

**COMMITTEE ON THE  
RIGHTS OF THE CHILD**

**WRITTEN REPLIES BY THE GOVERNMENT OF DENMARK  
CONCERNING THE LIST OF ISSUES  
(CRC/C/Q/DEN/2)  
RECEIVED BY THE COMMITTEE ON THE RIGHTS OF THE CHILD  
RELATING TO THE CONSIDERATION OF THE SECOND PERIODIC  
REPORT OF DENMARK  
(CRC/C/70/Add.6)**

**[Received on 17 April 2001]**

CRC/C/Future...

Reply to questionnaire CRC/C/Q/DEN/2 from  
the UN Committee on the Rights of the Child  
concerning the examination of the second periodic report by

**DENMARK**

Part 1.

A. Data and statistics

1. Demographic data of the under-18 population

*The Danish population - 1 January 2001*

	0-4 years	5-9 years	10-14 years	15-19 years
<i>Total</i>				
Immigrants	3.140	8.488	14.077	17.732
Descendants	30.006	22.147	12.682	6.881
Others	304.443	317.423	282.107	254.358
<b>Total</b>	<b>337.589</b>	<b>348.058</b>	<b>308.866</b>	<b>278.971</b>

**population**

<i>Proportion of</i>	0-4 years	5-9 years	10-14 years	15-19 years
<i>males</i>				
Immigrants	1.575	4.455	7.267	8.929
Descendants	15.321	11.304	6.484	3.477
Others	156.254	162.803	144.901	129.806
<b>Total</b>	<b>173.150</b>	<b>178.562</b>	<b>158.652</b>	<b>142.212</b>

**population**

<i>Proportion of</i>	0-4 years	5-9 years	10-14 years	15-19 years
<i>women</i>				
Immigrants	1.565	4.033	6.810	8.803
Descendants	14.685	10.843	6.198	3.404
Others	148.189	154.620	137.206	124.552
<b>Total</b>	<b>164.439</b>	<b>169.496</b>	<b>150.214</b>	<b>136.759</b>

**population**

*Source: Statistics Denmark*

An *immigrant* is a person who was born abroad, and whose parents are both (or one of them if information regarding the other parent is not available) foreign nationals born abroad. If information is not available regarding any of the parents and the person was born abroad, the person is regarded as an immigrant.

A *descendant* is a person who was born in Denmark by parents, who are not Danish nationals born in Denmark. If information is not available regarding any of the parents and the person is a foreign national, the person is also regarded as a descendant. Immigrants and descendants are Danish nationals as well as persons who are not Danish nationals.

## 2. Disaggregated data in percentages on national budgetary allocation and spending for social needs for the period between 1998 and 2000.

### 2a. Education

The total public expenditure on primary and secondary education in 1998:

Primary 21.240 million DKK  
 Lower secondary 12.125 million DKK  
 Upper secondary 23.109 million DKK

### 2b. Health

#### *Total public expenditures on health*

The total public expenditures on health are illustrated in table 1. Total general government expenditures are also shown. Consequently the share of public resources allocated to health is calculated.

Table 1. Total public expenditures on health 1998-2000 (current prices)

	1998	1999	2000
Public expenditures on health (mill. DKK)	60.922	64.339	66.731
General government expenditures (mill. DKK)	655.478	669.696	687.501
Share, public exp. on health (percent)	9,3	9,6	9,7

Source: Statistics Denmark

Note: Provisional information all years.

#### *Public expenditures on health - children and young people (0-17 year)*

From the total public expenditures on health it is possible to divide certain elements into age groups.

Stationary (in-patient) and ambulatory (out-patient) expenditures directly related to treatment in the *somatic hospital sector*. This information is calculated using the Danish DRG-system.

Expenditures in the *public health insurance scheme* are also possible to age divide. This information is based on the Register for Public Health Insurance and consists of ground-fees paid to doctors. This information does *not* include pharmaceutical expenditures related to children (prescribed medicine).

In table 2 expenditures in the somatic hospital sector and in the public health insurance scheme is calculated for persons between 0-17 years of age. In table 2 also public expenditures to medical examinations of children, vaccinations, preventive health care services for children and young people and dental care are shown.

Expenditures to *vaccinations* consists of vaccination of all people and therefore not only children and young people. However expenditures will mainly relate to the vaccination programme for children.

Expenditures to *dental care* consists of dental care for children and young people below the age of 18 year. Besides dental care for elderly people and handicapped, which due to reduced mobility or severe physical or mental handicaps cannot use traditional dental services. Dental care for elderly people and handicapped is with some statistical uncertainty estimated to 51 million DKK in 1999. The information in table 2 is for all years adjusted for dental care for elderly people and handicapped.

Table 2. Public expenditures on health for children and young people 1998-2000, current prices mill. DKK

	1998	1999	2000
Somatic hospital <sup>1</sup>	2.657	2.721	2.781
Public health insurance <sup>2</sup>	921	907	923
Medical examination of children	72	75	80
Vaccinations <sup>3</sup>	105	107	107
Preventive health care services for children and young people	561	588	618
Dental care <sup>4</sup>	1.365	1.427	1.461
<b>I alt</b>	<b>5.681</b>	<b>5.826</b>	<b>5.970</b>

*Source: The DRG-system, the Register for Public Health Insurance and Budget- and Accounting System for Municipalities and Counties.*

<sup>1</sup> Somatic hospital expenditures consists of expenditures directly related to in-patient and out-patient care of persons in the age of 0-17 years based on the DRG-system.

