



Convention on the Rights of the Child

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Committee on the Rights of the Child Fifty-sixth session

Summary record of the 1549th meeting

Held at the Palais Wilson, Geneva, on Monday, 24 January 2011, at 10 a.m.

Chairperson: Ms. Lee

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (*continued*)

Fourth periodic report of Denmark on the implementation of the Convention on the Rights of the Child (CRC/C/DNK/4; CRC/C/DNK/Q/4; CRC/C/DNK/Q/4/Add.1)

1. *At the invitation of the Chairperson, the delegation of Denmark took places at the Committee table.*
2. **Mr. Jacobsen** (Denmark) said that the Government of Denmark had adopted in March 2009 a new strategy for international human rights cooperation, based on cooperation with international human rights bodies. Aware of the role and importance of civil society in monitoring respect for human rights, the Government of Denmark was studying the best way of involving civil society in the new strategy, launched in 2010, the five major points of which were presented below.
3. The Children's Reform, which had entered into force on 1 January 2011, aimed to improve the health of children at risk and to ensure respect for children's rights, for example by training and supervising foster families to avoid institutionalizing the children concerned or by lowering to 12 the age at which children could appeal a decision. The Reform also promoted rapid intervention and enabled professionals to examine a particular child's situation as a team.
4. Considering it to be extremely important, the Government of Denmark had invested significantly in care for children under 6 years of age. Day-care centres, which 97 per cent of children aged 3 to 5 attended, had to be appropriate facilities that fostered the children's development.
5. Since unaccompanied minors, especially asylum-seekers, were vulnerable, the child's best interests had to take precedence when a case was examined. The number of such children had been rising for several years and Afghan children aged 15 to 17 now represented the largest group. Nearly all unaccompanied minors were seeking asylum. Unaccompanied minors seeking asylum were placed in reception centres where they were separated from adult asylum-seekers and were provided with health care and age-appropriate education and social activities. A programme of assisted voluntary return and reintegration of children failing to obtain asylum had been set up in cooperation with the International Organization for Migration (IOM). In December 2010, the Danish Parliament had adopted an amendment to the Aliens Act in order to manage that situation more effectively. Unaccompanied minors granted a residency permit were given Danish lessons and an introduction to life in Denmark. Foreign families with children were assisted with regard to housing, leisure activities, education and health care.
6. The "New Start" programme on juvenile delinquency, introduced in October 2009, was designed to strengthen national security while offering juvenile offenders a better future. In June 2010, the age of criminal responsibility was lowered from 15 to 14 years, with the aim not of sending children to prison but of concluding a contract with them under which the young offender, in agreement with his parents, promised to participate in certain activities, such as taking courses. In the case of serious crime, the minor could be sentenced to two years in a structured and supervised socio-educational programme.
7. The new action plan against drug abuse, launched in October 2010, focused on prevention, treatment, risk reduction and monitoring. Given their importance for children and adolescents, prevention and early intervention were key elements of the plan.
8. **Mr. Weyhe** (Denmark-Greenland) said that the Act on Self-Government of Greenland, which had entered into force on 21 June 2009, entrusted the government with greater political responsibility with regard to children's rights. On 2 June 2009, the people

of Greenland had elected a new government, which had designated children and young people as a top priority, and had allocated in 2010 an additional 25 million Danish kroner to the strategy on “A Safe Childhood”, which provided for the establishment of a centre for sexually abused children and of a children’s council which included a children’s spokesperson. The Government of Greenland had signed a five-year agreement with UNICEF intended to promote application of the Convention in the context of Greenland’s unique conditions. Planning for the long term, the government had drawn up a youth support strategy based on contributions from municipalities, local experts and non-governmental organizations, which would be examined by Greenland’s Parliament in 2011 and which would determine future child protection goals. Greenland had also restructured its education and health systems, particularly with regard to children and vulnerable families. In a report to be published in 2011, the Social Protection Commission, established in 2009, would make recommendations concerning socio-economic reforms to reduce social and economic inequalities. The commission’s main task was to analyse the correlation between economic growth and welfare in order to improve the well-being of Greenlanders.

9. **Ms. West** (Denmark-Faroe Islands) said that the Government of the Faroe Islands bore nearly all the costs of education, health, and care facilities for children, retirees and the elderly. The Government had involved non-governmental organizations and children in the preparation of the initial report on application of the Convention in the Faroe Islands and had contributed to the translation and diffusion of the shadow report submitted by non-governmental organizations. The initial report, which recapitulated social welfare definitions and measures, had been broadly disseminated, especially via the Internet.

