



# Convention on the Rights of the Child

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## Committee on the Rights of the Child

### Fifty-sixth session

17 January – 4 February 2011

## Consideration of reports submitted by States parties under article 44 of the Convention

### Concluding observations: Denmark

1. The Committee considered the fourth periodic report of Denmark (CRC/C/DNK/4) at its 1594th and 1595th meetings (see CRC/C/SR.1594 and 1595), held on 24 January 2011, and adopted, at its 1612th meeting, held on 4 February 2011, the following concluding observations.

### I. Introduction

2. The Committee welcomes the submission of the fourth periodic report as well as the written replies to its list of issues (CRC/C/DNK/Q/4/Add.1) and appreciates the constructive dialogue with the multi-sectoral delegation of the State party. However, the Committee notes that the fourth periodic report of the State party does not conform to the reporting guidelines on the Convention and urges the State party to submit its subsequent periodic reports in accordance with the current guidelines (CRC/C/58/Rev.2).

3. The Committee reminds the State party that the present concluding observations should be read in conjunction with the concluding observations on the initial report of the State party under the Optional Protocol on the sale of children, child prostitution and child pornography (CRC/C/OPSC/DNK/CO/1), adopted on 29 September 2006, and under the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/DNK/CO/1), adopted on 30 September 2005.

### II. Follow-up measures undertaken and progress achieved by the State party

4. The Committee notes with appreciation the adoption of:

(a) The Child's Reform (Barnets Reform) of 2010, which entered into force on 1 January 2011 and entails amendments to the Act on Social Services to better serve the best interests of the child in the handling of cases involving special support for disadvantaged children and young people, as well as strengthens the right of the National Social Appeals Board (Ankestyrelsen) to take up cases at its own initiative, when a child is at risk;

(b) The Act on Parental Responsibility, which entered into force in October 2007;

(c) The Care Placement Reform Act No. 1442 of 22 December 2004, which entered into force on 1 January 2006 and aims to improve standards of care for children in alternative care settings.

5. The Committee welcomes the ratification of the following human rights instruments:

(a) Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, in November 2009;

(b) Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000, in December 2006;

(c) Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems, 2003, in September 2005.

### III. Main areas of concern and recommendations

#### A. General measures of implementation (arts. 4, 42 and 44, para. 6 of the Convention)

##### The Committee's previous recommendations

6. The Committee welcomes efforts by the State party to implement the concluding observations of the Committee adopted in September 2005 (CRC/C/DNK/CO/3) following the consideration of the third periodic report of the State party. Nevertheless, the Committee regrets that some of its concerns and recommendations have been insufficiently or not addressed.

**7. The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations on the third report that have not yet been implemented or sufficiently implemented, including those related to legislation, coordination, national plan of action, dissemination, data collection and alternative care.**

##### Reservations

8. While noting that the State party has indicated that only a small number of cases could be affected by the continuation of the State party's reservation to article 40, paragraph 2 (b), of the Convention on the Rights of the Child, the Committee remains concerned at the maintenance of this reservation which, in breach of the right to a fair trial, limits the right to appeal for children who have been sentenced for minor offences.

**9. In the light of the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights in 1993 (A/CONF.157/23), the Committee recommends that the State party consider withdrawing the reservation made to article 40, paragraph 2 (b), of the Convention.**

##### Status of the Convention

10. While noting that the Convention may be invoked and applied by the courts and administrative authorities, the Committee notes with concern that the Convention is referred to only in a limited number of cases and that the application of the Convention by

judicial authorities and administrative decision-making bodies is limited, due largely to the Convention not being fully incorporated into the national legislation of the State party.

**11. The Committee recommends that the State party promote the application of the Convention on the Rights of the Child by the courts and administrative decision-making bodies, including by taking measures to fully incorporate the Convention into its national legislation.**

### **Legislation**

12. The Committee welcomes legislative actions undertaken by the State party that have direct bearing on the lives of children, including those regarding parental responsibility and day care as well as the Child's Reform of 2010 and its objective of increasing support for children and young people with special needs to ensure equal opportunities in personal development and health. The Committee, however, remains concerned that there is no legislative framework of a more comprehensive nature covering the full scope of the Convention. It is also concerned that child rights legislation in Greenland and the Faroe Islands has yet to be harmonized with the principles and provisions of the Convention.

