



**Convention on the  
Rights of the Child**

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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 44 OF THE CONVENTION**

**Third periodic reports of States parties due in 2003**

**DENMARK\***

[20 August 2003]

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\* For the initial report submitted by Denmark, see CRC/C/8/Add.8; for its consideration by the Committee on 19 and 20 January 1995, see CRC/C/SR.199-201 and CRC/C/15/Add.33.

For the second periodic report submitted by Denmark, see CRC/C/70/Add.6; for its consideration by the Committee on 22 May 2001, see CRC/C/SR.699 and 700, and CRC/C/15/Add.151. The annexes may be consulted in the files of the secretariat.

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## **I. INTRODUCTION**

1. Denmark ratified the Convention on the Rights of the Child (CRC) in July 1991. By ratifying the Convention, the States parties undertake to adjust their national rules of law and administrative practice in conformity with the Convention.
2. According to article 44 of the Convention the States parties have to submit a report to the Committee on the Rights of the Child every fifth year, reporting on the measures they have taken to implement the rights recognized in the Convention and the progress made in respect of the enjoyment of these rights. Denmark's first two periodic reports were submitted in 1993 and 1998. This is Denmark's third periodic report according to article 44 of the Convention.

### **A. Structure of the report**

3. In the preparation and structuring of the report it has been sought as far as possible to follow the general guidelines set by the United Nations for the form and contents of periodic reports submitted by the States parties according to article 44 (1) (b) of the Convention (CRC/C/58). The headings of the paragraphs therefore also refer to the provisions of the Convention to which the particular paragraph is related.
4. In conformity with the guidelines, reference is made as far as possible to information already submitted in Denmark's two previous periodic reports from 1993 and 1998, if no changes have taken place in the reporting period.
5. The object of the report is thus primarily to present an overview of the measures taken in the reporting period to improve children's living conditions in Denmark. In addition, the report includes relevant statistical material and other objective information of importance for the practical implementation of the Convention in Denmark.
6. Basically, the report covers the period 1998 to 2002. However, the description of current legislation has been updated to the end of March 2003. Where possible, the report also includes information about legislation adopted later as well as future measures whose final outcome may depend on the passing of a bill or the completion of an examination, but which are nevertheless estimated to serve as illustration of current political trends in a given area.
7. For the approach to the preparation of the report please refer to section II.D.

### **B. Greenland and the Faeroe Islands**

8. The Convention on the Rights of the Child applies to Greenland and the Faeroe Islands as well. The report therefore also reviews children's conditions in Greenland, while a corresponding chapter concerning the Faeroe Islands is in preparation and will as soon as possible be transmitted to the Committee and made accessible on the Internet.
9. In order to ensure a coherent description of the special legislative, administrative and practical conditions ruling in Greenland in this context, as in other contexts, the review of them in this report has been separated into chapter X. This chapter has been prepared along the guidelines mentioned above for the preparation of periodic reports and is based on information provided by the Greenland home rule government.

10. With respect to the preparation of the information for Greenland, please also refer to section X.A.4 of the report.

## **II. GENERAL IMPLEMENTATION MEASURES (arts. 4, 42 and 44 (6))**

11. This section deals with the general measures taken in the reporting period particularly with a view to implementing the Convention on the Rights of the Child or taken in this connection.

### **A. Ratification of optional protocols**

#### **1. Optional Protocol on the involvement of children in armed conflict**

12. On 27 August 2002, Denmark ratified the Optional Protocol to the Convention on the Rights of the Child concerning the involvement of children in armed conflict.

#### **2. Optional Protocol on the sale of children, child prostitution and child pornography**

13. On 24 July 2003 Denmark ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. As reported in section IX.D.2, by adopting Act No. 288 of 2 April 2003 to amend the Criminal Code, the Adoption Act and the Administration of Justice Act (on child pornography, sexual abuse of children and legal prosecution of sexual abuse of children, etc.) Denmark has provided the legislative basis for ratifying the Optional Protocol.

### **B. Measures to implement the provisions of the Convention (art. 4)**

#### **1. Incorporation of the provisions of the Convention into Danish law**

14. The inter-ministerial Incorporation Committee (Inkorporeringsudvalget) appointed on 9 July 1999 by the Ministry of Justice to examine the benefits and drawbacks of incorporating the general human rights conventions into Danish law completed its work in October 2001. On 1 November 2001, the Committee submitted its report, No. 1407, on the incorporation of human rights conventions into Danish law. The Committee reviewed six fundamental United Nations conventions on human rights, including the Convention on the Rights of the Child.

15. The Incorporation Committee emphasized that also conventions that are not implemented separately into Danish law, because the Danish rules have been found to be in harmony with the Convention, can be invoked before and applied by Danish courts and other judicial authorities. Thus non-incorporated conventions are also a relevant source of law applied by the Danish courts. Legal practice in the past shows that Danish law is interpreted and applied in the light of the United Nations conventions on human rights, including the Convention on the Rights of the Child. Thus, the Incorporation Committee referred to five rulings in which the latter convention was invoked or applied by Danish courts.

16. The Incorporation Committee agreed that the Convention on the Rights of the Child should be considered a “central instrument” for the protection of human rights based on considerations of principle as well as the fact that the Convention has won very wide international accession. However, the Committee has not been in a position to recommend at this point that the Convention on the Rights of the Child be incorporated into Danish law. The reason is that, initially, incorporation should only include a limited number of conventions in order to provide a basis for obtaining continuous experience in applying the incorporated conventions. In this context, the Committee finds that the International Covenant on Civil and Political Rights with the associated optional protocols, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment should be given first priority.