<sup>2</sup> Public health insurance expenditures consists of ground-fees paid to doctors in connection with care for persons in the age of 0-17 years. Pharmaceutical expenditures are not included.

<sup>3</sup> Vaccinations consists of vaccination of all people and therefore not only children and young people. However the expenditures will mainly relate to the vaccination programme for children

<sup>4</sup> Dental care is adjusted for dental care for elderly people and handicapped.

Note: Information for 2000 is provisional.

It should be noted that international comparisons of health expenditures must be done with great caution. In cross-country comparisons different definitions of the health sector in different countries affect the statistics.

## 2c. Child protection

### Net working expenses for supportive measures for children and youngsters

*Million Dkr - current prices*

	1998	1999	2000
	<i>account</i>	<i>account</i>	<i>Budget</i>
Intermediary care	2.558	2.803	2.598
Preventive measures	1.477	1.647	1.545
Residential homes	2.222	2.415	2.400
<b>Total</b>	<b>6.258</b>	<b>6.865</b>	<b>6.542</b>
Proportion of GNP	0,5 %	0,6%	
Proportion of total social expenses	1,8 %	2,0%	

*Source: Statistics Denmark*

Note that the expenses for 2000 are budgetary. The accounts for 2000 have not yet been completed and neither have the GNP and social expenses for 2000.

## 2d. Juvenile crime protection

There is no separate overall grant in the Finance Act for the prevention of youth crime, nor is there otherwise any overall statement of the funds applied for the prevention of youth crime.

The Crime Prevention Council (Det Kriminalpræventive Råd), which is a council under the Ministry of Justice, received a grant under the Finance Act in 1998 of DKK 4.0m and in 1999 and 2000 of DKK 4.2m. In addition, a total of DKK 2.1m was transferred in the period 1998 -

2000 from the central administration of the Ministry of Justice to the secretariat of the Crime Prevention Council. The Council has mainly applied the funds for work concerning the prevention of youth crime.

The secretariat of the Crime Prevention Council handles a series of tasks in connection with crime prevention work, including work concerning youth crime. The National Commissioner of Police defrays the costs of the secretariat, amounting to about DKK 20m per year.

Moreover, the Crime Prevention Council cooperates closely with the Ministry of Social Affairs, the Ministry of Education, the Ministry of Culture, the Ministry of Housing and Urban Affairs and the Ministry of Justice to ensure the best possible crime prevention efforts towards the young. However, it is impossible to make a detailed calculation of the volume of the funds applied for such cooperation.

A large part of the crime prevention work with young people is carried out through the SSP cooperation scheme, cooperation between the school, the social administration and the police to prevent child and youth crime. SSP cooperation schemes have been established in 94 per cent of the 275 local authorities in Denmark. There are no figures on the funds applied by the local authorities for such cooperation.

In 1998 the police applied about DKK 68m, in 1999 about DKK 80m and in 2000 about DKK 83m for preventive efforts comprising traffic lessons, SSP cooperation and other crime prevention work. It is impossible to calculate the proportion of the funds that were applied for youth crime.

In addition, the local authorities defray a series of costs for special measures for children and young people. The amounts applied were in 1998 about DKK 6.6bn, in 1999 about DKK 7.0bn and in 2000 about DKK 6.5bn. It is impossible to calculate how large a proportion of these funds was applied as part of the prevention of youth crime.

## **2e. Programmes and services for child victims of abuse, including sexual abuse and neglect.**

The statistic information on expenses for supportive measures for children and youngsters does not distinguish between the different causes of implementation of the individual measures.

## **2.f. Social services**

**Net working expenses for day care, youth clubs and school-based leisure-time facility**

*Mill. dkr. - current prices.*

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	1998	1999	2000
	<i>account</i>	<i>account</i>	<i>budget</i>
	20.996	22.221	22.600
Proportion of GNP	1,8 %	1,8 %	
Proportion of total social expenses	6,2 %	6,3 %	

*Source: Statistics Denmark*

The net working expenses are the expenses after deduction of the parents' contributions. Building and investment expenses are not included. Note that the expenses for 2000 are budgetary. The accounts for 2000 have not yet been completed and neither have the GNP and social expenses for 2000.

### 3. The number of children deprived of their family environment.

#### 3a. Adopted domestically

Since Denmark distinguishes between different types of adoption according to the relationship that existed between the child and the applicants before the adoption, it is relevant to consider the types of adoption that fall within this question.

Apart from the anonymous adoptions, there is a distinction between adoptions of stepchildren, adoptions of children closely related to the applicants and adoptions where there are otherwise close ties between the applicants and the child (such as foster children) or the child's parents.

Adoptions of stepchildren fall outside this question, as these children are not removed from the family with whom they are already living. This type of adoption is by far the most frequent adoption in Denmark.

Concerning the other types of adoption, no statistics are currently available. However, it is estimated that the number of cases is limited.

Concerning the anonymous adoptions, for the years 1997-1999 30, 25 and 15 children, respectively, were adopted in Denmark. The Central Adoption Board (Adoptionsnævnet), which is in charge of allocation of these children to Danish adoptive parents, has stated that no statistics have been prepared on the distribution of these children by age, gender, etc.

#### 3b. Adopted abroad

The number of Danish applicants for adoption of Danish children far exceeds the number of children available for adoption, for which reason it is extremely rare that children from Denmark are adopted by applicants residing abroad. The exception from this situation is a very small number of cases where family members residing abroad adopt another family member. This also applies to the period 1997-1999.