**13. The Committee recommends that the State party, including the authorities in Greenland and the Faroe Islands, take all necessary measures to ensure that legislation and administrative regulations throughout the territory of the State party conform fully to the principles and provisions of the Convention and the two Optional Protocols and that new legislation is assessed in due course and evaluated in terms of its impact on children, and that it consider drafting a rights-based Child Act encompassing all rights under the Convention. In this respect, the Committee urges the State party to ensure that the proposed reform to the Greenland Act on Help to Children and Youth, to be undertaken with support from the United Nations Children's Fund (UNICEF), is a comprehensive exercise taking full account of all rights and the views of children.**

### **Coordination**

14. While noting that the Municipal Reform of 2007 seeks to streamline the distribution of responsibility between the national and the local level by transferring the financing and implementation of social (citizens) services to the municipalities, the Committee remains concerned at the absence of a clear national mechanism responsible for the overall horizontal and vertical coordination of the Convention's implementation. Furthermore, the Committee is deeply concerned at the possible negative effects the new distribution of responsibilities may have on the less endowed and/or less advanced municipalities, including those in Greenland and the Faroe Islands, thus deepening disparities in the full enjoyment of rights by the children of different municipalities.

**15. The Committee calls upon the State party to clearly identify a high-level coordination system/authority across sectors and with all regions and municipalities in order to ensure the implementation of child rights in a comprehensive, coherent and consistent manner, throughout its territory. Furthermore, the Committee recommends that such coordination addresses, in a timely and open manner, the disparity issues among municipalities that may arise due to the implementation of the Municipal Reform.**

### **National plan of action**

16. The Committee welcomes the various sectoral strategies developed concerning children, including Greenland's 2010 strategy "A Safe Childhood". However, it regrets that the State party has yet to adopt a comprehensive rights-based policy and a harmonized plan

of action for the full and effective implementation of the Convention throughout its territory.

17. **The Committee recommends that the State party develop a comprehensive policy and a harmonized plan of action for the full implementation of the Convention. The Committee recommends that the State party, in doing so, ensure that such comprehensive policy and plan of action are rights-based and are an integral component of national development planning, taking full account of the different regional contexts, particularly in the territories of Greenland and the Faroe Islands. It further recommends that the harmonized plan of action contain specific time-bound and measurable goals and targets to effectively monitor progress in the enjoyment of all rights by all children. The national plan of action should be linked to national, sectoral and municipal strategies and budgets to ensure appropriate allocation of the financial, human and technical resources required for its implementation.**

#### **Independent monitoring**

18. The Committee notes with satisfaction that the delegation announced an increase in funding for the Danish National Council on Children but notes that this institution does not fulfil the role of an Ombudsman. Furthermore, the Committee deeply regrets that its earlier recommendation for the establishment of an independent mechanism to monitor the implementation of the Convention has not been followed and takes note, with concern, of the State party delegation statement that there is no intention to establish an ombudsman for children in Denmark given the existence of the Danish Parliamentary Ombudsman to whom complaints by or for children can be submitted.

19. The Committee welcomes the proposed establishment in Greenland of an independent children's council, based on the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). However, it remains concerned that in the Faroe Islands no measures have been undertaken to establish an independent mechanism for child rights.

20. **The Committee reiterates its recommendation that the State party take measures to ensure that the Ombudsman system in the country takes full account of the Convention and establishes therein a facility to monitor the implementation of child rights that is transparent, well-resourced and specialized and that is empowered to deal with individual complaints. In doing so, the Committee recommends that the State party conduct an evaluation of its current independent monitoring system, and apply the findings to set up such facility for children's rights. For the situation in the Faroe Islands and Greenland, the Committee reiterates its previous recommendation (CRC/C/DNK/CO/3, para. 21). The Committee reminds the State party of its general comment No. 2 (2002) on the role of independent national human rights institutions in the promotion and protection of the rights of the child.**

#### **Allocation of resources**

21. The Committee is concerned that making municipalities entirely responsible – by virtue of the Municipal Reform of 2007 – for the financing, supply and allocation of social services with only partial State reimbursement for high-cost cases may lead to situations where children in some municipalities, particularly the most disadvantaged, do not enjoy the full range of necessary social services. Furthermore, while noting that the National Appeals Board can address situations in which such discrepancies arise, the Committee is concerned that this could in practice make the right to equality of resource allocation subject to the delays and uncertainties of an appeal process. The Committee is also concerned that insufficient resources have been allocated for the realization of the right to

education for children in Greenland and the Faroe Islands, and for mental health services throughout the State party's territory.