17. The Committee has emphasized, *inter alia*, that at the present time access to deal with individual communications has not been established in relation to CRC, and that the Committee on the Rights of the Child - according to the information available to the Committee - has not yet adopted general recommendations concerning the substantive rights of the Convention.

18. The Incorporation Committee is aware that these circumstances may change over time, so that a sufficient basis for incorporating also this Convention may be established at a later time. This may be the case, for example, if access to deal with individual communications may be established, and if a relevant practice for the interpretation of the Convention is developed in that connection. Other factors may also lead to a changed decision.

19. An English summary of the report of the Incorporation Committee is included in the annex to this report.

20. The Government has not yet adopted a position with regard to the recommendations in the report.

## **2. Denmark’s declaration concerning article 40 (2) (b) (v) of the Convention**

21. Referring to paragraph 5 of Denmark’s second report, it may be reported that a final decision on the question of the implementation of the recommendations of report number 1352/1998 on jury trials before the district courts has not yet been taken. This depends *inter alia* on the outcome of the pending considerations concerning a reform of the organization of the judiciary in Denmark. Furthermore the Standing Committee on Procedural Law (Retsplejerådet) has not yet considered the issue of restricting the right to appeal against rulings of the districts courts in minor criminal cases, *cf.* paragraph 5 of Denmark’s second report.

## **3. International assistance and development cooperation**

22. Danish development assistance has to combat against poverty as its primary objective, and specific activities are to a wide extent aimed at the most disadvantaged groups, including children. The Danish initiatives to promote human rights and democracy include activities for population groups that are especially vulnerable, not least children. In addition, the regard for children’s conditions and rights is included in many development assistance initiatives.



23. As part of its bilateral development cooperation, Denmark is engaged in continuous dialogue with the 15 programme countries on the accession to and compliance with important international human rights conventions. For example, 12 of these countries have now acceded to the Worst Forms of Child Labour Convention, 1999 (No. 182) of the International Labour Organization (ILO). Through a number of specific projects Denmark also contributes to the protection of children's rights and improvement of their conditions in developing countries. One example is the DKr 97 million grant provided in the period 1979-2004 for improving the social and economic conditions of vulnerable groups of children in urban areas in Bangladesh, including working children, street children and child prostitutes. Extensive assistance to children and young persons is provided through the sectoral programmes for education and health, illustrated by the Danish grant of DKr 300 million in the period 1998-2004 aimed to raise education standards in Nepal.

24. Denmark also grants assistance to children and young people through non-governmental organizations. In the period 1998-2002 Denmark granted a total of DKr 365 million towards 110 projects aimed at children and young persons. The funds granted included an amount of DKr 121.5 million to a framework agreement with Save the Children for the period 2001-2004 for the implementation of projects for children with the objective of improving the conditions and rights of vulnerable children. Overall, the projects supported by the Danish Ministry of Foreign Affairs comprise 57 in Africa, 31 in Asia and 20 in Latin America plus two interregional projects.

25. In multilateral development assistance, children's conditions and rights also command high priority. Denmark grants an annual amount of DKr 6 million to the ILO International Programme on the Elimination of Child Labour. The initiatives are related to the ILO Worst Forms of Child Labour Convention, more specifically the combat of child trafficking. In 2002, Denmark also granted DKr 180 million to UNICEF's general budget and DKr 39 million to UNICEF's emergency relief work. In addition, Denmark granted approximately DKr 11 million in 2002 towards UNICEF's work to combat HIV/AIDS and violence against women in South Africa, DKr 10 million to the "Back-to-School" programme in Afghanistan and a number of smaller grants from Danish embassies in developing countries. Finally, Denmark supports the appointment of a number of multilateral advisers, including junior professional officers (JPOs). For several years funds have been earmarked for a Danish-funded adviser to UNICEF's Department for Child Protection in New York.

26. Denmark also supports UNICEF's work through active participation in the meetings of the board of the agency and by influencing the organization at the annual negotiations between Denmark and UNICEF, in which Denmark takes part with high-level officials. In addition, Denmark has many informal contacts, both in the periphery of the above-mentioned meetings and in connection with the specific development cooperation in developing countries. Denmark has also granted support to UNICEF's secretariat function for the preparation and completion of the General Assembly special session on children held in May 2002, which resulted amongst other things in the definition of a number of new goals for restricting child labour.

### **C. Dissemination of knowledge of the Convention (arts. 41 and 42)**

27. Please refer to paragraphs 283-289 in Denmark's second periodic report from 1998.

28. As part of activities to mark the tenth anniversary of the adoption of the Convention on the Rights of the Child, UNICEF Denmark and the Ministry of Social Affairs held a seminar aimed particularly at children on 12 to 14 November 1999. The participants were children aged 12 to 16 years from Denmark, Norway and Sweden, including children whose ethnic origin is in other countries such as refugee children from Somalia and immigrant children from Turkey. The object of the seminar, in addition to marking the tenth anniversary of the Convention, was to raise awareness about the rules of the Convention, to hear children and young people's own views on children's rights, to give them the opportunity of discussing the issue with other children and young people and inspire and motivate them to continue working with children's rights in their local community and empower them to act as advocates of children's rights. In conjunction with the seminar a report entitled "All children should have good conditions" was published.

29. The dissemination of knowledge of the Convention is a continuous process, and it has high priority in the work of the National Council for Children (Børnerådet). In this context, the Council issues publications and holds conferences. To disseminate knowledge of the Convention at local authority level, the Council for Children has initiated a project described in the inspiration book "A step ahead - On the UN Child Convention in local authorities" (December 2000). In addition the Council has published the book "The Child Convention in Denmark" (November 2001).

