



Convention on the Rights of the Child

Distr.: General
14 October 2011
English
Original: French

Committee on the Rights of the Child Fifty-sixth session

Summary record of the 1595th meeting

Held at the Palais Wilson, Geneva, on Monday, 24 January 2011, at 3 p.m.

Chairperson: Ms. Lee

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The meeting was called to order at 3.05 p.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 (continued) (CRC/C/DNK/4; CRC/C/DNK/Q/4 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Denmark took places at the Committee table.*
2. **Ms. Arnsted** (Denmark) said that her Government did not plan to appoint an ombudsman for children, as the Ombudsman for Public Administration had the authority to receive and handle complaints from minors.
3. **Mr. Møller Christiansen** (Denmark) said that the National Council for Children was the body responsible for coordinating the implementation of the Convention and that it now received permanent funding.
4. **Mr. Filali** (Country Rapporteur) asked whether the decision not to appoint an ombudsman for children had been based on a needs assessment.
5. **Ms. Arnsted** (Denmark) said that no specific assessment had been conducted, but that the complaint mechanism managed by the Office of the Ombudsman for Public Administration, which was attached to the Ministry of Social Affairs, offered all the necessary guarantees to take into account the issues affecting children.
6. **Mr. Weyhe** (Denmark – Greenland) said that because of the economic and social disparities between Greenland and Denmark, Greenland needed to develop its own policies. Thus, in 2009, the Government of Greenland had begun to develop a strategy in support of children, which included the main themes found in the Convention and would serve as a guide for municipal governments. The strategy emphasized protection for pregnant women and young children, education and extra-curricular activities, the fight against violence, and the rights of children with disabilities. Several thematic working groups composed of members of non-governmental organizations (NGOs), specialists and local elected officials were currently looking into the main themes of the strategy, which would serve as a guide for public policy on children for the next 10 to 15 years.
7. There were also plans to amend, with the collaboration of the United Nations Children's Fund (UNICEF), the 2003 Landsting Regulation on Assistance to Children and Youth, with a focus on three priority areas: early intervention in cases of violations of the rights of the child, follow-up and monitoring of policies enacted by municipalities, and improvement in the monitoring of children who left a foster family or shelter.
8. A commission set up to examine income inequality and the distribution of social assistance had concluded in a report published in 2010 that, in order to become economically independent and decrease social inequalities, Greenland needed to enact socio-economic reforms.
9. **Ms. Ortiz** said she wished to know what Greenland was doing to give effect to children's civil rights, pursuant to the Convention.
10. **Mr. Weyhe** (Denmark – Greenland) said that the reform process was still under way and that Greenland did intend to give effect to all the rights in the Convention and would take into account the recommendations of UNICEF in order to do so.
11. **Ms. West** (Denmark – Faroe Islands) said that in the Faroe Islands, needy families received substantial social assistance.
12. A plan to combat violence against women was currently being devised, and the Government had already established a crisis centre for victims.