22. **The Committee urges the State party to ensure that its allocation of resources to all sectors covering child rights remains high and is equitable, bearing in mind the need for financial support to those municipalities which require it in order to ensure fully the realization of all rights of all children, and that the budget requirements, particularly in education and mental health services, are fully met.**

#### **Data collection**

23. While appreciating the improved data collection system in the territory of Greenland, the Committee remains concerned about the lack of adequate resources for the effective collection of statistical data on the implementation of the Convention in the Faroe Islands and notes the lack of statistics for both territories on poverty and on cases of abuse.

24. **The Committee urges the State party to strengthen statistical systems and analysis on the implementation of the Convention in the Faroe Islands and in Greenland, and to ensure that data is systematically collected and used to inform policy and programmes in relation to poverty, violence and abuse. In general, it recommends that the State party continue to strengthen its capacity for the systematic collection and analysis of data disaggregated, inter alia, by age, sex and ethnic background on all persons under the age of 18 for all areas covered by the Convention throughout its territory.**

#### **Dissemination and awareness-raising**

25. While welcoming the State party's information that human rights and democracy are part of the school curricula at both primary and secondary school levels, the Committee is concerned at the low rates of awareness of the Convention, especially among children.

26. **The Committee urges the State party to incorporate teaching on the Convention as a specific subject in school curricula. It also urges the State party to promote knowledge of the Convention among the public at large through, inter alia, the mass media.**

#### **Training**

27. The Committee is concerned that the curriculum for the training of persons working for and with children, including teachers, does not include the Convention.

28. **The Committee reiterates its previous recommendation (CRC/C/DNK/CO/3, para. 23) for the State party to develop systematic and ongoing training programmes on human rights, including children's rights, for all persons working for and with children, e.g. judges, lawyers, law enforcement officials, civil servants, local government officials, teachers, social workers and health personnel, and especially for children themselves.**

#### **Child rights and the business sector**

29. The Committee notes with appreciation the adoption of the Act amending the Danish Financial Statements Act (Accounting for corporate and social responsibility in large businesses) of December 2008, which obliges the 1,100 largest corporations in Denmark to report on their corporate and social responsibility policies and initiatives. However, the Committee notes that there is no specific mention of child rights or the Convention on the Rights of the Child as part of the Act's framework for reporting.

30. The Committee recommends that the State party provide a framework for reporting on child rights by Danish corporations, including multinational corporations headquartered in Denmark, and for the National Contact Point to address cases of non-compliance, including extraterritorially, by Danish multinational enterprises. In so doing, the Committee recommends that the State party apply the relevant provisions of the Convention. The Committee further encourages the State party to give due consideration to experiences from around the world in the application of, inter alia, the United Nations “Protect, Respect and Remedy” Framework to the operations of private and public corporations, particularly in respect to child rights.

## **B. General principles (arts. 2, 3, 6 and 12 of the Convention)**

### **Non-discrimination**

31. The Committee expresses concern at the State party’s new immigration laws, which came into force on 1 August 2010, due to the negative effect of, inter alia, the increase in the level of difficulty of the criteria for non-nationals to receive residency rights, and the foregoing of public benefits in exchange for points under the new points-based criteria. The Committee is concerned that this may have the de facto effect of exacerbating discrimination against immigrants, especially Roma children with respect to their access to education and other essential social services. In this context, the Committee is also concerned at the disparity in State assistance provided to disadvantaged families newly arrived in the State party, the majority of whom belong to ethnic minorities, compared to the assistance provided to other residents in similar circumstances.

32. The Committee recommends that the State party ensure access to social services and to State assistance for families in disadvantaged situations, on an equitable basis. In doing so, the Committee urges the State party to collect and analyse disaggregated data to comprehensively monitor and address de facto discrimination, including multiple discrimination that may particularly affect boys and girls who belong to ethnic minorities and/or who have special needs or are in situations of vulnerability.

33. The Committee calls upon the State party to ensure the effective enforcement of protective laws, to undertake studies and launch comprehensive public information campaigns to prevent and combat all forms of discrimination, and to sensitize society to the situation and needs of children within the society and particularly within the family. In this regard, the Committee requests that specific information be included in the next periodic report on the measures and programmes undertaken to follow up on the Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Committee’s general comment No. 1 (2001) on the aims of education, and in doing so strengthen its efforts to promote values and behaviour free of discrimination on any ground, including gender, ethnic origin, immigration status, disabilities, sexual orientation and any other.