10. The Government of the Faroe Islands had decided to draw up a plan to combat domestic violence, towards women and children in particular, and would launch the plan in spring 2011.

11. **Ms. Maurás Perez** (Rapporteur for Denmark) asked what stage the Parliament of Greenland had reached in its examination of the possibility of becoming party to the Optional Protocol on the sale of children, child prostitution and child pornography, since it had already ratified the other Optional Protocol to the Convention.

12. She would appreciate more information on the functioning of the new administrative provisions introduced by the 2007 reform, which had transferred to the municipalities the responsibility for financing and implementing social services, and wished to know how the Government of Denmark was assessing the impact of those provisions and ensuring that children in the poorest municipalities, in particular in Greenland and the Faroe Islands, did not suffer because of them.

13. She would appreciate information about the main lines of the reform of the Act on Help to Children and Youth, which Greenland planned to implement in cooperation with UNICEF, as well as further information with regard to implementation of the Children’s Reform and of the reform of the recently promulgated Social Services Act, in order to understand more fully the specific problems involved; understand the content of the more comprehensive instructions given to parents and, where appropriate, to children aged 12 to 17; learn more about the objectives of the plans to be drawn up by local authorities to combat juvenile crime and whether they would focus on prevention or punishment.

14. She asked which government body was responsible for policy concerning children and whether there was an interregional and inter-ministerial council entrusted with the task of coordinating, monitoring and evaluating the application of the Convention, or a minister or public official responsible for those tasks. She would appreciate information on the mechanism for allocating resources to the children’s sector and asked whether it was possible to target resources specifically for children and to assess their impact. She would

like to know more about the process of resource planning and allocation and suggested that Denmark should draw up a national action plan and embark on a national debate which would lead to the establishment of a comprehensive framework of long-term measures relating to children and their rights, on which planning could be based.

15. She welcomed the fact that Denmark earmarked 0.88 per cent of its GDP for development assistance. A greater share of that assistance could be used for implementation of the Convention in developing countries. The adoption in 2008 of a draft bill requiring the 1,100 largest companies to demonstrate evidence of social responsibility should encourage the private sector to contribute to the promotion of children's rights and to assist in developing a more effective response to reported violations.

16. The European Commission against Racism and Intolerance (ECRI) had expressed concern that derogations could be made to the Criminal Code provision on racism and intolerance, which might have negative consequences in view of the rising wave of intolerance in the country. She noted with concern that the new immigration laws appeared to be making discrimination worse, since a decision to expel could be taken, particularly with regard to Roma, without a crime having been committed; that sexism was not regarded as an act of discrimination prohibited by law; that foreign women could lose their residency permit if they left their spouse, even to escape domestic violence; and that there was an absence of data on domestic violence in the Faroe Islands. More specific information on measures to assist disabled women, for example the number of women's centres for victims of violence that accepted disabled women, would be welcome.

17. **Mr. Filali** (Alternate Rapporteur for Denmark) asked why Denmark had not withdrawn its reservation to article 40 of the Convention concerning the right of a convicted child to appeal to a higher competent judicial body, even though according to the report under consideration, the Convention was a source of law and could be invoked before the courts. He asked whether judges received training in children's rights and in the case-law of the Committee and what the State was doing to ensure broader dissemination of the Convention, since few children were aware of their fundamental rights and the provisions of the Convention were not studied in primary or secondary school.

18. More information would be welcome regarding the amendments made in December 2010 to the Aliens Act, in particular the possibility of returning unaccompanied minors to their country of origin for institutionalization there, without due regard for their best interests. Additional information was also needed on the right of minors to be heard in court, in particular in the case of police custody or pretrial detention, and on whether police officers and prison staff were specially trained to work with children. It was surprising that a Children's Ombudsman had still not been appointed in Denmark.

19. Information on the following points would be welcome: the resources earmarked for combating poverty, especially in Greenland and the Faroe Islands; the most recent initiatives in the combat against abuse; the excessive use of force by police during demonstrations in which minors participated; and the number of hours of work needed to get unemployment benefits.

20. **Mr. Koompraphant** asked whether the State party planned to adopt a specific action plan for implementation of the Children's Reform in Greenland and the Faroe Islands.