13. The Child Welfare Act required all individuals to report cases of sexual violence against a child, subject to criminal prosecution. Prevention, protection and reintegration measures were in place.
14. **The Chairperson** asked why the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography had not yet been extended to the Faroe Islands and Greenland.
15. **Ms. Ortiz** asked whether corporal punishment was prohibited in alternative care institutions.
16. **Ms. West** (Denmark – Faroe Islands) said that in the Faroe Islands, corporal punishment was prohibited under all circumstances. The authorities in the Faroe Islands planned to take the necessary measures to implement the Optional Protocol there.
17. **Mr. Weyhe** (Denmark – Greenland) said that the Optional Protocol would soon be applicable in Greenland, once the legislation on adoption had been amended to meet the requirements set out in the Hague Convention.
18. **Ms. McPhail** (Denmark) said that it was up to the municipal councils to take the necessary protection measures in support of child victims of violence, and that childcare professionals were required to report any suspected ill-treatment of a child to the authorities. The Danish authorities provided parenting classes for parents-to-be, and a campaign to prevent violence against children would be widely disseminated throughout the country.
19. **Ms. Ravn** (Denmark) said that the best interests of the child were of paramount consideration in the decision to grant residence permits to unaccompanied asylum-seeking children. If it was established that the child could be properly taken care of by the social services in their country of origin and that they had family ties and a cultural attachment to that country, then residency was not granted.
20. Also, in cases where a temporary residence permit was justified solely on the basis of the minor's age, the permit was no longer valid once the minor reached the age of 18. An exception to that rule could be made if the minor had arrived in Denmark at a very young age and was well integrated there.
21. **The Chairperson** requested clarification on the implementation of the new law on foreigners, which prohibited conducting a search for the family of an unaccompanied child without the child's consent, and which appeared to her to contravene international instruments.
22. **Ms. Ravn** (Denmark) said that the aforementioned law no longer required the Danish authorities to search for the child's family if the child did not consent, which did not mean that all such searches were prohibited. As part of an agreement with the International Organization for Migration, the Danish Red Cross conducted searches for the family of unaccompanied minors at the request of the interested parties.
23. If their age so permitted, those minors were heard by the immigration services during the asylum procedure.
24. **Mr. Wamsler** (Denmark) said that the Danish Working Environment Council conducted inspections and monitoring visits of workplaces where minors were employed during the summer in order to ensure respect for the provisions on health and safety in the workplace. An Internet portal was also planned that would provide links to resources on youth employment for teachers, employers and parents for accident prevention and informational purposes.

25. **Ms. Vinkel Sørensen** (Denmark) said that, in an effort to ensure the safety of minors online, the Danish police, following consultations with Save the Children Denmark, had developed a filter to block pornographic material. The police had signed cooperation agreements with the main Internet service providers in the country, who blocked access to certain suspicious sites by order of the police.

26. **Mr. Lamhauge Rasmussen** (Denmark) said that teaching aids intended to educate young people about the dangers of electronic media were distributed in schools.

27. **Ms. Ortiz** asked whether media outlets, particularly television stations and newspapers, were required to follow a code of good conduct with regard to the image of young people they presented, and whether the voice of young people was taken into consideration in the media.

28. **Mr. Møller Christiansen** (Denmark) said that, as part of the strategy to combat poverty, the Government offered social protection to the poor, provided aid for business start-up, and worked to combat the root causes of exclusion, particularly through measures such as the “Equal Opportunities” initiative launched in 2008, which targeted vulnerable children and young people.

29. **Ms. Ravn** (Denmark) said that, pursuant to the guidelines on naturalization, stateless children who were born and lived in Denmark could apply for naturalization. It was true that, following a series of amendments to those guidelines in 2005, a number of applications had been wrongfully rejected, but under the new provisions adopted in January 2011 those applications had been re-examined and naturalization had been granted to applicants meeting the necessary criteria.

30. **Mr. Møller Christiansen** (Denmark) said that the authorities had established poverty indicators in order to create a database that would help to better focus strategies and policies to combat social exclusion and poverty.

31. The percentage of children placed in foster homes, which was indeed quite high compared to other Scandinavian countries, was undoubtedly explained by the fact that the number of adoptions in Denmark was much lower than in neighbouring countries. On the other hand, the percentage of children placed in foster homes was decreasing, which showed that municipalities gave preference to alternative solutions whenever possible.

32. **Mr. Theolander Holmgren** (Denmark) said that the Government was fully aware that prolonged placement in alternative care facilities posed problems and that such placement should be resorted to only in cases of absolute necessity. In 2012 the Social Appeals Board would evaluate the municipal governments’ action plans for that type of placement.

33. The Government also planned to place greater emphasis on training social workers in the early detection of situations requiring social intervention. Since the start of the 2010/11 school year, social workers were offered specialized training in caring for at-risk children.

34. **Ms. Ortiz** asked whether children were consulted as part of the evaluation of their placement and whether the State party referred to the United Nations Guidelines for the Appropriate Use and Conditions of Alternative Care for Children when drafting laws concerning children.

35. **Mr. Theolander Holmgren** (Denmark) said that the Commission on Social Remedies was responsible for conducting those evaluations and that they were based on the child’s views. Also, the social interventions in support of children and the services provided by social workers were subject to assessment.

36. Parliament gave full consideration to the United Nations Guidelines for the Appropriate Use and Conditions of Alternative Care for Children when drafting relevant legislation.