### **Best interests of the child**

34. While welcoming the new focus on the best interests of the child encompassed by the Child Reform Act, the Committee remains concerned that it is not yet given sufficient consideration in, particularly, the determination by municipalities of the placement of a child outside his or her home as well as in the applications from unaccompanied asylum-seeking children.

35. **The Committee recommends that the State party ensure that municipalities consider the best interests of the child, especially when deciding on placement outside the home and in refugee determination procedures.**

#### **Respect for the views of the child**

36. The Committee welcomes the fact that new legislation, such as the Child's Reform of 2010, the Act on Parental Responsibility of 2007, and the Care Placement Reform of 2004, has led to strengthening child involvement in decision-making. However, it notes that there is insufficient clarity with regard to the rights of the child to be heard in administrative and legal proceedings, including placement, and that when drafting the municipal child policy called for in the above mentioned legislation, municipalities do not sufficiently involve children.

37. **The Committee recommends: (a) that the State party take measures to ensure that the views of children are taken into account (i) when drafting the municipal child policy, including on matters regarding placement and (ii) on all issues relating to the education, health and welfare of children with disabilities; and (b) that more opportunities be created for children to be heard on all matters that concern their rights, including for the next report to the Committee. The Committee also recommends that the State party ensure, through appropriate training, that all professionals and staff dealing with children's issues are informed and competent to support the expression of children's views. In this respect the Committee refers the State party to its general comment No. 12 (2009) on the right of the child to be heard.**

### **C. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37 (a) of the Convention)**

#### **Torture or other cruel, inhuman or degrading treatment or punishment**

38. The Committee notes with concern that corporal punishment is lawful in the home and in alternative care settings in the Faroe Islands and that, although Government Circular No. 1 on School Discipline (12 January 1994) states that corporal punishment should not be used, there is no explicit prohibition in law.

39. **The Committee urges the State party to take measures to ensure that corporal punishment is prohibited in all settings and throughout its territory and to conduct awareness-raising and public education programmes with a view to encouraging the use of alternative disciplinary measures in line with the inherent dignity of the child, while taking due account of the Committee's general comment No. 8 (2006) on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment.**

#### **Follow-up to the United Nations study on violence against children**

40. **With reference to the United Nations study on violence against children (see A/61/299), the Committee encourages the State party to:**

(a) **Prioritize the elimination of all forms of violence against children, including by ensuring implementation of the recommendations of the United Nations study on violence against children, paying particular attention to gender;**

(b) **Provide information concerning the implementation by the State party of the recommendations of the Study in the next periodic report, particularly those highlighted by the Special Representative of the Secretary-General on violence against children, namely:**

- (i) The development in each State of a national comprehensive strategy to prevent and address all forms of violence against children;
- (ii) The introduction of an explicit national legal ban on all forms of violence against children in all settings;
- (iii) The consolidation of a national system of data collection, analysis and dissemination, and a research agenda on violence against children;
- (c) Cooperate with the Special Representative of the Secretary-General on violence against children and seek technical assistance from, *inter alia*, UNICEF, the Office of the United Nations High Commissioner for Human Rights, the World Health Organization, the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization, the Office of the United Nations High Commissioner for Refugees and the United Nations Office on Drugs and Crime, as well as non-governmental organization partners.

**D. Family environment and alternative care (arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)**

**Family environment**

41. While appreciating the State party action plans against violence towards women and children (2002-2004 and 2005-2008) and the adoption, as stated by the delegation, of an action plan against violence in the home in the Faroe Islands, the Committee is concerned that children living with domestic violence – whether as victims or witnesses – are not receiving the focused attention they require. In particular, the Committee is concerned that children who have required short stays at crisis centres due to domestic violence were neither appropriately registered nor provided with support or followed up by municipalities. The Committee is further concerned that municipal efforts in relation to children living with domestic violence are inadequate.

