

DENMARK

CRC A/51/41 (1996)

Concluding observations

434. The Committee considered the initial report of Denmark (CRC/C/8/Add.8) at its 199th to 201st meetings (CRC/C/SR.199-201), on 19 and 20 January 1995, and adopted at its 208th meeting, on 26 January 1995, the following concluding observations.

(a) Introduction

435. The Committee expresses its appreciation to the State party for its report, which has been prepared in conformity with the Committee's guidelines, and for the submission by the Government of Denmark of written replies to its written list of issues. It notes with satisfaction that the supplementary information provided by the delegation and its involvement in matters related to the Convention on the Rights of the Child made it possible to engage in a constructive dialogue with the State party.

(b) Positive factors

436. The Committee welcomes the measures taken by the Government of Denmark, since the entry into force of the Convention in 1991 to promote and protect the rights of children. In this connection, the Committee welcomes the adoption of a law which makes it illegal to possess child pornography. It also welcomes the proposed amendment to the legislation relating to rules on joint custody, visitation rights and other related matters.

437. The Committee is encouraged to note the existence of the Government's Children's Committee and the Inter-Ministerial Committee on Children, which is composed of civil servants from 16 ministries. The Committee welcomes the preparation in 1994 by the Children's Committee of an action plan to address the problems facing the weakest and most vulnerable groups of children in Denmark. It is further noted that this action plan contemplates the development of projects to address these issues through interdisciplinary cooperation within each municipality.

438. The Committee also expresses its appreciation that a government policy paper on human rights and democracy prepared in June 1993, and of relevance to international development assistance, contained a chapter devoted to the problems facing children in developing countries.

439. Likewise, the Committee notes with appreciation the creation by the Government of Denmark of the Children's Council for an initial period of three years, which will, inter alia, reflect on and review the measures taken and the policies adopted to implement the provisions and principles of the Convention in the light of the changing situation of children.

440. The Committee also welcomes the appointment of a board for ethnic equality which has been

established pursuant to Act No. 466 of 30 June 1993. The Committee is further encouraged by the proposals of the Government's City Committee to establish a system of social assistance and legal information for refugee and immigrant children.

(c) Principal subjects of concern

441. The Committee notes with concern that the State party made a reservation to article 40 (2) (b) (v) of the Convention, but also notes that the Government may reconsider that reservation.

442. The Committee is concerned about the adequacy of measures taken to ensure that the principles and provisions of the Convention are widely known to children and adults alike.

443. The Committee is also concerned that certain provisions and principles of the Convention, particularly those guaranteed in articles 3, 12, 13 and 15, have not been adequately reflected in national legislation and policy-making.

444. Concerning the right of a child to know his or her origins, the Committee notes a possible contradiction between this provision of the Convention and the policy of the State party with respect to artificial insemination.

445. The Committee expresses its concern at the high percentage of single parent families and notes the need for special programmes and services to provide the necessary care for children from such families.

446. The Committee is also concerned about the application of the law and policy concerning children seeking asylum, particularly with regard to methods of interviewing children, including unaccompanied minors, and to ensuring that applications for the purpose of family reunification are dealt with in a positive, humane and expeditious manner.

447. The Committee notes that all children who have had their asylum requests rejected, but who remain in the country have had their rights to health care and education provided *de facto* but not *de jure*. It is the view of the Committee that this situation is not fully compatible with the provisions and principles of articles 2 and 3 of the Convention.

448. The Committee also wishes to express its concern about the occurrence of the sexual exploitation of children and the problem of child labour.

(d) Suggestions and recommendations

449. The Committee wishes to encourage the State party to consider the possibility of withdrawing its reservation to the Convention, and would like to be kept informed of developments on this matter.

450. The information contained in paragraphs 14 to 21 of the report appears to indicate that the Convention has not yet been established as the framework for the work of the Children's Committee and the Inter-ministerial Committee on Children. Thus, the Committee would like to suggest that

the State party consider according such status to the Convention with regard to the work of these two Committees.

451. The Committee also wishes to suggest that national mechanisms established to coordinate, evaluate and follow up the policies and measures taken to implement the Convention should work in close cooperation with local authorities and municipalities. In addition, the Committee wishes to encourage the Government of Denmark to consider strengthening its cooperation with non-governmental organizations involved in matters relating to the rights of the child.