37. So as not to cause disruption in the lives of very young children, who were particularly sensitive to change, placements of children less than 1 year old could not be reviewed during the first three years, unless the parents' situation changed radically.

38. **Ms. Schjøning** (Denmark) said that 120,000 Danish children lived in homes where at least one member of the household was an alcoholic, which was why the health and social authorities had ordered that family clinics should be established in each of the five regions of the country to provide care for pregnant women or their partners who used drugs or alcohol, or to children not yet of school age with an addicted parent.

39. The decision to prescribe medication for a child suffering from hyperactivity was not taken lightly, and a diagnosis by a psychiatrist was required in all cases. If a doctor overdiagnosed that disorder, the National Board of Health and the Danish Medicines Agency would intervene. At the same time, a doctor who wished to become a consultant for the pharmaceutical industry must obtain prior authorization from the Danish Medicines Agency, which showed that monitoring mechanisms had indeed been established.

40. **Mr. Lamhauge Rasmussen** (Denmark) said that the Government assigned utmost priority to the issue of special education needs, as evidenced by the fact that 30 per cent of the budget allocated to primary education and to the first cycle of secondary education in 2009 had been earmarked for that area. It was now commonly accepted that integrating young people with special education needs into traditional schools had a positive effect on the quality of education in general, all the more so since those schools then enjoyed a progressive transfer of human and financial resources.

41. Teacher training programmes included courses on how to interact with children with special education needs, and more than one-third of student teachers had chosen to specialize in that field. Modules on the subject had also been added to in-service teacher training programmes.

42. **Mr. Rahbøl Jacobsen** (Denmark) said that his Government did not plan to become party to the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

43. **Ms. McPhail** (Denmark) said that the institution for children and adults with disabilities mentioned in paragraph 911 of the State party's report was divided into two separate units, so adults and children were not housed together in the same location.

44. **Ms. Vinkel Sørensen** (Denmark) said that her Government accorded utmost priority to defining a new strategy to combat sexual violence against children and, to that end, had held two large-scale meetings that had brought together all the Government bodies concerned and the NGOs working in that field. It had also established an inter-agency working group on the issue and planned to launch the strategy at the start of 2011.

45. **Ms. Aidoo** asked whether children would be involved in designing that new strategy, and in particular whether they would be directly consulted rather than being represented by NGOs.

46. **Ms. Maurás Pérez** (Country Rapporteur) asked whether the State party planned to criminalize sexual violence committed against children abroad, and whether the Criminal Code included provisions on rehabilitation and compensation for child victims of prostitution.

47. **Ms. Arnsted** (Denmark) said that, under a 2006 amendment to the Criminal Code, Danish nationals, and individuals holding a residence permit in Denmark were subject to

prosecution if they committed sexual violence against a minor in a country where there was no law against such acts.

48. Child victims of that type of violence could claim compensation and, in cases where the perpetrator was insolvent, the State took responsibility for providing compensation.

49. **Mr. Koompraphant** asked whether the State party was equipped with an effective mechanism for identifying child victims of sexual violence and whether it had established a provision offering protection both to victims and to any witnesses involved. How were victims protected when the perpetrator of the violence was a family member?

50. **Mr. Filali**, noting that by virtue of the principle of extraterritorial jurisdiction the Government could bring proceedings against Danish nationals who had committed sexual offences abroad, asked whether it could also prosecute non-nationals who had committed such offences and were on Danish territory.

51. **Ms. Arnsted** (Denmark) said that her Government could prosecute anyone living in its territory, regardless of whether or not they held Danish citizenship.

52. **Ms. Vinkel Sørensen** (Denmark) said that detection measures were an important part of the plan to combat sexual violence. The police were required to report to the Director of Public Prosecutions all cases of sexual violence against a child under the age of 15 committed by persons working in contact with children.

53. **Ms. Schjøning** (Denmark) said that in March 2011 a ban would come into force on the sale of drinks with an alcohol content of more than 16.5 per cent to persons under the age of 18. The lack of a specific policy on adolescent health in Denmark did not mean that the issue was neglected, as adolescents were included in the health promotion plan that the Government had launched in October 2009. Government action in that regard was focused in particular on smoking, and the percentage of adolescents 15 to 20 years of age who smoked had decreased from 21 per cent to 11 per cent between 2000 and 2008. Alcohol consumption among adolescents was also in decline, although the latest data showed an increase among girls, which was a matter of concern. The Government also deployed significant resources to fight drug addiction.