42. **The Committee recommends that the State party ensure that:**

- (a) **Municipalities provide adequate support to children who, due to domestic violence, require the services of a crisis centre, and that such support be provided during their stay and in follow-up to their departure from the centre;**
- (b) **Authorities consistently examine the child's situation when reports indicate that the child has been a victim of domestic violence or witnessed such violence, and that all such cases are properly documented and registered;**
- (c) **Psychological support is also made available to adult victims of domestic violence.**

**Children deprived of a family environment**

43. The Committee continues to be concerned at the large number of children who are placed in care outside of their home, particularly in institutional care. While noting that the Municipality Reform of 2007 places the responsibility of family support and care of children deprived of a family on municipalities with the technical support of regional authorities, the Committee is concerned that local authorities do not receive adequate guidance and supervision. The Committee further notes with concern that there continues to be a large number of children who have been placed into care without an individual action plan, which pursuant to the Care Placement Reform 2004, must set objectives and sub-objectives, *inter alia*, in relation to the child's or young person's development and behaviour, family circumstances, school, health and leisure time.



44. **The Committee recommends that the State party:**

(a) **Ensure that the implementation of measures related to the Child Reform Act 2010 provides appropriate support to families by addressing the risk factors for children being placed into care;**

(b) **Ensure that the guidance, supervision and monitoring of children placed in care for the protection of their best interests is adequately supported by central and regional authorities;**

(c) **Take necessary measures to ensure that children in care are provided with individual action plans, in compliance with the Care Placement Reform 2004, and take into full account the views of the child in care;**

(d) **Programme and implement action plans, with a view to ensuring that family-type care rather than institutional care is the preferred form of care provided for children deprived of a family environment;**

(e) **Take into full account the Guidelines for the Alternative Care of Children, as adopted by the General Assembly in its resolution 64/142, in carrying out the above recommendations.**

**E. Basic health and welfare (arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)**

**Children with disabilities**

45. While noting the efforts undertaken by the State party to improve the fulfilment of the rights of children with disabilities, the Committee is concerned at the envisaged reduction of allowances to parents of children with disabilities who need to withdraw from the labour market to care for their children. With respect to education, the Committee notes with appreciation the analysis undertaken by the State party and shares its concern as to the high number of children with disabilities receiving education in segregated contexts. It also notes with appreciation the recent changes to the teacher training syllabus to include a mandatory module on special needs education, while it remains concerned that the educational achievements of children with disabilities are markedly low in comparison to other children. The Committee is concerned that in general, in schools as well as in care institutions and foster-family settings, the views of the child with disabilities are not often heard, including during supervisory visits.

46. **The Committee strongly recommends that the State party:**

(a) **Reconsider its planned reductions to allowances for parents of children with disabilities who need to withdraw from the labour market to care for their children with disabilities;**

(b) **Take steps, in accordance with article 12 of the Convention and article 7, paragraph 3, of the Convention on the Rights of Persons with Disabilities, to amend legislation to ensure that children and young people in all settings, including mental health settings, are guaranteed the right and opportunity to freely express their views on matters of treatment, services and support, and that they have access to age- and disability-appropriate support to exercise these rights;**

(c) **Provide, where necessary, alternative communications facilities for children with disabilities;**

(d) **Further strengthen its measures to provide adequate training to all teachers on the needs of children with disabilities with a view to ensuring that the**

quality of education received by such children is of an equal level to that of all children;

(e) Expediently implement its planned transition of children with disabilities into elementary schools, and in doing so take into account the Committee's general comment No. 9 (2006) on the rights of children with disabilities.

#### **Breastfeeding**

47. The Committee notes that the State party's legislation on the marketing of breast-milk substitutes does not comply with the International Code of Marketing of Breast-milk Substitutes and subsequent relevant World Health Assembly resolutions.

48. **The Committee recommends that the State party implement fully the International Code of Marketing of Breast-milk Substitutes. The State party should also further promote baby-friendly hospitals and encourage the inclusion of breastfeeding in training of nurses. The Committee further recommends that the State party take measures to collect data on breastfeeding in a systematic manner that is in accordance with international rules.**

#### **Adolescent health**

49. The Committee welcomes the State party's forthcoming ban on the sale of alcohol to persons under the age of 18 years. The Committee remains concerned at the growing rate of child obesity and associated increase of exposure to lifestyle diseases and higher mortality, especially among children in disadvantaged situations. It is further concerned at unwanted pregnancies amongst girls in Greenland and the Faroe Islands.