**3. c, d and e. The number of children living in foster care, institutions, and boarding schools.**

**Number of children aged 0-17 in care outside own home annually as of 31 December - distributed in age groups**

	1997	1998	1999
0-6 years	1.547	1.739	1.807
7-11 years	2.356	2.550	2.827
12-14 years	2.424	2.518	2.712
15-17 years	4.083	4.166	4.186
<b>0-17 years - total</b>	<b>10.410</b>	<b>10.973</b>	<b>11.532</b>

*Source: Statistics Denmark*

**Number of children aged 0-17 in care outside own home annually as of 31 December according to the type of care**

<b>Total</b>	<b>10.410</b>	<b>10.972</b>	<b>11.532</b>
Family care	4.773	5.066	5.448
Socio-educational residence	1.021	1.174	1.415
Ship project etc.	53	44	45
Boarding school or similar	1.347	1.393	1.278
Hospital or unknown	4	6	2
Residential institution	2.819	2.898	2.951
Own room	393	391	393
<b>Proportion of all 0-17 year-olds</b>	<b>0,93%</b>	<b>0,98%</b>	<b>1,02%</b>

*Source: Statistics Denmark*

**3.e The number of children living in boarding schools.**

The number of children aged 0 - 17 years living in boarding schools \*)

1997: 1.347

1998: 1.393

1999: 1.278

\*) Placed by public authorities outside their homes



## Question 4 - Statistical data concerning child and youth crime

4a.

### *Children below 15 years*

In Denmark the minimum age of criminal responsibility is 15 years. When the police apprehends children below 15 years of age the case is handed over to the social authorities. The penal system is not involved in these cases. This furthermore implies that the crime statistics do not include children. The police, however, record the number of children they have been in contact with due to offences. Table 1 informs about this number and the type of crime. Please note that the statistics for crimes committed by children may not be totally reliable. It is not known to which extent the children are guilty of the alleged crimes.

*Table 1. Number of children (< 15 years) apprehended for a criminal offence 1998-2000 distributed by type of crime.*

	1998	1999	2000
Arson	29	30	59
Assault	99	133	163
Burglary	182	108	173
Robbery	39	47	97
Joy riding/theft of cars	230	217	290
Shoplifting	1490	1550	1734
Other thefts	380	327	399
Vandalism	264	272	345
Other types of offences	125	155	189
<b>Total</b>	<b>2838</b>	<b>2839</b>	<b>2473</b>

### *Juveniles age 15-17 years*

Tables 2 and 3 concern the number of charges against juveniles for males and females respectively. Some juveniles may have been charged more than once within a year so the number of juveniles on charge is somewhat smaller than the number of charges. The same goes for the number of sentences in Table 4 and 5 below.

Please note that status offences is not a part of the Danish penal system for juveniles. Information for 2000 is not yet available.

*Table 2. Number of charges for young males 1998-1999, by age and type of crime.*

Males						
Age	15		16		17	
	1998	1999	1998	1999	1998	1999
Sexual offences	6	7	10	20	17	19

Crimes of violence	109	124	209	220	266	302
Offences against property	757	685	1303	1193	1486	1346
Other penal code offences	9	15	18	26	44	49
All penal code offences	881	831	1540	1459	1813	1716

Table 3. Number of charges for young females 1998-1999, by age and type of crime.

Females						
Age	15		16		17	
	1998	1999	1998	1999	1998	1999
Sexual offences	-	-	-	-	-	1
Crimes of violence	6	17	23	28	20	25
Offences against property	307	301	356	330	293	289
Other penal law offences	9	2	12	1	11	6
All penal law offences	322	320	391	359	324	321

4b, c and d

Table 4 concerns the number and the type of sentences imposed by the court. Information on the number of dispositions decided by the police or the public prosecutor is also available from the table.

Table 4. Dispositions for juveniles 1998-1999, by age and type of disposition.

Males and females						
Age	15		16		17	
	1998	1999	1998	1999	1998	1999
<b>Decisions made by the court</b>						
Imprisonment	15	19	57	54	106	106
Suspended sentence	76	109	199	230	273	279
Community service	-	-	-	2	12	19
Fine	57	50	116	110	141	164
Preventive measure	1	-	3	2	4	4
<b>Decisions outside the court</b>						
Fine	742	664	942	829	878	814
Withdrawal of charge	90	76	256	201	255	205
Warning	3	4	4	9	6	9
Other measures	1	4	-	1	-	1
No charge	208	202	321	342	421	388

Total	1193	1128	1898	1780	2096	1989
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4e

Table 5 informs about the length of sentences of imprisonment. The table covers the length of the sentence, not the time served. Most sentences exceeding 3 months will result in parole. Please note: that many juveniles below 18 years serve their prison sentence in institutions other than prisons.

*Table 5. Length of prison sentences for juveniles 1998-1999.*

Males and females						
Age	15		16		17	
	1998	1999	1998	1999	1998	1999
<b>Lenient imprisonment</b>						
1-30 days	3	3	11	8	24	12
31- days	3	2	2	5	8	16
<i>Average length in days</i>	42	19	25	66	34	33
<b>Imprisonment</b>						
1 month		2	3	4	19	19
> 1-2 months	4	3	11	11	13	14

#### B - General Measures of Implementation

> 2-3 months	3	5	10	7	14	14
> 3-4 months		1	1	5	6	4
> 4-6 months	2		9	4	15	7
> 6-9 months		1	2	2	4	6
> 9-12 months			7	3	2	9
> 12-15 months				1		3
> 15-18 months		1		1	1	2
> 18-24 months				1	3	2
> 2-3 years				1		
> 3-4 years			1			
<i>Average length in months</i>	3,2	6,4	5,6	4,1	4,4	5,5
<b>Total</b>	15	18	57	53	109	108

4 f and g

Statistical information on recidivism and on solitary confinement is not available.

