. Ms. AL-THANI said that some of the data in the written replies were unclear. In the future, the delegation should ensure that the data provided gave an accurate picture of the situation. She asked why the infant mortality rate was so high in Greenland and what measures were being taken to reduce it. Information on the results of the Government’s efforts to prevent obesity among children would be useful.

56. She expressed concern that psychiatric facilities for children could not cope with demand and, as a result, many children were admitted to adult facilities. She wished to know what steps the Government was taking to rectify that situation. It would be useful to know whether the Government’s suicide prevention strategy focused on early identification of children at risk. She requested information on measures taken to prevent anorexia and bulimia, especially among young girls, and on the results achieved. The increased incidence of teenage pregnancies, induced abortions and sexually transmitted diseases, in particular chlamydia, was of great concern. She enquired whether the Government planned to conduct further research on the diagnosis and treatment of attention deficit/hyperactivity disorder (ADHD) and whether specific measures were being taken to regulate the prescription of ADHD drugs.

57. Mr. KRAPPMANN requested more recent data on gross family income both before and after taxation. He stressed the need for a variety of measures to protect children from poverty and requested information on the results of the Government’s poverty reduction strategy. He requested additional information on measures to prevent bullying in schools. In that connection, he wished to know whether parents and children were involved in combating that phenomenon. The delegation should provide information on vocational training available to schoolchildren who did not wish to pursue an academic career.

58. Ms. OUEDRAOGO asked what steps had been taken to implement the recommendations of the Media Council for Children and Youth on possible initiatives relating to children’s and young people’s use of computer games. She expressed concern that a number of narcotic drugs were not subject to any control in Greenland and asked whether the Government planned to

take the necessary steps to regulate those drugs. The delegation should provide information on measures to prevent drug abuse in Greenland. She enquired whether local authorities had developed plans for young persons under the age of 18 requiring treatment for substance abuse.

59. Mr. POLLAR requested information on offences committed by children under the age of criminal responsibility.

60. Ms. SMITH asked whether the Government experienced difficulties in appointing a representative for unaccompanied child asylum-seekers while their cases were being processed, since such representatives were not paid. She requested information on the situation of unaccompanied child asylum-seekers before they were granted a residence permit. In particular, she wished to know whether child asylum-seekers had access to health and education services. It would also be useful to know how many unaccompanied children applied for asylum, how many of the applicants received temporary residence permits, and what happened to child asylum-seekers whose applications had been rejected.

61. She wished to know what steps were being taken to raise parents' awareness of the need to prevent alcohol abuse among children. She asked whether the advertisement of alcohol and tobacco products was still allowed, and how the Government intended to control the consumption of so-called "alcopops".

62. Ms. ORTIZ asked whether there were enough kindergartens in Denmark. She enquired whether the local governments of the poorest communities received extra funding for social programmes, particularly programmes for children. According to the written replies, the placement of children and young people with behavioural problems in residential homes was permitted under the law. She asked whether the law specified the minimum age at which a child was eligible for adoption. She wished to know what steps were being taken to help adopted children establish family and community ties.

The meeting rose at 1 p.m.