50. **The Committee recommends that the State party strengthen its efforts to combat obesity among children and adolescents, including by ensuring access to health advice and care, including in schools, to healthy foods, and to adequate opportunities for engaging in physical activity. In this respect, the Committee recommends that the State party engage the mass media and the food industry to ensure their contribution to healthy lifestyles and consumption patterns by children and adolescents. The Committee also recommends that the authorities in the territories of Greenland and the Faroe Islands expediently prepare and implement appropriate programmes and strategies for preventing and addressing unwanted pregnancies.**

#### **Mental health**

51. The Committee notes with concern that despite the establishment of a treatment guarantee for children in need of psychiatric evaluation and treatment, regional capacity for providing treatment remains inadequate and lengthy waiting periods for children requiring evaluation and treatment for mental health problems persist. In addition, while noting that the National Board of Health has the mandate to check and, where necessary, intervene in the diagnosis and prescription for children with attention deficit hyperactivity disorder (ADHD) and attention deficit disorder (ADD), the Committee remains concerned at the increase in the prescription of psycho-stimulants to children diagnosed with ADHD and ADD.

52. **The Committee recommends that the State party continue to develop a comprehensive mental-health-care system for children and young people, including prevention, treatment of common mental health problems in primary health care and specialized care for serious disorders, and that it reduce the waiting period in mental health services. The Committee also recommends that the State party carefully monitor the prescription of psycho-stimulants to children and take initiatives to**

provide children diagnosed with ADHD and ADD, as well as their parents and teachers, with access to a wider range of psychological, educational and social measures and treatments. The Committee also recommends that the State party consider undertaking the collection and analysis of data disaggregated according to substance-type and age through its national substance abuse hotline (Giftlinjen) with a view to monitoring the potential abuse of psycho-stimulant drugs by children.

#### **Standard of living**

53. The Committee expresses its concern that a significant number of children are reported to be living in poverty in the State party. The Committee is also concerned at the effects, particularly on children and women, of the so-called 300-hours rule (as of 2008, the 450-hours rule), which, inter alia, results in the reduction or withdrawal of supplementary benefits to married couples who have received benefits for two or more years but have not individually worked for a minimum of 450 hours under normal employment circumstances. In particular, the Committee is concerned that this rule frequently has the effect of primarily and disproportionately affecting women of ethnic minorities with serious repercussions for their children.

54. **The Committee calls upon the State party to reinforce its efforts to provide support for economically disadvantaged families, including children of single parents, children of parents on State welfare, and those of newly arrived families, and to guarantee the right of all children to an adequate standard of living. The Committee also recommends that the State party monitor, in cooperation with local authorities, the effects on children and women affected by the 450-hours rule and take measures to ensure that they are not subject to social inequality and exclusion. Furthermore, the Committee urges the State party to take measures necessary for the comprehensive collection and analysis of data on child poverty, including in Greenland and the Faroe Islands, in order for it to be effectively addressed.**

## **F. Education, leisure and cultural activities (arts. 28, 29 and 31 of the Convention)**

#### **Education, including vocational training and guidance**

55. While welcoming initiatives such as the “Watch out for bullying” and “Together against bullying” campaigns and the high percentage of schools with a plan of action to address bullying, the Committee is nevertheless concerned at the prevalence of bullying in schools and at the lack of clarity in the law as to the responsibility of school authorities and follow-up action in cases of failure to comply the plans of action. The Committee is further concerned that, under current education programmes, only children of European Union or European Economic Area citizens are entitled to mother-tongue instruction.

56. **The Committee recommends that the State party continue and intensify its efforts to prevent and address bullying in schools, particularly by introducing a range of educational and socio-pedagogical methods involving parents and an appropriate monitoring of school plans. It also recommends that mother-tongue education be reintroduced for bilingual pupils who do not receive municipally organized mother-tongue lessons.**

## **G. Special protection measures (arts. 22, 30, 32-36, 38-40, and 37 (b)-(d), of the Convention)**

### **Asylum-seeking and refugee children**

57. The Committee welcomes the high standards of the reception centres for unaccompanied children seeking asylum and that these children will continue to have access to a legal representative following a negative decision on their asylum case as per amendments to the Danish Aliens Act. However, the Committee is concerned that:

(a) There are unaccompanied asylum-seeking children disappearing prior to the final processing of their asylum case;

(b) Many children of asylum-seeking families have been diagnosed with psychological or psychiatric problems as a result of having experienced trauma caused by or relating to their circumstances;

(c) Children who do not cooperate with age-determination will face procedural consequences;

(d) The majority of asylum-seeking children of school-going age receive education in separate schools where the quality of the education is significantly lower than that of mainstream Danish schools, and that these schools do not grant academic credits which qualify the children for further education.