30. Knowledge of the Convention on the Rights of the Child is also disseminated through school education. The Danish Union of Teachers, the Centre for Human Rights as well as the Danish Association for International Cooperation publish education material dealing with human rights, including the Convention on the Rights of the Child. The executive orders on teachers' and pre-school teachers' education programmes are framework orders, which means that the specific content of the programmes is defined by the particular colleges. There is hardly any doubt, however, that general information about international conventions is included in their education. Currently, the Council for Children is conducting a study in cooperation with a college of social and pre-school education on how to strengthen focus on the Convention in education programmes.

### **D. Preparation of reports to the Committee on the Rights of the Child (art. 44)**

31. Denmark's third periodic report to the Committee on the Rights of the Child was prepared by the Ministry of Justice receiving input from the Ministry of Employment, the Ministry of the Interior and Health, the Ministry of Culture, the Ministry of Refugee, Immigration and Integration Affairs, the Ministry of Social Affairs, the Ministry of Foreign Affairs and the Ministry of Education. In addition, the Greenland Home Rule Authorities contributed information to chapter X of the report concerning Greenland, see section I.B above.

32. For the purpose of the preparation of the report information and views have also been obtained from a number of non-governmental organizations with special expertise in the areas reviewed in the report. The input thus obtained has subsequently been integrated into the information provided by the particular ministries.

33. The report is available in Danish and English, and the sections concerning Greenland will also be available in the Greenland language.

#### **E. Observations of the Committee on the Rights of the Child (art. 44)**

34. According to article 45 (d) of the Convention on the Rights of the Child, the Committee on the Rights of the Child may present suggestions and general recommendations on the basis of the periodic reports submitted by the States parties. The following paragraphs deal with the suggestions and recommendations presented by the Committee against the background of its review of Denmark's second periodic report from 1998.<sup>1</sup>

35. Information on the situation of children in Greenland and the Faeroe Islands (paras. 10-11): the Convention on the Rights of the Child applies to Greenland and the Faeroe Islands, and this report therefore also reviews the situation of children in these regions in that a chapter concerning the Faeroe Islands is in preparation and will be transmitted to the Committee as soon as possible (cf. section I.B above).

36. Reservation to article 40 (2) (b) (v) of the Convention (paras. 1-13): please refer to section II.B.2 above.

37. Legal status of the Convention on the Rights of the Child in domestic law (paras. 14-15): please refer to section II.B.1 above.

38. Denmark's accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (paras. 16-17): Denmark has not signed or ratified the international Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, in part because a number of the provisions in the Convention appear incompatible with the Danish Immigration Act (*Udlændingeloven*), and also because it would be difficult to harmonize certain provisions of the Convention with fundamental rules of Danish criminal law and administration of justice. It is thus incompatible with the provisions of the Danish Administration of Justice Act regarding resumption of criminal cases when article 18 (7) of the Convention provides that a concluded criminal case against a migrating worker may not be resumed. It is furthermore not compatible with general principles in Danish criminal law regarding mitigation of sentence that in accordance with article 19 (2), a special provision regarding mitigation of sentence must be applied in criminal cases against migrating workers.

39. Incorporation of the Convention into children's policies and programmes and the elaboration of a comprehensive strategy for children based on the Convention on the Rights of the Child (para. 18): it may be reported that when taking office in November 2001 the present Government decided to discontinue the Government's Child Committee (Regeringens Børneudvalg) and the committee of civil servants operating in parallel with it, called the Inter-ministerial Child Committee (Det Tværministerielle Børneudvalg).

40. The inter-ministerial cooperation in the child area is naturally continued, but in a form that reflects the specific tasks at hand to a higher degree. One example is the effort to eradicate negative social legacy and promote social mobility in Denmark, for which the Government has decided to appoint a committee of ministers, which will present a long-term strategy for the area in June 2003.

41. In this context, social legacy is interpreted in a very broad sense as the influence on behaviour, knowledge, attitudes, values and action competencies that can be traced back to the family in which a child grew up and the social and cultural environment in which the child grew up. The concept thus includes both influence in a narrow sense of parents on children and influence in a broader sense emanating from a certain childhood environment. In addition to its appointment of the mentioned committee of ministers, the Government has launched a number of specific initiatives to quickly strengthen measures against negative social legacy.

42. Thus, an initiative is launched to improve schooling at facilities in which children are placed in care and introduce homework assistance programmes in regular schools, and to establish "children's houses" designed to function as professional networks for children in particularly vulnerable families. These houses provide facilities where children can live and still maintain ties to their local community in cases where their parents may be in hospital or in prison. In February 2003, the Government granted DKr 140 million to projects for socially excluded people and their children. These projects are designed to benefit the homeless, drug abusers, persons who are mentally ill, alcohol abusers and prostitutes.

43. Data collection and development of indicators in the child area (paras. 20-21): Statistics Denmark (Danmarks Statistik) has established a child database in cooperation with the Ministry of Social Affairs. It comprises the entire population and is organized with the child as the main data unit. The database provides a possibility to make cross-sectional analyses and progression analyses aimed to illustrate children's living conditions in particular. On the basis of the child database and a number of specialized studies, a statistical survey of children's living conditions in Denmark has been compiled. In addition, the Ministry of Social Affairs has launched a project aimed at developing a number of indicators, including data in the areas of day-care services and care placements.

44. The Department of Private Law (Civilretsdirektoratet) collects information about access rights and child expert counselling, publishing an annual statistical report. The statistical reports for the period 1997-2001 presented an overview of the principal lines in the access practice developed and child expert counselling provided by county government offices. The reports include information on the extent to which parents in access proceedings achieved full or partial agreement on parental access, cases that resulted in rejection of access rights, the hearing of children in access proceedings and the extent of the access granted. In addition, the reports include information on the rulings of the Department of Private Law in appeals against decisions made by the county governors' offices in cases of access.