452. In the light of the provisions of articles 3 and 4 of the Convention, the Committee wishes to emphasize the importance of ensuring that resources are made available to the maximum extent possible for the implementation of the economic, social and cultural rights of children, especially for the most vulnerable groups of children. Monitoring mechanisms are essential in this area to ensure parity in all localities as regards the provision of services to children and the effects on children of any reductions in social expenditures, particularly during periods of economic recession. The Committee also suggests that the State party consider further strengthening international cooperation and assistance, particularly for the benefit of vulnerable groups such as disabled children and children needing special protection.

453. The Committee encourages the State party to consider the possibility of providing funding to the Children's Council to enable it to undertake independent studies on issues relating to children.

454. The Committee would like to suggest that various matters raised during the discussion might deserve further study, including the reasons for the relatively high number of suicides among young people in Denmark and the development and use of social and other indicators to monitor the implementation of all the rights provided for in the Convention.

455. The Committee would like to encourage the State party to develop an ongoing and systematic approach to making the principles and provisions of the Convention widely known to children and adults alike. In addition, the Committee recommends that the principles and purposes of the Convention be made widely known in the main languages of the minority, refugee and immigrant groups living in Denmark.

456. In connection with the State party's ongoing efforts to create a greater awareness of the Convention, the Committee would also like to suggest that education about the principles and provisions of the Convention be systematically incorporated into retraining programmes and training curricula for various professional groups working with and for children such as teachers, social workers, law enforcement personnel and judges.

457. The Committee would like to emphasize that the general principles of the Convention, namely its articles 2, 3, 6 and 12, should be clearly reflected in legislation and policies. The Committee recommends to the State party that it consider the possibility of reviewing its legislation to ensure that the provisions and principles of the Convention, particularly those relating to its articles 3, 12, 13 and 15, are incorporated into national laws and procedures. In this connection, the Committee would like to suggest that further consideration be given to establishing mechanisms to ensure that children may express their views and have them taken into account in decision-making processes

affecting them, including at school and within the community.

458. With regard to the implementation of article 2 of the Convention, the Committee suggests that further measures be taken to prevent and combat discrimination against vulnerable groups of children, including refugee and immigrant children and children infected with HIV or suffering from AIDS.

459. The Committee recommends that further steps should be taken to strengthen awareness of the equal responsibilities of parents in child-rearing, in particular in the light of article 18 of the Convention. It is also suggested that the situation of single parents be further studied and that relevant programmes be established to meet their particular needs.

460. The Committee encourages the Government to take steps to monitor more closely the situation of foreign children placed in adoptive families in Denmark. In addition, it recommends that the State party consider the possibility of ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

461. The Committee would also like to suggest that further measures be taken effectively to put an end to violence against children, including in the home.

462. In view of the recent adoption by the General Assembly of resolution 49/184 proclaiming the United Nations Decade for Human Rights Education, the Committee encourages the State party to consider using this opportunity to promote the incorporation of education about the Convention in school curricula. The Committee would also like to suggest that measures to teach about children's and human rights could be used as a tool to advocate further the purposes of the European Youth Campaign, and the parallel Nordic campaign, to combat racism, xenophobia, anti-Semitism and intolerance. It is also the view of the Committee that it is equally important that the teaching methods used in schools should reflect the spirit and philosophy of the Convention and the aims of education laid down in its article 29.

463. With regard to the situation of refugee children and children seeking asylum, the Committee suggests that the State party consider reviewing its Alien Act as regards its compatibility with the provisions and principles of the Convention, including that contained in its article 10 which stipulates that applications for family reunification should be dealt with in a positive, humane and expeditious manner. Similarly, with regard to the provision of health and education services to children in asylum-seeking situations, the Committee wishes to draw attention to the provisions of article 2 of the Convention which state, *inter alia*, that "States parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction".

464. The Committee suggests that the State party consider reviewing its juvenile justice system in order to ensure that proceedings against persons under 18 years of age are fully compatible with the provisions of article 40 of the Convention.

465. The Committee recommends that the State party undertake further measures to implement the provisions of articles 32, 34 and 39 of the Convention relating to the prevention and protection of children from economic and sexual exploitation and their rehabilitation and recovery. Specifically,

with regard to the issue of child labour, the Committee encourages the Government to consider the possibility of ratifying ILO Convention No. 138 concerning minimum age for employment.

466. Finally, the Committee appreciates the willingness of the Government of Denmark to publish the initial report of Denmark, the summary records of the meetings of the Committee in which the report was examined and the concluding observations of the Committee on the report, and recommends that these documents be disseminated as widely as possible in Denmark.