58. **In the light of the above listed concerns, the Committee urges the State party:**

(a) **To undertake a systematic survey on the disappearance of unaccompanied asylum-seeking children, especially with regard to the effect that revoking residency rights upon attaining 18 years of age may have on their disappearance, and integrate findings in the formulation of the State party's policies for ensuring that the rights of children in such circumstances are fully respected;**

(b) **To initiate timely, practical and appropriate measures for preventing the disappearance of unaccompanied asylum-seeking children, including by: (i) only applying the Dublin II Regulation in cases where it is in keeping with the child's best interest; and (ii) ensuring that all unaccompanied asylum-seeking children are provided with a trained guardian and, if necessary, legal aid, with due regard to the child's best interest and right to information and freedom of expression, upon their arrival and until such time when their asylum process is completed;**

(c) **To revise the proposed amendments to the Danish Aliens Act to remove the proposal that if a child does not cooperate with the age-determination process there will be procedural consequences, and ensure that international standards for how to conduct such process are introduced;**

(d) **To apply the Danish Aliens Act in a manner that will ensure a legal status and a durable solution for children suffering from trauma and diagnosed with psychological or psychiatric problems, providing the social and health measures required for their mental rehabilitation;**

(e) **To ensure that asylum-seeking and refugee children receive the same quality of education as children in Danish schools.**

### **Sexual exploitation and abuse**

59. While noting that the State party is in the process of updating its Plan of Action for Combating Sexual Abuse (2003), the Committee is concerned that the programming

process for the updated plan does not directly take into account or seek out the views of the child. The Committee is also concerned that:

- (a) The psychosocial support available for child victims of sexual abuse is inadequate;
- (b) The current reporting system on sexual abuse lacks guidelines on the involvement of professionals in the identification and reporting of child abuse and neglect;
- (c) There is no integrated coordination of public measures for the expeditious recovery and reintegration of children who have been subject to neglect or abuse in the Faroe Islands;
- (d) There have been reports of trained professionals failing to inform relevant authorities in cases involving child abuse or violence in the Faroe Islands.

**60. In the light of the above concerns, the Committee recommends that the State party:**

- (a) Provide direct channels for children to provide their views on the updating of the Plan of Action for Combating Sexual Abuse (2003);**
- (b) Strengthen the provision of holistic and long-term psychosocial support for child victims of sexual abuse in its updated Plan of Action;**
- (c) Take measures to ensure the application of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography in Greenland and the Faroe Islands;**
- (d) Ensure the coordination of public measures to support the expeditious recovery and reintegration of children who have been subject to neglect or abuse in the Faroe Islands, and that professionals working with children consistently report to the relevant authorities all cases where a child is suspected of having experienced abuse or neglect;**
- (e) Ensure, through adequate legal provisions, procedures, and regulations, that all child victims and and/or witnesses of crimes, including children victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking, have effective access to justice and are provided with the protection required by the Convention, fully taking into account the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20 of 22 July 2005, annex).**

### **Trafficking**

61. The Committee, while welcoming the State party's efforts to combat trafficking in children, is concerned that Denmark continues to be a significant transit and destination country for child victims of trafficking-related crimes, including forced child prostitution and labour. The Committee is also deeply concerned that the efforts taken to prosecute traffickers and persons subjecting children to forced labor and prostitution continue to require strengthening. The Committee further notes with concern the absence of a legal framework to facilitate the granting of residence permits to child victims of trafficking.

**62. The Committee urges the State party to take effective measures to safeguard the rights of children in their territory, especially those of unaccompanied children, to ensure that they do not fall prey to trafficking. In so doing, the Committee urges the State party:**

- (a) To ensure that children who are suspected victims of trafficking will not be imprisoned as a result of conditions which are the consequence of them being trafficked, and that they are provided with specialized assistance services;
- (b) To vigorously prosecute, convict, and sentence sex and labour trafficking offenders;
- (c) To ensure that the sanctions for such offences are commensurate with the gravity of this serious human rights and child rights abuse;
- (d) To ensure that law enforcement officials and other social officials who are working with and for the children are effectively trained in methods of victim identification and treatment;
- (e) To encourage and support a broad, nationwide public awareness programme;
- (f) To enhance the monitoring of anti-trafficking efforts to improve the Government's response to child trafficking;
- (g) To ensure, through appropriate legislative measures, that child victims of trafficking are not repatriated except where such repatriation is in their best interests.