## B. General Measures of Implementation

### 1. Reservation to art. 40(2)(b)(v)

As to Denmark's reservation to Article 40 (2) (b) (v) (right to have criminal issues tried before two instances), the report No. 1352/98 on the trial of jury cases by the Standing Committee on Procedural Law (Retsplejerådet) is still to be considered. The Standing Committee is working on a report on procedural law in civil cases. The proposals of the Committee and other proposals concerning a reform of the system of jurisdiction will form the basis for considerations about a larger revision of the Act on Administration of Justice.

### 2. Status of the Convention in Danish law

Denmark has a "dualist" system under which international agreements to which Denmark becomes a party are not automatically incorporated into domestic law. When Denmark wishes to adhere to an international agreement it must, therefore, ensure that its domestic law is in conformity with the agreement in question.

From the recent case law at the Danish courts it follows clearly that international law, including conventions, is a relevant source of law in Denmark, and that international law can be invoked.

Thus, the provisions of treaties - including the Convention on the Rights of the Child - are applicable before the Danish courts and administrative authorities, and the Danish authorities are under an obligation to apply the provisions of the Convention in connection with the interpretation and application of Danish legislation.

Thus, when there is doubt about the interpretation of a legal provision, the Danish authorities should prefer the interpretation that will best comply with the existing treaty obligations. This is known as the rule of interpretation.

In the absence of any special indications to the contrary, a conflict between a treaty provision that has previously been observed in Denmark, and a provision in legislation enacted later, should be solved by applying the new provision in a manner that will respect the treaty provision, even if the tenor of the new provision is clearly at variance with the treaty. This is known as the rule of presumption: the courts should "presume" that it has not been the intention of Parliament to pass legislation contrary to Denmark's international obligations.

Obviously the Danish Government is aware that incorporation could be of informative value to the citizens.

Therefore, in July 1999 the Minister of Justice has set up a committee of human rights experts to examine the advantages and disadvantages involved in the incorporation into Danish law of the general human rights conventions, including the Convention on the Rights of the Child. Up till now the committee has held 8 meetings and the committee expects to finish its work in the summer of 2001.

The Convention on the Rights of the Child has been relied upon five times before the national courts.

In Danish Law Reports, 1995, p. 249, High Court of Western Denmark (UfR 1995.249 V), the High Court decided whether a paternity action, which had been concluded after the child had been adopted by the mother's spouse, was to be reopened at the request of the potential father. In support of the reopening request, the potential father relied upon, *inter alia*, Article 8 of the European Convention on Human Rights and Article 7 of the Convention on the Rights of the Child. However, the High Court only referred to the European Convention on Human Rights.

In Danish Law Reports 1997, p. 1237, Supreme Court (UfR 1997.1237 H), the Supreme Court decided whether to grant a stay of execution pending an alien's action against the Ministry of the Interior in a residence permit case. In support thereof, the alien stated, *inter alia*, that his return would be contrary to Article 8 of the European Convention on Human Rights and to the Convention on the Rights of the Child. The Supreme Court did not grant a stay of execution and did not expressly deal with the conventions relied upon.

In Danish Law Reports 1997, p. 1440, High Court of Eastern Denmark (UfR 1997.1440 Ø), the High Court stated that the Convention on the Rights of the Child was no bar to expulsion of an alien.

In Danish Law Reports 1999, p. 1415, Supreme Court (UfR 1999.1415 H), the Supreme Court established that Article 37 (c) of the Convention on the Rights of the Child did not exclude pre-trial solitary confinement of two juveniles aged 16 and 15 years as suspects of a particularly dangerous robbery. Furthermore, the Supreme Court established that the fact that the juveniles involved had been held in solitary confinement in the Western Prison, where also adult inmates were incarcerated, could not in itself be considered as contrary to Article 37 (c).

In Danish Law Reports 2000, p. 1260, High Court of Western Denmark (UfR 2000.1260 V), the High Court decided whether a Sheriff's Court order on surrender of a child not quite 13 years old to the custody holder was to be set aside owing to the lack of an

interview with the child. The Sheriff's Court had decided that the child had to be surrendered - if necessary by force - and had not found an interview with the child necessary before it made its decision. With reference to Article 12 of the Convention on the Rights of the Child, *inter alia*, the High Court established that the Sheriff's Court should have had an interview with the child, and set the order aside.

**3. Measures taken to ensure the effective implementation and monitoring of the Convention, including with respect to children belonging to ethnic minority groups and other vulnerable groups. The system of data collection and the use of statistical data in formulating policies and programmes for children.**

In Denmark the responsibility for safeguarding the rights and interests of children and young people is not left with one specific ministry, but with several ministries according to their respective areas of competence. This is due to the fact that many different areas of community life, which in turn cut across existing legislation and professional demarcations, affect the conditions of children, young people and families.

Families with children have always been accorded high priority. Denmark has chosen not to concentrate the interests of children and families in one ministry but instead to let them be covered by a range of different ministries where expertise in the respective areas is firmly anchored. The Ministry of Social Affairs has the main responsibility for day-care facilities for children and support for children with special needs, the Ministry of Education is responsible for the optional kindergarten class, education of school-age children and after-school day-care arrangements. The Ministry of Health looks after health related issues, including preventive healthcare for children and young people and the Ministry of Labour is responsible for maternal and paternal leave and parental leave. It is also responsible for ensuring flexibility in the labour market in order to improve the balance between work and family life. The Ministry of Justice is responsible for the legal status of children and the Ministry of Taxation is responsible for the public child benefit allowance.