54. **Ms. Niclasen** (Denmark – Greenland) said that Greenland legislation required all municipalities to establish a policy on children and adolescents. Each municipality had a local prevention council that worked in collaboration with the police, municipal government, schools and health authorities to establish its own health and prevention standards and reported to the National Council for Prevention.

55. Despite efforts by the authorities, smoking had not decreased among adolescents 15 to 17 years of age since 2006, and the rate of alcohol consumption remained high. The sale of alcohol to minors was prohibited.

56. **Ms. West** (Denmark – Faroe Islands) said that the Faroe Islands authorities had established general policies on adolescent health and was working on preventing smoking, alcoholism and drug addiction. The sale of alcohol and tobacco to minors under the age of 18 was prohibited.

57. **Ms. Aidoo** asked whether the 2003 plan to combat sexual violence against children had been updated.

58. **Ms. Vinkel Sørensen** (Denmark) said that the new strategy on sexual violence against children, launched at the beginning of 2011, served as an update to the action plan.

59. **Ms. Maurás Pérez** asked why the International Code of Marketing of Breast-milk Substitutes was not implemented in Denmark.

60. She also wished to know whether municipalities conducted awareness and prevention campaigns on bullying in schools.

61. The Human Rights Committee and the Committee on the Elimination of Racial Discrimination had both emphasized the importance of recognizing the Inuit's specific identity and cultural rights. What was the situation regarding the rights of children from that ethnic group?

62. **Mr. Filali** asked whether children placed in institutions run by Government social services had the right to receive visits, to communicate with the outside world, to play sports and to go out. He would like clarification as to how those institutions differed from ordinary detention centres and what happened to juvenile offenders whom the institutions refused to accept, as they were entitled to do. Were they placed in ordinary detention centres? Could other measures be used to avoid imprisoning them?

63. Given that lowering the age of criminal responsibility to 14 years was likely to lead to an increase in the number of children detained, the delegation might wish to indicate what measures had been taken to remedy the shortage of support facilities.

64. The Committee would like to have further information on the duration and conditions of police custody for children 12 to 14 years of age.

65. The law adopted in June 2010 amending the Criminal Code provided that children under the age of 18 convicted of serious offences could be sentenced to imprisonment of up to 20 years. The delegation might wish to explain why the State party had chosen to toughen its legislation rather than providing for educational measures.

66. **Ms. El-Ashmawy** pointed out the lack of a specific provision to support child victims of trafficking and to prosecute perpetrators of such acts and requested further information on the State party's efforts to prosecute and convict those perpetrators. She wished to know what measures had been taken to protect child victims of trafficking and child witnesses to provide them with specialized assistance and to ensure that they were not treated as criminals. She would also like information on measures taken to protect the many unaccompanied minors who arrived in the country each year and the children forced to engage in organized crime. Lastly, she requested information on the training provided for law enforcement officials in identifying victims.

67. The Committee would like further information on the follow-up given to complaints lodged through the telephone counselling service for children. Were there disaggregated statistics available on those complaints? Were adequate financial and human resources allocated to that service, and was it guaranteed to operate 24 hours a day?

68. **Mr. Pollar** asked whether the country was equipped with a mechanism for identifying children who might have been involved in armed conflict. He also wished to know how the Government combated some communities' harmful traditional practices, such as female genital mutilation, which persisted despite being prohibited.

69. **Mr. Krappmann** said that he had been interested to learn that child asylum-seekers were assigned a permanent personal sponsor, and would like further information in that regard. According to information before the Committee, many child asylum-seekers had disappeared in recent years. It was his understanding that a study on that issue had been planned; if so, he wished to know the results.

70. The European Union Dublin II Regulation provided that all asylum-seekers' applications should be reviewed in the first European Union country the applicant had entered, which was often Greece. However, the European Court of Human Rights had recently decided that asylum-seekers should not be returned to Greece so long as reception conditions there did not improve. The Committee wished to know if the Danish

Government continued to return children to Greece and, if so, if it planned to discontinue the practice.