45. In respect of child expert counselling - and since 2001 also mediation - the reports include information particularly on whether parents reached agreement after counselling or mediation on all or some of the issues that were the subject of counselling or mediation, or whether the parents' disagreement was mitigated.

46. In the area of parental access, the Directorate has collected more specific information about county government practice for 2002 in matters concerned with granting access over the opposition of the parent with whom the child lives, as well as rejection of access rights. In addition, a separate statistical study is conducted to illustrate the extent to which children are heard in access proceedings.

47. The Department of Private Law also compiles statistics of child abduction cases according to the Hague Convention on the Civil Aspects of International Child Abduction of 25 October 1980, including the total number of cases, the number of cases that were brought to a decision and the outcome of decisions.

48. In addition, the Directorate is responsible for entering Danish judgements on child abductions into the International Abduction Database (INCADAT), established in 2000 by the Permanent Bureau of the Hague Conference for the purpose of making the rulings of national courts on the return of children under the Hague Convention public and accessible.

49. Data are also compiled on an ongoing basis for the area of adoption. The Adoption Board (Adoptionsnævnet) collects information about all intercountry adoptions and publishes statistics on an annual basis. In addition, the Department of Private Law keeps records of all adoption grants issued. After separation of personal data that have to be removed, these records may form the basis of the preparation of statistics, including the number of Danish and intercountry adoptions.

50. Establishment of a special complaints mechanism for children (paras. 22-23): it is currently being considered whether there is a need to change children's individual access to complaints mechanisms. However, it has not yet been found necessary to establish an independent complaints body. One of the reasons is that Denmark has numerous good care measures, and there is well-developed supervision of these measures. It is important, however, to consider the recommendation of the Committee on the Rights of the Child very thoroughly, and also to assess how children's complaints are dealt with in practice and whether children have knowledge of how to lodge complaints. The Ministry of Social Affairs will involve the National Council for Children in cooperation to obtain more information on these conditions. Based on this information it will be assessed if there is a need to change the situation relating to children's individual access to means of complaints.

51. Dissemination of knowledge of the Convention on the Rights of the Child (paras. 24-25): please refer to section II.C above.

52. Measures to prevent de facto discrimination and xenophobia directed at children of ethnic minorities (paras. 26-27): please refer to sections IV.A and IX.H.

53. Implementation of the general principle of the best interests of the child (paras. 28-29): please refer to section IV.B and section V.F.3, reporting that the Ministry of Justice has launched an independent study of the rules and practice applied in the area of access rights.

54. Right of the child to be heard and respect for the opinion of children below the age of 12 years (paras. 30-31): please refer to section IV.D.

55. Assistance to single parents and ethnic minority families (paras. 32-35): please refer to section VI.J concerning maintenance payments and the consideration given to changing the rules on such payments, and section VI.B.5 concerning parental education for new immigrants.

56. Child abuse (paras. 34-35): please refer to section IX.D.

57. In respect of the collection of data concerning sexual abuse of children, it was not possible previously to compile a precise statement of the number of cases of sexual abuse reported to the police. It was only possible to compile the number of cases concerning legal rules that deal directly with crimes against children. The Research Policy Committee of the Ministry of Justice (Justitsministeriets Forskningspolitiske Udvalg) and the police have decided, however, that from the beginning of 2001 the age and gender of victims of crimes against the person such as assault and sexual offences have to be included in current crime statistics. This addition to national crime statistics will help to provide a better picture of the number of sexual offences against children reported to the police in Denmark.

58. Efforts to address adolescent physical and mental health problems (paras. 36-37): please refer to section VII.B.

59. Bullying in schools and protection of children from abuse, including sexual abuse, in day care and other institutions (paras. 36-37): with respect to the struggle against bullying in schools, please refer to section VI.F.2.

60. With a view to preventing persons convicted of crimes against children from finding employment in day care and other institutions for children, Executive Order No. 218 of 27 March 2001 on the Processing of Personal Data in the Central Criminal Records granted permission to the police - upon request, for the purpose of employment or occupation of persons who will have direct contact with children below 15 years in their employment or occupation - to disclose information on whether a person has previously been sentenced for sexual abuse, including indecent exposure, in relation to a child below the age of 15 years. The disclosure by the police of information from the Criminal Records is subject to the written consent of the person with whom the information is concerned.

61. Furthermore, the action plan to combat sexual abuse of children mentioned in section IX.D.3 includes considerations on a prospective revision of the Ministry of Justice Circular No. 36 of 18 February 1996, on the reporting of criminal proceedings against employees in government service. This circular includes guidelines for disclosure by the police of criminal cases against public employees, enabling the Director of Public Prosecutions, in cases where a criminal case may have implications for an employment relationship, to inform the employing authority of the case. In connection with the action plan, it will be considered whether the circular should grant permission to the police or the prosecution service to inform private entities about criminal cases and, in addition, whether such disclosure of information should be considered justified in the particular case under the current rules on confidentiality.

62. Detention of children and young persons (paras. 40-41): in recent years, measures to deal with criminal and crime-prone adolescents have attracted increasing attention. Thus, in the autumn of 2000 it emerged that, due to an insufficient number of places in social institutions, young offenders had to be detained in local prisons, while in other cases society's reaction to

juvenile crime appeared to be inadequate. Against this background funds were allocated for accelerated and strengthened expansion of both secure and open detention places in social institutions. In addition, steps were taken to introduce a special youth sanction, by which the courts will be able to determine the framework of a two-year structured social care programme, aimed to give young offenders a better foundation for handling themselves in society without crime in future; see also section IX.G.2.