The government's Children's Council and a parallel committee of civil servants, the Inter-ministerial Committee on Children, have been set up to ensure the necessary co-ordination between the respective ministries. The Inter-ministerial Committee on Children is a cross sector co-operation body between the 15 ministries working with matters, which directly affect children and families. The committee's main task is to ensure continuity and consistence in the area of family and children and to take cross sector initiatives to improve the living and family conditions for children and young people. The chairmanship and secretariat of the committee are based in the

Ministry of Social Affairs. Furthermore, the government has established a Young People's Committee whose chairmanship is located in the Ministry of Education.

The National Council for Children established in 1994, uses the Convention on the Rights of the Child (CRC) as an active tool in the analysis of childhood and adolescence and of current legislation and practice. This way the Council has contributed to the implementation of the convention in both legislation and practice.

To a large extent the Danish regulations in the area of children and young people entail decentralised administration and decentralised responsibility. It is primarily the municipalities, which administer regulations in the area, but the county councils also carry out work relating to children and young people. There is in the social legislation rules which state that the municipalities and county councils should generally work together with and grant support to voluntary social organisations.

Danish NGOs are increasingly involved in work with children's issues, partly through project grants and partly as consultation partners in connection with the drawing up of new legislation. Generally NGOs are involved in a large part of the initiatives and work for the rights of children and young people in Denmark as well as in Danish development assistance.

*The question of integration* has been the subject of much political attention in Denmark. The Danish government has elaborated a plan of action for integration of people with other ethnic origin than Danish. One of the aims of the plan of action is better integration of children and young people from ethnic minorities. Several ministries have taken steps to ensure that children and young people who are bilingual take greater part in the Danish society.

The Inter-ministerial Committee on Children has the task of analysing the efforts made so far regarding ethnic minority children and young people, with the aim of finding inadequacies and providing specific proposals for action to be taken in the area. Furthermore, DKK 50 million has been earmarked for the development of the youth club area, where one of the target groups is young people from an ethnic minority background who lack organised leisure activities.

The Ministry of Social Affairs has granted its support to the National Institute of Social Research, which is to analyse how time is spent in ethnic minority families. Such fundamental information is important for the organising of efforts for the individual families in need of support.

*Information* about the conditions of children, young people and families is regularly being collected through studies, data collection, development projects etc. This work is done by the national sector research, development, communication and information centres working with children's issues. An example of this work is the progress reports on different groups of the population, including children and young people, carried out by the National Institute of Social Research.

Other examples include a publication entitled "Figures on Children in Denmark" from 1995 and the accompanying brochure "Statistics on Children in Denmark" from the Inter-ministerial Committee on Children. There are plans to update both of these publications. Furthermore, a child database has been established which contains information dating back to 1980 regarding children's family conditions, siblings, family income and employment conditions - including income level, the attachment of parents to the labour market, working hours, unemployment, receipt of social benefits, education and lastly the consumer patterns and expenditure items of families with young children.

#### **4. Recent measures taken to enhance awareness about the principles and provisions of the Convention, including; among professional groups, children and the general public.**

The task of The National Council for Children council is to ensure the rights of children and inform and advise about children's conditions in society. Since 1998 the National Council for Children has been established by law and has had the task of assessing the conditions under which children live in Denmark, in the light of the provisions and intentions of the Convention on the Rights of the Child. The council must also involve the views of children in its work. The cost of the National Council for Children is covered by the national budget.

The National Council for Children uses the Convention on the Rights of the Child as an active tool in analyses of children's conditions and of relevant legislation and practice. Through it the council has contributed to the implementation of the convention into Danish legislation and practice.

In a society like the Danish where children's daily life from an early age takes place outside the home with the involvement of many professionals, implementation of the Convention on the Rights of the Child must take place at all levels of society. Implementation of the UN Convention on the Rights of the Child is therefore left with both the central government, the county councils, the municipalities and also to a large degree civil society, including the Danish NGOs. In



connection with the adoption of new legislation or of amendments to existing legislation reference is often made to the provisions of the Convention on the Rights of the Child. The convention is quoted more and more in the public and professional debate.

The Convention on the Rights of the Child can and will presumably become an even more important guideline for ensuring the interests and rights of Danish children in the coming years. It is a continuous development covering such matters as systematic implementation of the provisions of the conventions in regulations, guidelines and administrative practice together with a need for a general change in attitude and increased information on children's rights.

The Ministry of Education supports a number of organizations, activities and projects, which directly and indirectly aim at raising awareness of children's rights. Recent examples: In the spring of 1998 the Ministry of Education (in co-operation with the Danish National UNESCO Commission) arranged a conference on the Convention on the Rights of the Child, and in December 1998 the Ministry was co-hosting a conference celebrating the 50<sup>th</sup> anniversary of The Convention on Human Rights. As a follow up the Ministry financed a new edition of a bibliography of educational materials on Human Rights including materials relating to the Rights of Children. The bibliography was published by the Danish Center for Human Rights.

The Ministry of Education has recently given financial support to primary and lower secondary schools joining the UNESCO Associated Schools Project. The ASPnet aims at mobilizing schools throughout the world with a view to undertaking pilot projects to strengthen the role of education in the promotion of a culture of peace and tolerance. Twinning of the participating schools and exchanges of materials, teachers and students constitute an integral part of the activities of the ASPnet.

## **PART II**

The text of the Convention in Danish and Greenland will follow separately.