CRC/C/108 (2001)

33. The Committee considered the second periodic report of Denmark (CRC/C/70/Add.6), received on 15 September 1998, at its 699th to 700th meetings (CRC/C/SR.699 and 700), held on 22 May 2001, and adopted, at its 721st meeting, on 8 June 2001, the following concluding observations.

A. Introduction

34. The Committee welcomes the submission of the State party's second periodic report and the written replies to its list of issues (CRC/C/Q/DEN/2) which allowed for a clearer understanding of the situation of children. The Committee regrets that the report did not include adequate information concerning the situation of children in Greenland and the Faroe Islands and did not follow the general guidelines regarding the form and contents of periodic reports to be submitted by States parties (CRC/C/58). The Committee is encouraged by the constructive and open dialogue it had with the State party and welcomes the positive reactions to the suggestions and recommendations made during the discussion. The Committee acknowledges that the presence of a delegation directly involved in the implementation of the Convention allowed for a fuller assessment of children's rights in the State party.

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

35. The Committee commends the State party for its overall progress in implementing the Convention on the Rights of the Child. The State party's efforts to apply the Committee's initial concluding observations and recommendations (CRC/C/15/Add.33) to legislation, policies and programmes for children are noted.

36. The Committee notes with appreciation the State party's outstanding commitment in the area of international cooperation and development assistance. In this regard, the Committee notes that the State party allocates a significant percentage of its gross domestic product to foreign aid, mainly in support of least developed countries.

37. The Committee welcomes the childcare initiative introduced by law and taken in cooperation with the municipalities and experts in education in order to improve the quality of day-care facilities.

38. The Committee notes with satisfaction that, in 1997, the right of parents to use corporal punishment on their children was abolished by law. The Committee expresses further satisfaction at the nationwide awareness raising campaign undertaken to inform parents about the new legislation. The Committee notes the efforts to include material in minority languages as a follow-up to the campaign.

39. The Committee notes with satisfaction that the National Council for Children was permanently established by law in 1998 and mandated to assess independently the situation of children within the State party in light of the principles and provisions of the Convention.

40. The Committee notes with satisfaction that the State party has ratified the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption in 1997. The ratification necessitated amendments to the Adoption Act that, inter alia, ensures greater participation of the child in his/her adoption. The Committee further notes that the State party has ratified ILO Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and ILO Convention (No. 138) concerning Minimum Age for Admission to Employment.

41. The Committee notes that the State party has recently facilitated the second session of the Danish Youth Parliament and welcomes the initiative by the Cabinet to review and circulate the decisions and recommendations of the young parliamentarians.

C. Principal subjects of concern and recommendations

1. General measures of implementation

Reporting

42. The Committee regrets that the report did not include adequate information concerning the situation of children in Greenland and the Faroe Islands and that it did not follow the general guidelines regarding the form and contents of periodic reports to be submitted by States parties (CRC/C/58).

43. The Committee recommends that the State party take all effective measures to ensure that its next periodic report includes specific information on the situation of children in Greenland and the Faroe Islands and that it follows the general guidelines regarding the form and contents of periodic reports to be submitted by States parties (CRC/C/58).

Reservations

44. The Committee notes the initiative of the State party, through its Standing Committee on Procedural Law, to initiate the process of reviewing its reservation to article 40 (2) (b) (v) of the Convention.

45. In light of the Vienna Declaration and Plan of Action of the World Conference on Human Rights (1993), the Committee encourages the State party to complete the process of review of its reservation to article 40 (2) (b) (v) of the Convention with a view to withdrawing it.

Legislation

46. The Committee notes that the Minister of Justice has set up a committee of human rights experts to examine the advantages and disadvantages involved in incorporating into Danish law the core international human rights treaties, including the Convention on the Rights of the Child. While the Committee notes that the recommendations of the expert committee have not yet been finalized, it remains concerned about the legal status of the Convention on the Rights of the Child in domestic law.

47. The Committee encourages the State party to consider the incorporation of core international human rights instruments, including the Convention on the Rights of the Child, into domestic law. In this regard, the Committee urges the State party to give equal weight to all international human rights instruments. It is recommended that the State party include in its next periodic report information on the recommendations of the expert committee and the decision of the Government regarding this issue.