71. **The Chairperson** pointed out that, in contravention of the relevant European and international norms, the Danish law on foreigners stipulated that there would be consequences if a child asylum-seeker refused to undergo an examination to determine his or her age. The delegation might wish to comment on the matter and to clarify the methods used to determine a person's age.

72. **Mr. Thøgersen** (Denmark) said that each year, 20 to 25 Danish children were abducted from Denmark and taken to another State party to the Hague Convention on the Civil Aspects of International Child Abduction, and about 20 were taken to a State that was not party to the Convention, while 15 to 20 children were abducted from a State party to the Convention and taken to Denmark.

73. In cases where it was expected that a child's parents would never be in a position to take care of the child, he or she could be adopted without the parents' consent. To date, that procedure had been used only once, and social workers used extreme caution in that regard. However, his Government remained convinced that in a limited number of cases such adoption could serve the best interests of the child.

74. **Ms. Arnsted** (Denmark) said that individuals serving a prison sentence had the option of keeping their children under 3 years of age with them, if social services deemed it to be in the child's best interests. In actual fact, only one child was currently staying in a Danish prison with his/her parents, as the authorities preferred to avoid such situations. There was a special institution known as "Family Home" where parents could serve their sentence while living with their children under 15 years of age. Parents there were advised on their children's upbringing.

75. **Ms. Schjøning** (Denmark) said that her Government recommended breastfeeding. A children's database had been set up as a pilot project in 2009. Starting in 2011 municipalities would be required to include children's height and weight along with information such as exposure to second-hand smoke and the duration of exclusive or partial breastfeeding. She was not in a position to answer the question on the implementation of the International Code of Marketing of Breast-milk Substitutes.

76. **Mr. Lamhauge Rasmussen** (Denmark) said that, according to a recently published study, the percentage of children who were victims of bullying at school had fallen from 25 to 6 per cent between 1994 and 2010. Several campaigns against school bullying had been conducted in the country. The Danish Centre of Educational Environment had published a guide proposing 42 practical ways to combat school bullying. Recently adopted legislation required schools to establish a strategy to combat bullying and, according to the latest estimates, about 85 per cent of Danish schools already had a related concrete action plan. The authorities would continue to collaborate with civil society to strengthen the fight against bullying.

77. **Ms. Nielsen** (Denmark – Greenland) said that the Inuit accounted for 90 per cent of the population of Greenland. The official language of Greenland was Greenlandic (Kalâtdlisut). A new law on language policy had been in force since 2010. As much as 80 per cent of the current population of Greenland spoke Greenlandic, which was taught as a mother tongue. Education was free in Greenland and compulsory for 10 years.

78. **Mr. Theolander Holmgren** (Denmark) said that youth offenders who had reached the age of criminal responsibility and had been given custodial sentences were placed in establishments where they could practice sports and other activities. They could communicate with the outside world, except, for example, during school hours, when they

were not allowed to use their mobile phones. Minors in police custody could be forbidden from communicating with the outside world if they risked obstructing the investigation.

79. **Ms. Arnsted** (Denmark) said that the police could hold children 12–14 years of age in police custody if they were under the influence of alcohol or other toxic or sedative substances. Such custody could not exceed four hours, unless it was impossible to hand the child over to someone responsible for them. When a minor 15–17 years of age was held in a police holding cell, the police were required to inform the family. Youth offenders aged under 18 awaiting trial were, in principle, placed in an establishment run by the Ministry of Social Affairs. However, in cases of particularly serious or dangerous offences or if the social establishment could not control the juvenile because of their violent behaviour, they could be placed in a special unit of a prison, separated from adults.

80. In recent years, following the lowering of the age of criminal responsibility from 15 to 14 years, there had been a shortage of places in social establishments to house all the young offenders awaiting trial. New facilities had been built, however, and those establishments now had more places than needed.

81. **Ms. Vinkel Sørensen** (Denmark) said that in 2007 her Government had launched a plan to combat human trafficking during the period 2007–2010. In 2006, the National Commissioner of Police had established a strategy to strengthen police action to identify and prosecute procurers and against the trafficking of women and the prostitution of minors.