63. Measures against child pornography (paras. 42-43): by Act No. 441 of 31 May 2000 to amend the Criminal Code and the Administration of Justice Act (limitation of time, reinforced efforts to prevent sexual abuse of children and young persons and IT investigations) the measures to combat sexual abuse of children and young persons were strengthened. Please refer to section IX.D.1.

64. In respect of measures to combat child pornography it should be noted, in addition, that 14 police officers have taken a special training programme as IT investigators, enabling them to investigate Internet-related crime such as child pornography, hacking and fraud related to e-commerce, for example. The IT investigators are placed in several police districts and at the office of the National Commissioner of Police (Rigspolitichefen). It is a requirement that the specially trained police officers should have IT investigation as their primary responsibility and, if required, assist with IT-related investigation in all police districts of the country. The National Commissioner of Police has indicated to the Ministry of Justice that he will constantly ensure that a number of specially trained police officers are available for the investigation of cases concerning sexual abuse of children.

65. Finally, it should be noted that the interviewing of child victims of sexual offences has been conducted by specially trained police officers since December 2001. These police officers have experience in interviewing children and must continuously take special courses on interviewing children in cases involving sexual offences. This will ensure that the officers have the special and necessary insight and experience in interviewing children, which may be decisive for the way an interview proceeds and the child's perception of it.

66. Care and rehabilitation of child victims of abuse or exploitation (para. 43): please refer to section VI.K.

67. Support to criminal and other maladjusted young persons and support to their families (paras. 44-45): the experience gained to date from occupational initiatives for vulnerable young people has been collected and communicated along with similar experience from family courses for parents with difficulties in handling the upbringing of their children. In addition, measures aimed at children aged 12 to 15 years will to a greater extent use conflict-resolution and mediation boards. It has also been pointed out to local authorities that they have a duty to prepare a care plan as soon as possible when a young person has committed a violent or other serious crime. For such care plans please refer to section VI.C.2.

68. Ratification of the two Optional Protocols to the Convention on the Rights of the Child (paras. 46-47): please refer to section II.A.

69. Dissemination of the reports to the Committee on the Rights of the Child (para. 48): Denmark's second periodic report, submitted in 1998, which is available in Danish and English, was sent to the Parliamentary Legal Committee (Folketingets Retsudvalg) when it was published in order to ensure that it would be considered in the general political debate, as well as made accessible to the public via the Internet. Denmark's third periodic report will also be sent to the Parliamentary Legal Committee when published, and be made accessible on the Internet and sent to the non-governmental organizations that have provided information and views, as mentioned in section II.D, in connection with the preparation of the report.

### **III. DEFINITION OF THE CHILD (art. 1)**

70. Pursuant to article 1 of the Convention on the Rights of the Child, the Convention's definition of a child is basically every human being up to the age of 18 years. In line with article 1, Danish legislation includes a number of provisions that set age limits in various contexts for the persons who need the special protection and care that should be the right of a child. In this respect please refer to Denmark's first periodic report of 1993, section III. However, during the reporting period certain legislative changes in a number of areas have been introduced. They are described below.

#### **A. Consent to medical treatment**

71. According to Act No. 482 of 1 July 1998 on the Legal Rights of Patients (*Lov om patienters retsstilling*), patients who have turned 15 years may themselves give informed consent to treatment. The holder of custody must however receive the same information and otherwise be involved in the decision made by the child. This right of independent decision applies, however, only in the cases where a patient aged 15 years is capable of understanding the consequences of his or her decision. If this is not the case, the holder of custody must give consent, in order to protect the best interests of the child.

72. For children below the age of 15 years the holder of custody has to give consent to treatment. However, the child must be involved in the decision procedure as much as possible concerning his or her own situation, adjusted to the child's maturity and situation in general. The rules on patient treatment are thus intended to ensure balance between the child's own right to decide and the parents' obligations of care.

73. In respect of complaints about treatment lodged with the Patient Complaints Board (Patientklagenævnet), these provisions follow the rules set out in the Act on the Legal Rights of Patients, so that a child who has attained the age of 15 years can lodge his or her own complaint. In other cases, complaints are subject to the general principles of Danish law on parents' duty to protect the best interests of the child.

#### **B. Admission to employment or work**

74. On 22 June 1996, Act No. 458 of 12 June 1996 to amend the Working Environment Act (*Lov om arbejdsmiljø*) (on young persons' work) came into force. According to this act, the general age limit for the admission to occupational work was raised from 10 to 13 years (see section IX.B). In addition, please refer to section IX.D.1 concerning the extension of the



punishable area for using young persons in connection with pornographic performance, which contributes to implementing ILO Convention No. 182 of 1999 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

### **C. Access to alcohol**

75. By Act No. 411 of 26 June 1998 to amend the Act on Measures to Combat Alcohol Abuse (prohibition of retail sale of alcohol to children below 15 years of age) it was made prohibited, with effect from 1 July 1998, to sell alcoholic beverages to children below 15 years from outlets carrying on retail sale. Please refer also to section VII.B.1.

## **IV. GENERAL PRINCIPLES (arts. 2, 3, 6 and 12)**

76. The Convention on the Rights of the Child includes a number of general principles which should be observed in all matters concerning the child, including the principle of non-discrimination, the principle of the child's best interests, the principle of the child's right to life and the principle of respect for the child's views. In the reporting period several measures have been implemented to further consolidate the status of these general principles in Danish legislation.

### **A. Non-discrimination (art. 2)**

77. Please refer to section IV.A of Denmark's initial report. In respect of equal opportunities for physically and mentally disabled children, see also section VII.A of this present report. In addition, the Danish Government tabled a bill in January 2003 concerned with ethnic equality. The bill, which is intended to strengthen the protection from discrimination and promote equality for all irrespective of their race or ethnic origin, was adopted by the Danish Parliament (Folketinget) on 20 May 2003.