#### **Helplines**

63. The Committee notes with concern that the child helpline (Børnetelefonen) is inadequately funded and is not operational for 24 hours per day every day.
64. **The Committee recommends that the State party ensure that the child helpline is open 24 hours per day, every day and provide it with sufficient financial and human resources for its operations, including funding for awareness-raising throughout its territory.**

#### **Administration of juvenile justice**

65. The Committee expresses its deep concern on the following issues relating to the administration of juvenile justice:
- (a) The Administration of Justice Act permits the placement of 14- to 17-year-olds in: (i) pretrial detention for up to eight months, and this limit is subject to further extension in cases which the State party considers to be exceptional circumstances; and (ii) solitary confinement for up to four weeks;
  - (b) The lowering of the age of criminal responsibility from 15 years to 14 years;
  - (c) The amendment to the Penal Code to abolish the maximum prison sentence of eight years in cases involving children.
66. **In the light of the above, the Committee urges the State party:**
- (a) **To ensure that, in accordance with the Committee's general comment No. 10 on children's rights in juvenile justice, such standards are fully implemented, in particular, articles 37 (b), 39 and 40 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules);**

(b) To amend its Administration of Justice Act: (i) to clearly define the conditions for pretrial detention; and (ii) to, as far as possible, limit its duration, and prohibit the placement of persons under the age of 18 in solitary confinement;

(c) To consider repealing the recent amendment to the Penal Code which removes the upper limit of eight years for prison sentences issued to persons below the age of 18;

(d) To take measures to ensure that no child, regardless of circumstance, is subjected to imprisonment in the ordinary prison system with adults.

#### **Children belonging to minority or indigenous groups**

67. The Committee regrets that the State party has yet to fully implement the recommendations of the Human Rights Committee in 2008 (CCPR/C/DNK/CO/5, para. 13) and the Committee on the Elimination of Racial Discrimination in 2010 (CERD/C/DNK/CO/18-19, para. 17) to uphold the identity of the Inughuit as a distinct indigenous community capable of vindicating traditional rights in accordance with international norms.

68. The Committee reiterates the recommendations of the Human Rights Committee in 2008 (CCPR/C/DNK/CO/5, para. 13) and the Committee on the Elimination of Racial Discrimination in 2010 (CERD/C/DNK/CO/18-19, para. 17) and urges the State party to, in accordance with the Committee's general comment No. 11 (2009) on indigenous children and their rights under the Convention, take all measures necessary for ensuring that Inughuit children are able to exercise their right to grow up in a safe cultural environment, maintain and develop their identity and use their own language without being disqualified and discriminated against.

### **H. Ratification of international human rights instruments**

69. The Committee urges the State party to extend the applicability of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, to Greenland and the Faroe Islands. The Committee also recommends that the State party consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990) and the Optional Protocol to the Convention on the Rights of Persons with Disabilities (2006).

### **I. Follow-up and dissemination**

70. The Committee recommends that the State party take all appropriate measures to ensure the full implementation of the present recommendations by, inter alia, transmitting them to the Head of State, the Supreme Court, Parliament, relevant ministries and local authorities for appropriate consideration and further action.

71. The Committee further recommends that the fourth periodic report and written replies submitted by the State party and the related recommendations (concluding observations) be made widely available in the languages of the country (including translation into most common languages of immigrants and refugees residing in Denmark), including (but not exclusively) through the Internet to the public at large, civil society organizations, youth groups, professional groups and

children, in order to generate debate and awareness of the Convention, its implementation and monitoring.

## **J. Next report**

72. The Committee invites the State party to submit its next periodic report by 1 February 2016 and to include in it information on the implementation of the present concluding observations. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2) and reminds the State party that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the reporting guidelines. In the event a report exceeding the page limitations is submitted, the State party will be asked to review and resubmit the report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is not in a position to review and resubmit the report, then translation of the report for purposes of examination of the treaty body cannot be guaranteed.

73. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved by the fifth inter-committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3). The treaty-specific report and the common core document together constitute the harmonized reporting obligation under the Convention.

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