21. **Ms. Aidoo**, noting that according to the National Children's Council, only 18 per cent of Danish children had heard of the Convention and that the subject was not covered in human rights and democracy courses or in teacher training programmes, asked to what extent the Convention was known in Denmark and what steps had been taken to raise awareness of its provisions, especially in the most vulnerable communities.

22. **Mr. Citarella** asked whether all the initiatives taken recently by the Government of Denmark applied equally to Greenland and the Faroe Islands and whether legislation concerning children in force in those territories was compatible with the Convention.

23. **Mr. Pollar** said that, according to several information sources, the authorities concerned did not take into consideration the right of an unaccompanied foreign minor to be heard. He would also like to know how the State party was dealing with the rising number of industrial accidents involving children.

24. **Mr. Puras** asked how the State party reconciled the right of children to information with the desire to protect children against the threats posed by the new information technologies including the Internet.

25. **Mr. Guran** asked what Denmark's priorities were for addressing the specific socio-economic problems of Greenland and the Faroe Islands and to which age groups had the various initiatives implemented under the Children's Reform been applied.

26. **Ms. Varmah**, noting that, according to some sources, many children of stateless parents reportedly were not eligible for Danish nationality, asked how the State party ensured that children born in Denmark of foreign or stateless parents had the possibility of acquiring Danish nationality at birth, and whether immigrant communities were informed of the procedures for obtaining that nationality.

27. **The Chairperson** said that she did not understand why Denmark had still not withdrawn certain reservations to the Convention, had not adopted a global action plan for children, and had not established a body to coordinate all the child-related measures that had been taken.

The meeting was suspended at 11.10 a.m. and resumed at 11.35 a.m.

28. **Mr. Møller Christiansen** (Denmark) said that the principal aim of the reform that had entered into force in January 2011 was to strengthen respect for the rights and best interests of children, in particular children at risk, including by giving priority to foster care rather than institutionalization, by recognizing the right of children aged 12 and over to appeal a decision, by improved identification of cases of abuse and other problems concerning children, and by ensuring that the competent persons acted more rapidly. Social workers, health professionals and teachers were encouraged to alert the competent authorities more rapidly if they considered a child to be in danger. The National Social Appeals Board was currently authorized to examine matters on its own initiative and to decide on the choice of placement facility or, if it considered a child to be in danger, transfer to another facility. Training workshops had been held for all the professionals concerned, in particular social workers, in order to facilitate implementation of the Children's Reform.

29. **Ms. Maurás Pérez** (Rapporteur for Denmark) asked how children in danger were defined in the framework of the reform, whether children under 17 benefited from legal aid when they lodged an appeal or a complaint, and whether a rapid intervention protocol applicable in cases of suspected child abuse had been drawn up for social workers, teachers and medical personnel.

30. **Mr. Møller Christiansen** (Denmark) said that the definition of children in danger was based on framework legislation and on assessments made at the local level by social workers in order to determine which children needed support. In the case of disputes, the matter could be brought before the National Social Appeals Board.

31. **Mr. Theolander Holmgren** (Denmark) said that any child, 12 or over, had the right to legal aid when lodging a complaint with the National Social Appeals Board, which took into account the best interests of the child. A rapid-intervention protocol as such did not

exist, but social workers, medical personnel and teachers were trained to identify children in danger.

32. **Mr. Møller Christiansen** (Denmark) added that the government had defined the legal framework of rapid interventions that must be used by local authorities, while ensuring respect for the best interests of the child. Guidelines for social workers and teachers on early identification of children presenting problems had been drawn up at the local level. The Children's Reform, which was the outcome of extensive discussion between experts and politicians leading to the identification of priority interventions, placed emphasis on prevention and rapid response rather than on punishment. Support for children in danger was provided by the local authorities, whose interventions were monitored and evaluated by the government.

33. **Ms. Ortiz** wished to know how the government supported and facilitated the establishment by local authorities of interdisciplinary assistance and prevention teams for children, given that municipalities did not always have the necessary human and financial resources for that purpose.

34. **Mr. Møller Christiansen** (Denmark) replied that management of social sector resources was decentralized. Nevertheless, the government and most local authorities accorded priority to prevention, in the best interests of the child.

35. **Mr. Filali** (Alternate Rapporteur for Denmark) asked what was done to ensure that children in all regions benefited from the same protection services.