78. The Act on Ethnic Equality (*Lov om etnisk ligestilling*) includes, firstly, a prohibition against direct and indirect discrimination based on race or ethnic origin and a prohibition of harassment and instructions to discriminate. Secondly, with a view to efficient implementation of the principle of equality, the Act includes provisions on a split of the burden of proof and a prohibition of reprisals. Thus, the principle of a split burden of proof means that the burden of proof rests with the opposite party when facts are evidenced that give rise to assume that direct or indirect discrimination has been exercised.

79. In addition, access to compensation has been introduced, so that any violation of the prohibition of discrimination and reprisals will mean, basically, that financial compensation has to be awarded to the victim of discrimination. Finally, the Institute of Human Rights (Institut for Menneskerettigheder) may hear complaints about violation of the prohibition against discrimination based on race or ethnic origin and violation of the prohibition of reprisals. The Institute may express its opinion as to whether, in a specific case, these prohibitions have been violated, and the Institute may recommend granting free legal aid. Any natural person is protected by the prohibition of discrimination set out in the Act, including children and young persons. The Act on Ethnic Equality came into force on 1 July 2003.

80. As a follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in South Africa in September 2001, whose final declaration recommends that States establish and implement national policies and action plans to combat racism, the Danish Government will also present an action plan for promotion of equal treatment, diversity and the fight against racism. The objective of the action plan is to follow up on and complement existing legislation that prohibits discrimination based on race or ethnic origin.

81. In respect of the general criminal law protection from racist statements, please refer to Denmark's second periodic report of 1998, paragraphs 17 and 18. In addition, it may be reported that, in the period from 1995 to March 2003, charges were raised in a total of 38 cases of violation of section 266b of the Criminal Code, of which 23 cases resulted in conviction and 6 cases in acquittal. Eight cases have not been finally settled, and one case has been transferred to another country for trial. Charges were withdrawn in 32 cases. In practice, some of the victims of violation of section 266b were children and young persons.

## **B. The child's best interests shall be a primary consideration (art. 3)**

### **1. Protection of the child's interests in criminal justice**

82. The principle of the best interests of the child is a general principle in Danish law, and the child's interests must therefore be protected in all proceedings and measures within criminal law and criminal procedure. In connection with police investigations of criminal cases in which a child or a young person has been accused or charged, or a child is the victim, the protection of the child's interests must thus always be reviewed before the police take investigative action such as interrogation, video recording and pre-trial detention. Also, when the courts are hearing cases in which a child or young person is involved, the proceedings have to be planned with the greatest possible consideration of the interests of the child or young person. In particular, pre-trial detention, including solitary confinement, is subject, as described in section IX.G.1, to very detailed rules on how the child or young person's interests have to be protected.

### **2. Protection of the child's interests in family law**

83. The consideration of the best interests of the child has for many years been the fundamental principle of legislation in the area of family law in Denmark and is thus the paramount criterion when the authorities make decisions on custody, access rights and adoption.

#### **(a) Custody**

84. After the Children Act (*Børneloven*) was adopted (see more specifically section V.A), it is now the general principle that parents have joint custody. This applies to married parents as well as unmarried parents. Thus, unmarried parents are automatically given joint custody, if they declare in writing that they intend to care and take responsibility for the child together under the rules of the Children Act to this effect compared to section 5 of the Act on Custody and Access (*Lov om forældremyndighed og samvær*).

85. In general, please refer to Denmark's initial report of 1993, section VI.B concerning the rules on joint custody and the determination of custody upon separation or divorce. However, after amendments to the Act on Custody and Access, which took effect on 1 January 2002, joint custody will now also continue after separation or divorce, unless one of the parents demands its cancellation. If the joint custody has to be discontinued, the parents may agree subject to approval from the county government which of them has to hold sole parental rights as set out in section 9 (1) of the Act on Custody and Access. The agreement will be approved unless it is contrary to the best interests of the child. In case the parents disagree, or approval of their agreement is rejected, the court will decide, taking particular account of the best interests of the child, which of the parents should be given sole custody according to section 9 (2) of the Act.

**(b) Access**

86. The general purpose of the access rules is to ensure, in conformity with section 16 of the Act on Custody and Access, that the child will have contact with the parent who does not live with the child. The basic principle of the Act is that it is considered best for the child to have contact with both parents, and therefore access rights will usually be granted.

87. Where parents cannot reach agreement on access, the county government decides the scope and realization of access rights according to section 17 of the Act, and may fix the necessary conditions in connection with access. The decision will take account of the best interests of the child. In particular, the child's age, the child's previous relations with the applicant and the distance between the parents' homes will be taken into consideration. According to section 17 (2) of the Act, the county government may alter an agreement or decision on access if due to changed conditions such an alteration is in the best interests of the child. Finally, according to section 17 (3) of the Act, the county government may refuse access rights or cancel an agreement or decision on access if required to protect the interests of the child.

**(c) Adoption**

88. By its accession to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption of 1993, Denmark has undertaken to ensure that intercountry adoptions are carried through in cooperation between the authorities of the receiving State and the State of the child's origin and establish guarantees to ensure that any adoption will be in the child's best interests. By its accession to the Convention of 1993 Denmark has thus conformed to the principles for adoption set out in article 21 of the Convention on the Rights of the Child. For a description of specific measures in the area of adoption please refer to section VI.H.