Ratification of international human rights instruments

48. The Committee notes that the State party is currently considering the possibility of acceding to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

49. The Committee encourages the State party to accede to this Convention.

Coordination

50. While the Committee notes that the terms of reference of the Inter-Ministerial Committee on Children were updated in 1997, it remains concerned that the Convention has not yet been established as the framework for the work of the Inter-Ministerial Committee. The Committee is also concerned that insufficient efforts have been made by the State party to explicitly include the Convention in its general consideration of children's policies and programmes.

51. The Committee encourages the State party to consider establishing the Convention as the framework for the work of the Inter-Ministerial Committee. Additionally, the State party is encouraged to consider the elaboration of a comprehensive strategy for children based on the Convention on the Rights of the Child.

Data collection

52. The Committee notes with concern that the existing data collection mechanisms are inadequate to ensure the collection of disaggregated data on all aspects of the Convention and to effectively monitor and evaluate progress achieved and assess the impact of policies adopted with respect to children.

53. The Committee recommends that the State party reinforce its system of data collection and develop indicators to effectively monitor and evaluate progress achieved in the implementation of the Convention and assess the impact of policies adopted with respect to children. Efforts should be made to ensure that the data collection system incorporates all the areas covered by the Convention and covers all children below the age of 18 years, with specific emphasis on those who are particularly vulnerable.

Independent complaints mechanisms

54. The Committee notes that the State party has established a number of initiatives to facilitate the lodging of complaints by children of violations of their rights, including through the Office of the

Ombudsman and a telephone hotline. However, the Committee remains concerned about the accessibility and availability of these complaint mechanisms to all children within the State party.

55. The Committee suggests that the State party take all effective measures to ensure that its independent complaint mechanisms are easily accessible to and user-friendly for all children, to deal with complaints of violations of their rights and to provide remedies for such violations. In this regard, the Committee encourages the State party to reinforce its awareness raising efforts to facilitate the effective use by children of the complaint mechanisms. While the Committee notes the reluctance to establish a separate complaints mechanism for children, it encourages the State party to consider strengthening the mandate of the National Council for Children to include individual cases and complaints from children, or to establish a child rights focal point within the Office of the Ombudsman.

Dissemination of the Convention and its principles

56. The Committee notes the efforts of the State party to disseminate, including through the Internet, the principles and provisions of the Convention within schools and among professionals working with children, including teachers, school administrators and police personnel. However, it remains concerned that children and professionals working with and for children are not fully aware of the Convention and the principles enshrined therein.

57. The Committee recommends that the State party reinforce its efforts to systematically and continuously disseminate the principles and provisions of the Convention and to ensure that the Convention is systematically incorporated into the school curriculum and the training activities of professional groups and administrative bodies, at all levels of society, working with and for children.

2. General principles

Non-discrimination

58. The Committee is aware of the measures taken by the State party to promote non-discrimination though, *inter alia*, the amendment to the Criminal Code and the preparation and dissemination of a brochure concerning ethnic minorities and the police. However, the Committee notes that de facto discrimination against and xenophobia directed at certain groups of children, especially children belonging to ethnic minorities, refugee and asylum-seeking children, children belonging to migrant families, children with disabilities and those belonging to socially and economically disadvantaged families continue to be of concern, including within the education system.

59. In light of article 2 and other related articles of the Convention, the Committee recommends that the State party strengthen its measures, including through the Board for Ethnic Equality by, *inter alia*, organizing ongoing awareness raising campaigns to change attitudes and to eliminate de facto discrimination against and xenophobia directed at minority groups, especially children belonging to migrant families, refugee children, children with disabilities and children belonging to socially and economically disadvantaged families.

Best interests of the child

60. The Committee is concerned that the general principle of the best interests of the child (art. 3) is not fully applied and duly integrated in the implementation of the policies and programmes of the State party. In this regard, the Committee notes that the rights of parents are often found to be more important than the best interests of the child.

61. The Committee recommends that further efforts be made by the State party to ensure the implementation of the principle of the best interests of the child in its laws, policies and programmes for children, as well as in all judicial and administrative decisions concerning children.

Respect for the views of the child

62. The Committee is aware of the various provisions in the law concerning the right of the child to be heard and that the legal minimum age in this regard is 12 years. However, the Committee remains concerned about the inadequate implementation of article 12 of the Convention and the fact that children below the age of 12 years do not have a right to be heard.

63. The Committee recommends that the State party take the necessary measures to ensure effective implementation of article 12 of the Convention, not only in court proceedings but also in various administrative decisions, including with respect to child protection services, custody proceedings and the placement of children in institutions. Moreover, the State party is urged to effectively promote and encourage respect for the views of children below the age of 12 years, according to his/her evolving capacities, and in light of article 12 of the Convention.