36. **Mr. Møller Christiansen** (Denmark) replied that the National Social Appeals Board ensured equality of treatment between regions; families claiming the right to assistance could have recourse to that body. Social welfare legislation promulgated in Denmark, including the Children's Reform, was not applicable in Greenland or in the Faroe Islands, but the Danish authorities had engaged in numerous exchanges with the autonomous governments of those two territories, which were responsible for applying the Convention at home.

37. **Ms. Maurás Pérez** (Rapporteur for Denmark) asked what Denmark's role had been in the codification and implementation of laws relating to children in Greenland and the Faroe Islands and whether Greenland, which was in the process of reforming the children's sector with backing from UNICEF, planned to make use of Denmark's experience.

38. **Mr. Møller Christiansen** (Denmark) replied that the central government worked closely with the Autonomous Government of Greenland in that area and would ensure that the latter profited from its experience in the matter.

39. **Mr. Weyhe** (Denmark-Greenland) said that the reform of the children's sector in Greenland would be adapted to its particular living conditions and that the human rights instruments adopted by Denmark were often the subject of reservations concerning Greenland and the Faroe Islands.

40. **Mr. Citarella** asked whether primary education was compulsory and free of charge in Greenland.

41. **Mr. Rahbøl Jacobsen** (Denmark) said that the autonomous governments of Greenland and the Faroe Islands were free to adopt or reject laws promulgated by Denmark and to legislate in many areas, with the exception of foreign affairs, defence, justice and integration. Denmark and the two autonomous governments worked together closely, with due regard for their differences. Greenland and the Faroe Islands had been the subject of reservations at the time of Denmark's ratification of certain international instruments, but those territories were bound to respect their obligations under those instruments.

42. **Ms. Arnsted** (Denmark) said that while debate on exemption from the Criminal Code provision on discrimination had not produced a draft amendment to the provision, any bill relating to that matter would be compatible with United Nations norms prohibiting discrimination.
43. Denmark could not withdraw its reservation to article 40 of the Convention because it was still not possible to appeal a decision concerning minor offences punishable by a fine in proportion to the gravity of the offence without prior authorization from the appeals board.
44. **Mr. Filali** (Alternate Rapporteur for Denmark) wished to know the maximum amount of such fines.
45. **Ms. Arnsted** (Denmark) replied that the heaviest fine for a minor offence was 3,000 Danish kroners, or approximately 400 euros.
46. **Mr. Filali** (Alternate Rapporteur for Denmark) said that, even if the sentence was lenient, a child who had been found guilty and convicted should be able to appeal that decision.
47. **Ms. Arnsted** (Denmark) explained that, in most cases resulting in conviction with a lenient sentence, the guilt of the child had been easily proven. In more complex cases, children could request authorization to appeal from the appeals board, which would grant or reject the request.
48. **Ms. Christophersen** (Denmark) said that the Government of Denmark had considered it sufficient to bring its legislation in line with the Convention before and after its ratification without incorporating it into law as such. The authorities interpreted the law in accordance with the provisions of the Convention, which could be invoked directly. The Danish-language version of the Convention could be consulted on the Internet.
49. **Ms. Arnsted** (Denmark) said that the global programme launched in October 2009 provided for the appointment of juvenile judges in district courts and that training courses for them were being prepared.
50. **Mr. Lamhauge Rasmussen** (Denmark) said that the highly decentralized education system had advantages as well as disadvantages such as limits on the ability to ensure that a particular subject matter was taught. However, pupils were given the opportunity to participate broadly in their education because teachers had to include them in the process of choosing subject matters and teaching materials. Democracy was therefore not regarded as theoretical knowledge to be acquired but as a practical skill to be exercised daily; a recent European study had, moreover, ranked Denmark first in terms of pupils' democratic participation in daily life and had concluded that inequalities in access to knowledge in Denmark were less marked than in most other countries. The education reform launched in 2009 included a focus on children's rights, and those rights would therefore be incorporated, if not formally then at least practically, in the relevant thematic areas and would become an integral part of teacher training.
51. **Ms. Aidoo** said that it was still surprising that the Convention was not cited as a reference.
52. **Mr. Møller Christiansen** (Denmark) replied that Denmark did not traditionally oblige teachers to use any particular source of information and left them completely free to choose, in conjunction with their pupils, the educational materials they wished to use.
53. The Government knew that it was important to have partners to assist it in promoting the Convention and had therefore decided, in 2010, to renew permanently the subsidies to the National Children's Council. To the same end, it planned to engage in

dialogue with various NGOs on the concluding observations to be adopted by the Committee.