### **Part III.**

Update of the information provided in the report of Denmark with regard to:

**Social affairs:**

### *Special support to children with special needs*

In 2000 a range of legislative amendments was made in order to ensure early and ongoing interventions in support of children with special needs. These amendments focused on the principle of the Convention on the Rights of the Child regarding the best interests of the child, early action, continuity and stability in actions taken and support to parents if their child is removed from the home etc.

The amendments include regulations which oblige information to be disclosed regarding pregnant addicts, and oblige information to be disclosed between municipalities in the cases of families with special needs and demands regarding help from inter-disciplinary groups etc. Regulations have also been introduced to give support to parents whose children have been removed from their custody because of lack of care. This support is given during the period when the child is removed from the family. Work is being continuously carried out to improve the quality of these arrangements. This includes both family care outside the home, places of residence and institutional stays.

### *Child allowance to parents following a course of further education*

In 2001 a new bill was introduced ensuring that parents following a course of further education are entitled to a special child allowance.

### *Information collection system about sexual abuse*

Funds for establishing an information collection system about sexual abuse have been granted in 2000. The aim is to ensure that information is systematically collected, compiled and made available in order to promote and encourage development in the field. Establishing the information system is a consequence of a report on sexual abuse, submitted by an inter-ministerial working group under the Inter-ministerial Committee on Children.

### *Day-care facilities*

The childcare guarantee introduced by law has been implemented widely by Danish municipalities. The vast majority of children are today cared for by children's day-care institutions or childminders – so-called day-care. Therefore an initiative has been taken in co-operation with the municipalities and educationalists to implement work to develop the quality of day-care facilities. This development work should focus on what day-care offers today, and where and how intervention must take place to ensure that the quality of day-care facilities continues to develop in line with the demands.

### *Physical punishment of children*

In summer 1997 parents' right to use corporal punishment on their children was abolished by law. In 1998-1999, at the request of the Ministry of Justice, the National Council for Children working with the NGO Children's Welfare and the Secretariat for the Prevention of

Violence carried out a nation-wide campaign with the aim of informing parents of children aged 0 to 10 years about the new legislation. The campaign material consisted primarily of the folder "When I have children, I will never hit them". 850,000 copies of this folder were sent out through schools and day-care institutions.

In 2000 the National Council for Children followed up this campaign by issuing translated copies to parents whose first language is Turkish, English, Bosnian/Serbian/Croatian and Arabic respectively. The Council is currently preparing a copy of the folder in Urdu.

#### *Sexual abuse of children*

The measures proposed in the report submitted by the above-mentioned inter-ministerial working group under the government's Children's Council are being implemented by the government so as to better prevent the abuse and intervene quickly and professionally once abuse has taken place. These measures include advisory material to municipalities, action in relation to educational institutions with contact to a large number of children, research on the extent of abuse in Denmark and on the combat of abuse and support to activities aimed at combating abuse over the Internet.

#### *Values and responsibility in relation to children - children's participation*

An initiative called "Today's children - values and duties" has been implemented by the government in order to strengthen and develop further debate on values and responsibility in relation to children. Various materials have been issued to support the debate, including a values game and special dialogue cards for use by, for example, parents who are interested in debating their own values. The initiative has its own website ([www.boerneliv.dk](http://www.boerneliv.dk)), where material can be ordered and where people can follow and take part in the debate. The results of the initiative will be evaluated.

#### *Negative social inheritance*

A government committee was set up in January 1999 with the task of creating the necessary basis to consolidate efforts made to break the pattern of negative social inheritance and furthermore to increase opportunities for children and young people from a weak background. As a result of the work of the government committee a research programme is in the process of being launched. One of the focus areas of the programme is the competencies of children and young people.

#### *Quality regarding placement in care outside own home*

As a consequence of a report submitted in 2000 by an advisory committee on the situation regarding placements in care of children with special needs and of the new legislation regarding children with special needs a number of initiatives - development of methods,

standards, evaluation, and educational measures - is being taken to develop the quality of placements in care and related requirements.

#### *Gender equality*

A new act on gender equality (Act no. 388 of 30. May 2000) has been adopted. The act states the principle that "women and men shall be given equal treatment within public administration and in occupational and general activities". This general principle also applies to girls and boys.

The law also establishes the legal framework for the institutions which work with gender equality. The National Centre for Research and Information on gender Equality will among other issues focus on families with small children, how they thrive, how (much) they work and their economy.

#### **Judicial affairs:**

1. Act No. 358 of 2 June 1999 amending the Adoption Act (International Adoption) revised the rules of the Adoption Act (adoptionsloven) concerning *adoption of foreign children*.

The amendment was an endeavour to make the rules on examination and approval of future adoptive parents more flexible and up-to-date, *inter alia*, by giving the adoptive parents a higher degree of influence and responsibility in connection with the adoption, while the control function of the authorities was to step into the background.

In connection with this, a new examination and approval procedure divided into three phases was introduced. Phase 1 consists of an examination of and decision as to whether the applicant satisfies the general requirements set up for approval as an adoptive parent. Phase 2 consists of a pre-adoption course, which is compulsory for applicants who are to adopt a foreign child for the first time. The purpose of the courses is, *inter alia*, to clarify the central problems surrounding an adoption to the applicant and to give the applicant a basis for assessing whether he or she has sufficient resources to adopt a foreign child. In phase 3, it will be determined whether an applicant who satisfies the general conditions for approval as an adoptive parent, and who, after attending the pre-adoption course, still wants to adopt, can also be considered suitable as an adoptive parent by an individual assessment.

The intention of the new phased procedure was to turn the adoption examination more into a dialogue between the applicant and the authorities than previously, and likewise to clarify very early in the procedure whether the applicant satisfies the general conditions for approval as an adoptive parent.