3. Family environment and alternative care

Parental guidance and responsibilities

64. While the Committee notes that financial and special assistance programmes for single parents have been established, including at the municipal level, it remains concerned about the vulnerability of children belonging to single-parent families. Concern is also expressed about the situation of children belonging to ethnic minority families.

65. The Committee recommends that the State party strengthen its programmes and initiatives in support of single parent and ethnic minority families.

Child abuse and neglect in the family

66. The Committee notes the various measures to address abuse and neglect of children, including the implementation of the proposals of an inter-ministerial working group on sexual abuse. However, it remains concerned about the lack of information on the magnitude of the phenomenon and the effects of the various measures implemented.

67. The Committee recommends that the State party develop and implement a comprehensive policy that includes an effective reporting and referral system of all cases of child abuse, including sexual abuse, and neglect; regular evaluation of the results of the various measures taken; and legislation that ensures child-sensitive, multi-disciplinary procedures conducted by well-trained professionals,

in order to avoid further traumatizing of the child.

4. Basic health and welfare

Adolescent health

68. While noting the efforts of the State party, the Committee remains concerned about the health problems faced by adolescents, particularly the high incidence of eating disorders, especially among teenage girls; drug, alcohol and tobacco abuse; and suicide.

69. The Committee recommends that the State party reinforce its efforts to address these adolescent physical and mental health concerns through, *inter alia*, preventive education, counselling and rehabilitative programmes to strengthen self-confidence among young people and prevent behaviour that could negatively affect their health.

5. Education, leisure and cultural activities

Violence against children in institutions

70. Acknowledging the activities undertaken by the State party in this regard, the Committee remains concerned about the rather high level of bullying in schools and about the inadequate protection of children from abuse, including sexual abuse, in day-care and other institutions.

71. The Committee recommends that the State party strengthen its measures, in participation with children, to prevent and combat violence and bullying in schools, taking into account the recommendations of the National Council for Children in that regard. Furthermore, the State party is encouraged to take the necessary measures to prevent persons convicted of crimes against children from working in care and other institutions for children.

5. Special measures of protection

Administration of juvenile justice

72. While the Committee notes the efforts of the State party in the area of juvenile justice, it remains concerned that children between the ages of 15 and 17 years may be held in adult detention facilities and kept in solitary confinement.

73. The Committee urges the State party to review its legislation and policies governing juvenile justice to ensure that they are fully consistent with the Convention, especially articles 37, 40 and 39, as well as other relevant international standards in this area, such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty. In light of articles 3, 37, 40 and 39 of the Convention, the Committee further recommends that the State party take all effective measures to ensure that children are separated from adults in detention facilities and that children are not subjected to solitary confinement, unless it is in their best interests and subject to court review. Additionally, the Committee encourages the State party to reinforce its rehabilitation and reintegration programmes for children in conflict with the law.

Sexual abuse and exploitation

74. The Committee is aware of the efforts of the State party to prevent and combat sexual abuse and exploitation, including the recent establishment of an information collection system on sexual abuse. The Committee is concerned about the lack of awareness about child abuse and exploitation and the inadequate efforts to address child pornography. The Committee also notes the need for training for professionals working with and for child victims of abuse, including police officers, lawyers and social workers.

75. In light of article 34 and other related articles of the Convention, the Committee recommends that the State party reinforce its efforts to strengthen current policies and measures, including care and rehabilitation, to prevent and combat these phenomena. The Committee recommends that the State party take all appropriate measures to introduce and/or reinforce training for professionals working with and for child victims of abuse and exploitation.

76. The Committee notes that a bill has been introduced that would provide support for children between the ages of 15 and 17 years who may be experiencing difficulties in adjusting to the norms and rules of society, especially those children in conflict with the law. However, the Committee remains concerned about the situation of such children.

77. The Committee encourages the State party to continue and, where necessary, reinforce its efforts in providing adequate support to these children and to their parents.

6. Ratification of the Optional Protocols

78. The Committee is aware that the State party has signed the two Optional Protocols to the Convention on the Rights of the Child on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

79. The Committee encourages the State party to ratify both Optional Protocols as soon as possible.

7. Dissemination of the documentation

80. Finally, in light of article 44, paragraph 6, of the Convention, the Committee recommends that the second periodic report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention, its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.