54. **Ms. Ravn** (Denmark) said that if the Immigration Office considered that an unaccompanied minor seeking asylum was too young or not mature enough to initiate the procedure, a residence permit would be granted to him automatically. In the opposite case, just as for adults, the request was examined by the Immigration Office and the Refugees Appeals Board. In the event that the asylum request was refused, the authorities would determine if the residence permit could be granted for other reasons, for example, parents who had died or could not be located. Asylum was not granted if the unaccompanied minor could be placed in a specialized facility in his country of origin provided that the conditions of a fully safe return and provision of education and training opportunities were met. The principle of non-refoulement was therefore respected since all those who needed protection received it.

55. **Ms. Maurás Pérez** (Rapporteur for Denmark) said that she was surprised that universal problems such as behaviour problems, emotional problems or failure to obey family rules were regarded as grounds for institutionalization.

56. Data should be collected to determine the impact on poverty of the more stringent conditions for granting unemployment benefits especially since, according to the Organisation for Economic Co-operation and Development (OECD), 5 per cent of children in Denmark already lived below the poverty line.

57. **Mr. Puras** said that, as he understood it, in 20 per cent of families, at least one parent was affected by alcoholism, depression or other mental health problems, which might be another reason for the high level of institutionalization. Separation of families should nevertheless be a last resort, and he asked the delegation to describe the measures taken to improve the mental health of both parents and children, with special emphasis on prevention, particularly in the school system. Noting that a constantly growing number of central nervous system stimulants were being prescribed to treat hyperactivity, he asked what was being done to warn the population about the risks of abuse.

58. He asked whether the teacher training reform included ensuring that teachers were better prepared to deal with disabled pupils. The State should see to it that no disabled child was placed in an institution for adults. Could the delegation indicate whether arrangements had been made with a view to ratifying the Optional Protocol to the Convention on the Rights of Persons with Disabilities?

59. **Ms. Herczog** asked what was being done to facilitate communication between families with child-rearing problems and the social services responsible for assisting them. Three factors pointed to a lack of follow-up: first, the average stay in alternative care settings was longer than in the other Nordic countries and in countries such as the United Kingdom; secondly, an individualized plan was drawn up for only 27 per cent of institutionalized children; and thirdly, after they left the system, 15 per cent of institutionalized children failed to continue their studies or enrol in a training programme once they had completed compulsory education.

60. **Mr. Koompraphant** asked if the national strategy to combat sexual abuse provided protocols for the identification of cases and a programme for the protection and support of child victims and witnesses. How was protection for the victim ensured when the aggressor was a member of the family?

61. **Ms. Aidoo** asked whether the national strategy to combat sexual abuse covered acts committed abroad by a national and requested additional information on medical, social and reintegration services for child abuse victims and on the situation in the Faroe Islands and Greenland with regard to abuse, negligence and sexual exploitation. Greenland had

alarmingly high rates of obesity, early pregnancies and abortions, which led to the question of whether adolescents had access to specialized health services where confidentiality was guaranteed.

62. **Mr. Pollar**, noting that Denmark had signed the Hague Convention on the Civil Aspects of International Child Abduction, asked whether there was any data on the number of children abducted from or into Denmark by a member of their family.

63. **Ms. Ortiz** asked whether the number of institutionalized children had declined since the reform of the alternative care system five years ago and whether it was planned to offer more children the possibility of being adopted in Denmark. Institutionalized children now appeared to be assessed on a half-yearly basis, which was laudable, but the precise nature of the assessment would have to be defined since there was still a lack of individualized plans. She asked the State party to give consideration, during that period of reform, to the guidelines on alternative care for children adopted by the United Nations General Assembly.

64. It would be useful to have more specific information on how children with one or both parents in prison were assisted and to know whether steps had been taken to implement the Committee's recommendation to extend the hours of the emergency telephone service and whether the calls received had made it possible to identify the most pressing problems.

65. **Ms. Varmah** asked how many children were living in prison with their mother, how old those children were and what measures had been taken to protect them.

66. **The Chairperson** asked how the State evaluated whether strong ties had been established between a child and a care facility with a view to the application of the amendment to Act No. 318, and whether, after having raised to 16 the age limit for smoking and drinking, Denmark planned to follow the example of countries that had raised it to 18.

The meeting rose at 13.05 p.m.