The amendment has also resulted in a higher degree of influence for the applicant during the phase of the adoption procedure where a specific child is proposed (the matching). Thus, the joint county adoption council no longer has to concur in a matching proposal if the Danish mediating organisation finds it to be indubitable that the child is within the limits of the applicant's approval.

Moreover, the amendment prepared the way for more stringent supervision of the joint county adoption councils and the adoption-mediating organisations as well as for intensification and centralisation of the work of collecting, preparing and communicating information on international adoption. In this connection, the handling of this work was substantially transferred to the Central Adoption Board.

Finally, the amendment introduced a new institution in the field of adoption - the Adoption Council (Adoptionsrådet). The intention of this Council was to set up an authority outside the existing structure to monitor the trends in the field of adoption and create a debate, etc., on the subject. The Council, which has no legal powers, can draw the attention of other authorities and organisations to relevant problems and possibly suggest or recommend initiation of specified measures. The Council can also, more generally, present ideas, etc., on current adoption issues.

The amendment became effective on 1 January 2000, but so that the rules on the compulsory pre-adoption course did not become effective until 1 April 2000.

2. In 1997, the Committee on Child Legislation under the Ministry of Justice submitted a report on the *legal position of children* (report No. 1350/1997).

The report expresses a fundamental attitude on a child's right to two parents and on equal opportunities for children of married parents and children of parents cohabiting outside marriage.

On the basis of the report, the Ministry of Justice introduced a bill (L 197) to the Danish Parliament on 9 February 2000 which involved a complete revision of the rules on paternity. The bill was re-introduced on 4 October 2000 (L 2).

The bill seeks to make the rules on how to determine paternity more up-to-date and to modernise and simplify the procedures of the administrative authorities and the courts.

Thus, paternity will normally simply be recorded at the child's birth when the parents are married to each other or when unmarried parents declare that they together undertake the care and the

responsibility for the child. For unmarried parents today, a case must be started with the county governor.

In continuation of this, a bill amending the Administration of Justice Act (retsplejeloven) and other Acts (L 3, introduced to the Parliament concurrently with L 2) proposes that unmarried parents automatically obtain joint custody when paternity is recorded at the birth or later on the basis of a declaration in which the parents together undertake the care and responsibility for the child.

To ensure to the greatest extent possible in the future that the child will have a father, it is proposed that the mother's duty to disclose the identity of the father of the child is made stricter in paternity cases that have to be considered by the county governor. Another proposal is that a man who has had sexual intercourse with the mother during the period of conception will normally be entitled to have a test performed to determine whether he is the father of the child.

The bill also includes express rules on who is to be considered the father and mother of children conceived by artificial insemination, and on surrogacy.

Bills L 2 and L 3 are still being deliberated by Parliament.

Furthermore, by submitting its report No. 1389 in October 2000, the Committee on Child Legislation concluded its work of revising the rules of the Child Act (børneloven) on the maintenance of children.

On 1 January 1998 the Copenhagen Governor's Office started a pilot project on mediation in cases of access. The fundamental idea of the project was to offer alternative conflict resolution, where the mediators are to assist the parents in resolving their conflicts themselves. The offer of mediation has now been made nationwide. It is expected that all the county governor's offices should be able to offer mediation as from the autumn of 2001. The mediators will be trained during the spring of 2001.

3. Act No. 141 of 17 March 1999 inserted a new provision (section 223 a) in the Criminal Code (straffeloven). It follows from section 223 a that any person who, as a client, has sexual intercourse with a person under 18 years of age who, in full or in part, makes a living from *prostitution* is liable to a fine, simple detention or imprisonment for any term not exceeding two years. Section 223 a thus makes it a criminal offence to be a client of a male or female prostitute under 18 years of age. The amendment is part of the action to fight sexual abuse of minors.

4. Act No. 441 of 31 May 2000 implemented some amendments of, *inter alia*, the Criminal Code. Its main purpose was to enhance the protection of children and young people against *sexual abuse*.

Firstly, an amendment of the rules on calculation of the period of limitation in case of criminal offences comprising sexual abuse of children and young persons was adopted. The amendment means that the periods of limitation that apply to the individual types of offences start running at the earliest from the young person's 18th birthday and thus when he or she comes of age. The purpose of the amendment is to ensure that individuals who are exposed to sexual abuse as children have a possibility as adults - when they will be better able to safeguard their own interests - to react against such abuse without the rules of limitation precluding the possibility of criminal proceedings.

Secondly, it was made a criminal offence to use children and young person under 18 years of age as "porn models".

Thirdly, the provisions of section 235 of the Criminal Code on child pornography were made more severe. The amendment means that the provision on dissemination of child pornography material is extended so that not only the sale and other commercial dissemination, but also dissemination to a wider circle - for example via the Internet - fall within the provision. The amendment also increased the maximum penalty for violation of the provision from imprisonment for six months to imprisonment for two years. Furthermore an extension of the provision on possession of crude child pornography material was adopted so that also any person who, against remuneration, makes himself or herself acquainted with such child pornography presentations falls within the provision although, in a legal sense, the person does not gain possession of the material. At the same time, the maximum penalty, which was previously only a fine, was increased so that in aggravating circumstances the penalty can be simple detention or imprisonment for any term not exceeding six months.

Fourthly, the rules of the Administration of Justice Act on interference in the secrecy of communication were amended to permit the application of such interfering measures of criminal procedure in child pornography cases.