82. All police officers had to undergo compulsory general training over a three-year period, which included courses on human trafficking. They then had the option of completing their training by attending various specialized courses at the Police Academy. The anti-trafficking plan had been reviewed by an independent Danish company, and the Government was currently devising a new action plan for the period 2011–2014 that took into account the recommendations ensuing from that review.

83. **Ms. Ravn** (Denmark) said that foreign victims of trafficking located in Danish territory could be granted a residence permit. If the permit was refused, they then had a so-called “period of reflection” of between 30 and 100 days before they were obliged to leave the country. If they were returned to their country of origin, the Government of Denmark, in cooperation with the International Organization for Migration (IOM), provided them with assistance on a case-by-case basis upon their return, including reintegration assistance and, if necessary, temporary housing in their country.

84. **Mr. Møller Christiansen** (Denmark) said that the Government had earmarked funding for the children’s telephone counselling service until the year 2013. It also provided financial support for organizations offering counselling services to vulnerable children. Problems involving children could be reported not only via the telephone counselling hotline, but also directly to the social services by professionals working in schools and children’s institutions.

85. **Ms. Ravn** (Denmark) said that, when considering asylum applications, the authorities made every effort to identify children arriving from countries affected by armed conflict, child victims of such conflict, and child victims of female genital mutilation. Those were all important elements in the consideration of asylum applications but did not automatically lead to the granting of a residence permit.

86. Every unaccompanied minor was assigned a permanent personal sponsor, who provided the child with the necessary assistance in all the procedures concerning him or her, apart from legal assistance. Minors who were granted a residence permit were placed in the care of a temporary guardian until they reached the age of 18.

87. Although an August 2008 report had described several cases of children disappearing from shelters for unaccompanied minors, the situation seemed to have improved since then. However, no new studies of the question had been conducted. Most shelters for unaccompanied minors were run by the Red Cross. The centres' staff checked three times a day to ensure that the children were present, and the children received information on the provisions of the Dublin II Regulation.

88. The Danish authorities were required to seek out a minor's close relatives, or family members who played a de facto parental. The searches conducted by the Red Cross were of a wider scope and could include the child's more distant relatives.

89. Denmark had not returned minors to Greece for the past several years. Most of the migrants who passed through Greece before continuing their journey to Denmark were registered in Greece as undocumented migrants, not as asylum-seekers, and under the Dublin II Regulation a country could not be required to reaccept an unaccompanied minor unless the minor had applied for asylum in that country. Moreover, it had been decided in 2008 that no unaccompanied minor should be returned to Greece unless it was in the child's best interests, for instance if the child had close relatives in Greece.

90. The Ministry of Refugee, Immigration and Integration Affairs of Denmark had not yet had time to examine in detail the decision handed down on 21 January 2011 by the European Court of Human Rights in the case *M.S.S. v. Belgium and Greece*.

91. The procedure to determine a child's age had not changed, and the child's consent was still required before the procedure could go forward.

92. Denmark followed the Office of the United Nations High Commissioner for Refugees (UNHCR) Guidelines on Determining the Best Interests of the Child in issues involving the return of minors to their country of origin.

93. **Ms. Maurás Pérez** thanked the delegation for the detailed information it had provided and for the frankness with which it had replied to the Committee's questions. She welcomed the State party's determination to protect and promote the rights of the child both in Denmark and abroad.

94. The Committee remained concerned, however, that the age of criminal responsibility had been lowered, and looked forward to an evaluation of the results of that measure and of the youth contracts scheme. He suggested that the State party should adopt a comprehensive policy plan for children, with accompanying action plans, and that it further disseminate the Convention.

95. **Mr. Rahbøl Jacobsen** (Denmark) thanked Committee members for all their remarks and the relevant questions they had put throughout the dialogue, which would help the Government of Denmark to reflect further on the situation of the rights of the child in the country. The Danish authorities would carefully consider the Committee's concluding observations, which would be widely disseminated, transmitted to Parliament and published on the Internet.

96. **The Chairperson** said that the Government of Denmark could count on the Committee for support in further implementing the Convention.

The meeting rose at 6 p.m.