**3. Protection of the child's interests in the social welfare area**

89. By an amendment to the Social Services Act (*Lov om social service*), which entered into force on 1 January 2001, it was emphasized that when applying the provisions of the Act on special support to children and young persons, including placement in care, the social authorities must ensure as a primary consideration that the support is provided on the basis of the best interests of the child or young person. Weight shall be attached to giving the child or young

person stable and good contact with adults and continuity in the child's life, so that repeated placements and similar interruptions are avoided. If the parents' interests and the consideration for the best interests of the child are conflicting, the new wording of the provisions prescribes that the overriding criterion must be providing support that takes account of the best interests of the child or young person. Thus, the consideration of the best interests of the child must carry greater weight than the consideration of the parents.

90. In respect of the rules on special support to children and young persons, including placement in care, please also refer to sections IV.D.5, VI.A.1 and VI.G.

#### **4. Procedures concerned with unaccompanied asylum-seeking children**

91. Please refer to section IX.A in respect of the protection of the child's interests in the processing of cases concerned with unaccompanied children who seek asylum.

#### **C. The child's right to life (art. 6)**

92. Efforts in this area in the reporting period have particularly been concentrated on the prevention of suicide among children and adolescents. The suicide rate in Denmark has been declining, however, from 30 suicides per 100,000 inhabitants in 1980 to 14 per 100,000 inhabitants in 1999. In 1998, 16 boys and four girls aged 15-19 years committed suicide, corresponding to 1.8 suicides per 100,000 inhabitants in this age group. In the county of Funen, the only county in Denmark that has systematic registration of attempted suicide, the number of young persons aged 15-19 years who attempted suicide in 2000 was 82; 66 of them were girls. During the 1990s the county registered a three- to fourfold increase in the number of attempted suicides among girls aged 15-19 years. The population in the county of Funen represents about 10 per cent of the total population of Denmark.

93. The steps taken to prevent suicide and attempted suicide are based on a proposed action plan for the prevention of suicide and attempted suicide in Denmark published by the National Board of Health (Sundhedsstyrelsen) in 1998. The strategies recommended by the action plan are aimed to ensure measures at the central, regional and local authority levels as well as by non-government organizations. To follow up on the proposed action plan, a reference group was appointed in 1999 for a term of five years, consisting of representatives of a number of authorities and organizations involved in efforts to prevent suicide. The specific measures are handled jointly by the Ministry of Social Affairs and the Ministry of the Interior and Health. The reference group, which has a coordinating and advisory function, has to contribute to strengthened cooperation between the sectors involved.

#### **D. Respect for the views of the child (art. 12)**

94. In order to further expand the realization of the principle that administrative as well as judicial decisions concerning children have to be made taking account as far as possible of the child's own views, several legislative initiatives have been taken in the reporting period in the area of family law and immigration law as well as in social legislation.

### **1. Respect for the child's views in matters of custody and access**

95. According to section 29 of the Act on Custody and Access, an interview with the child has to take place where the child has turned 12 years of age before custody or access proceedings are decided. The interview may, however, be omitted if it is assumed to be detrimental to the child or without any importance for the decision of the case.

96. Primarily to take account of the principle of a child's right to be heard, as set out in article 12 of the Convention on the Rights of the Child, a new provision was inserted in section 29 (2) of the Act on Custody and Access with effect from 1 January 2002, according to which an interview must also be conducted if the child is below the age of 12 years, where the child's maturity and the general circumstances of the case warrant such an interview. Even before this provision was inserted, however, it was a general assumption in access proceedings that the age limit of 12 years was not absolute. If the child was below the age of 12 years but able to form his or her own views, an indication of the child's views on the proposed access rights had to be taken into account to the extent that this was warranted by the child's maturity and the circumstances of the case.

97. The extent to which the circumstances of the case will require hearing of the child may depend on the complexity of the issues to be decided. A child will, for example, be able to decide on more simple issues already at a quite young age, such as the time when the child has to be picked up for access, access during holiday periods and access on Christmas Eve, but not issues with more far-reaching consequences, for example the question of whether access should be cancelled. The views that the child may express at an interview will be taken into consideration to the widest extent possible.

### **2. Respect for the child's views in matters of adoption**

98. Please refer to Denmark's initial report of 1993, section VI.G, stating that a child who has turned 12 years basically has to give consent to being adopted.

99. In addition, it was indicated in Denmark's second periodic report of 1998, paragraphs 173-175, that a proposal to amend the Adoption Act on hearing the child in any cancellation of an adoption relationship was expected to be put before Parliament at a later time. The bill was re-presented to Parliament on 8 October 1998, and the amended act came into force on 1 January 2000 in respect of the mentioned amendment. According to the amendment, the adoption relationship cannot be cancelled without the child's consent if the child has turned 12 years. Where the child is below the age of 12 years, the child's views on the proposed cancellation of the adoption relationship have to be heard to the extent that the child's maturity and the circumstances of the case makes it justified. In the decision, the child's views on the proposed cancellation of the adoption relationship must be taken into consideration to the widest possible extent.

### **3. Respect for the child's views in granting Danish nationality**

100. In July 2000, in accordance with the existing administrative practice, a blank was inserted in the form used for application for Danish nationality by naturalization, so that a child of an applicant, provided the child is old enough to have views on his or her own nationality,

may indicate whether he or she wants to be included by the parents' application for Danish nationality. In all cases the weight that will be attached to such an indication in the processing of the application will depend on a specific assessment. However, a child who has turned 12 years must as a general rule give his or her consent in order to be covered by the application.