5. The Ministry of Justice has introduced a bill amending the Criminal Code and the Social Service Act (lov om social service). The purpose of the bill is to enhance the efforts and potential reaction vis-à-vis the *hard core of maladjusted young criminals with severe social problems*.

The bill involves the introduction into the Criminal Code of a new youth sanction in the form of structured, controlled, socio/educational treatment of two years' duration for the 15-to-17-year-olds. The youth

sanction will make it possible to retain the juvenile for longer and at the same time to initiate treatment that may in the long term get the juvenile back on the right track.

Moreover, the bill involves amendment of the Social Service Act, introducing a duty for the local authority to prepare a provisional action plan not later than seven days after it has received documentation from the police of serious crime so that the necessary social action, particularly towards children and young people under the age of criminal responsibility (15 years), can be initiated as soon as possible after the crime has been committed.

#### **Education:**

##### *Act no. 26, April 12. 2000 about Democracy in the Educational System*

In accordance with this act pupils and students can exert more direct influence on their day-to-day school life. The act ensures pupils and students from basic school to further and higher education the right to set up a pupils'/students' council and to have representatives on the school board. Furthermore, pupils/students are to be represented in all councils and committees set up by the schools dealing with matters of interest to them.

The act is followed by a number of more detailed provisions concerning the activities of the pupils'/students' councils and of the schools' obligations vis-à-vis the pupils'/students' councils.

Apart from better possibilities of direct influence, the act invites pupils and students to join an expert panel for the Minister of Education. The Ministry of Education will establish overall councils within several areas of education where pupils and students as well as other parties will be represented. The Minister of Education may consult these councils on specific issues.

##### *Act no. 166, March 14. 2001 on the Educational Environment of Pupils and Students, including both physical, psychological and esthetical aspects*

In accordance with this act pupils and students have the right to a physically and psychologically sound and esthetical education environment and an obligation to actively participate in the efforts of the school to this end. The act gives pupils/students the right to elect representatives with a voice in all decisions relating to the educational environment.

The act also ensures the establishment of The Danish Centre for Education-environment, with the purpose of contributing to develop and safeguard a good education-environment in Denmark. Among other things The Centre is to offer guidance and advice to pupils,



students, educational institutions and authorities in education-environment matters.

#### *A pamphlet on mobbing in schools*

As a specific measure to protect children from mobbing, the Ministry of Education in 1999 published a pamphlet advising schools, teachers and parents how to prevent and deal with mobbing in primary and lower secondary schools.

#### *Act no. 1313, December 20, 2000 on a smokeless environment*

The act forbids pupils in primary and lower secondary schools to smoke and protects them from involuntary exposure to passive smoking.

#### *Healthy meals in schools and day care institutions*

150 million DKK has just been allocated to ensure that all children in primary schools, lower secondary schools and day care institutions have a healthy meal each day. Municipalities and schools are invited to apply for economic support for this purpose.

#### *Influence of children and young adults in local politics*

In 1998 the Ministry of Education launched an inter-ministerial project called "Young Municipalities". 35 million DKK was allocated to develop processes and structures allowing children and young adults to influence local political decisions relating to a wide range of issues concerning their well being - leisure time activities, educational opportunities, housing, health, work opportunities, international understanding etc. 17 municipalities participated. The results of the project are now gathered to be disseminated to all municipalities in Denmark.

#### *Rights and obligations of schools, children and parents*

The Ministry of Education has just published a new pamphlet describing a) the obligations and responsibilities of the school, b) the rights of children and parents, c) the demands of the school on children and parents and d) the influence of parents. The pamphlet will be translated into the 10 most commonly spoken languages among immigrants and refugees.

#### *Children of refugees and immigrants*

The Ministry of Education has set up a special taskforce dealing with the integration of bilingual pupils in Danish primary and lower secondary schools. The taskforce engages in problem solving as well as information and guidance. As a result the Ministry has recently published two pamphlets: "A helping hand" with advice to schools regarding integration, and "This is how we do" to the municipalities describing best practices.

To enhance a gratifying school attendance of the children of refugees and immigrants two national conferences on the establishment of a trustful cooperation between the schools and the parents are under preparation. Further more three national conferences are prepared to secure the compliance of the municipalities to provisions of establishing language-stimulating activities for bilingual children.

Finally the Ministry of Education has just published a new guide to the mother tongue-training in primary and lower secondary schools. The aim of the original guide (published in the early 1970es) was to prepare the children for their return to their homeland. Now the training is to be integrated into the general curriculum of the schools thus orienting it at a Danish context and preventing it from segregating the children. The main purpose - however - still is to enhance the children's understanding of their own mother tongue, cultural identity and homeland.

### Culture:

In 1999 the government presented a report on cultural policy for children to the parliament. The report is based on the objective that all children in Denmark must have the best possible conditions with which to participate in, experience and contribute to the Danish society and its sense of community. In the report the government presents visions of how the cultural policy can help to ensure children's right to develop their full potential. The government proposes a National Programme for Children's Culture based on three cultural policy objectives:

- Cultural policy shall contribute to children feeling that they are part of a community.
- Cultural policy shall contribute to encouraging children to develop and thrive on their own terms.
- Cultural policy shall accept a responsibility for protecting children.

The programme runs for a period of four years from 2000 to 2003.

On 1 January 2000 the Cultural Council for Children was set up. This body will put the intentions for children's culture laid out in the government's National Programme for Children's Culture into action in co-operation with the many different players in the cultural life and in the daily life of children.

In addition, the Ministry of Culture includes consideration for children wherever relevant to the Ministry's area of work, including in connection with performance contracts with cultural institutions, cultural agreements with county councils and municipalities and in connection with new legislation."