#### **4. Respect for the child's views in the appointment of representatives for unaccompanied asylum-seeking children**

101. By Act No. 60 of 29 January 2003 amending the Aliens Act and the Integration Act (Proceedings concerning unaccompanied minor asylum-seekers) a scheme was introduced for appointment of a representative for unaccompanied minor asylum-seekers while their case is processed. Refer also to section IX.A. Thus, it is provided in section 56a (2) of the Aliens Act that if an unaccompanied minor asylum-seeker has turned 12 years, an interview must be conducted with the child before the decision is made to appoint a representative. If the child is below 12 years, an interview must also take place if the child's maturity and the circumstances of the case make it justified. For both age groups the interview may, however, be omitted if it is assumed to be detrimental to the child or without any importance for the case. This question is decided by the county governor's office, which will also appoint the representative.

#### **5. Respect for the child's views in matters of special support under the Social Services Act**

102. According to an amendment to the Social Services Act taking effect on 1 July 2003, all children and young persons must be heard and involved in matters of special support to children and young persons under the Social Services Act, unless considering the child's maturity or the nature of the case it is contrary to the interests of the child. The interview with the child must be a natural part of the proceedings, and the main objective is to give the local authority first-hand knowledge of the child concerned. Thus, the local authority has a specific duty to always take into account that the child or young person must be heard, and the holder of custody cannot oppose an interview offered to the child by the local authority. The child or young person's views on the case must be given paramount weight in the choice of measure. The particular child or young person will still be allowed to refuse to present his or her views on the case.

103. It should be noted that, particularly in respect of young children, it is important not to expose the child to situations which the child cannot understand or in which the child has no background to make a decision. In a few situations the child will thus not be heard due to the child's maturity or the nature of the case. In such cases, it has to be assessed specifically whether the hearing of the child or young person is significantly contrary to the interests of the child or young person. In this assessment it should not be considered whether hearing the child or young person is "of any use", but exclusively whether the child's situation makes it advisable to refrain from hearing and involving the child.

104. In order to ensure that more children and young persons are heard in a qualified and respectful manner in the decision process, the Government has allocated funds of Dkr 60 million over a four-year period at the time when the Act was changed, earmarked for the implementation of this part of the Act, including continuing education of staff and

development of case work methods. The continuing education initiative is aimed, firstly, to present caseworkers with a variety of methods for interviewing children and young persons and, secondly, to spell out the benefits of involving the child or young person in the decision of the case.

#### **6. Respect for the child's views in paternity cases**

105. Paternity cases are usually decided immediately after a child's birth, and it is therefore rarely relevant to take account of the child's views. It does happen in certain cases, however, that the issue of resumption of a paternity case arises at a later point.

106. In the event of a request to resume a paternity case, because there has been an error in the registration of paternity, or because information has emerged about circumstances that are assumed to give the case a different outcome, the request must in principle be made within three years after the child's birth. This time limit may be suspended in special cases. If the child has turned 12 years, a case may in principle only be resumed after the child has heard about it. If the child has not turned 12 years it will depend on a specific assessment of the child's maturity, etc. whether an interview should be held. Consent from the child is not a condition for resumption, but - depending on the child's maturity and other circumstances - any views expressed by the child are required to carry considerable weight.

#### **V. CIVIL AND POLITICAL RIGHTS (arts. 7, 8, 13-17 and 37 (a))**

107. The following paragraphs describe the measures and legislative action taken in the reporting period in respect of children's enjoyment of the civil and political rights secured by the Convention on the Rights of the Child.

##### **A. The child's right to identity, including nationality, a name and family relations (art. 7)**

108. Please refer to Denmark's initial report of 1993, section V.A; new rules for the processing of paternity cases have been introduced, however. The Children Act (Act No. 460 of 7 June 2001), which entered into force on 1 July 2002, thus means a complete revision of the paternity rules. One of the sustaining principles of the Act is the desire to give married and unmarried parents equal status in relation to their children. In addition, the Act is aimed to implement a more modern and smooth processing of paternity cases.

109. After the Children Act has entered into force, unmarried parents may, like married parents, have the paternity registered in connection with a child's birth, without paternity proceedings being conducted before the county governor's office. This is done by a declaration by the child's mother and the man who wants his paternity registered, given in connection with the notification of the child's birth to the registrar of births (the civil registrar) to the effect that they intend to share the care and responsibility for the child. Unmarried parents thereby also obtain joint custody. The same applies if unmarried parents issue a care and responsibility declaration to the county governor's office, or in rare cases to the court, before or after the child's birth.

110. If the paternity has not been registered in connection with a child's birth, the case must always be dealt with by the county government, and when informed of the child's birth the governor will ask the mother to report the name of the father of the child. The county governor's office may recommend to the parties to the case, including a man who is or may be the child's father according to information given by the mother or a man who wants his paternity tried, to take part in forensic genetic examinations. Based on these examinations the county government may conclude the case by recognition of the paternity.

111. If paternity is not recognized or the county governor's office is concerned about accepting the recognition of it, the case must be passed on to the court. In addition, the case has to be brought before the court if requested by one of the parties. It may happen that no information about the identity of the father or possible father of the child can be provided. In these, presumably few, events the case has to be shelved. The mother's obligation to disclose the identity of the father or possible father of the child has been tightened and can now only be disregarded in the cases stated expressly in the Act. Thus, the county governor's office can no longer grant exemptions from the duty of disclosure based on a discretionary assessment.

112. A man who has had sexual intercourse with the mother during the period of conception has obtained the right, after the Children Act entered into force, under certain specified circumstances to have examinations carried out to prove whether he is the father of the child. If the mother's spouse is registered as the father of the child, or if the paternity has been registered on the basis of a care and responsibility declaration, the paternity may only be tested at the request of a man who was married to the mother without being separated or lived in a permanent relationship with her during the period of conception. A request for a paternity test has to be submitted within six months after the child's birth, unless paternity proceedings are pending at the time of the request. The county governor's office may deny a request to have paternity determined if the child was conceived by a punishable offence and the determination of the paternity will be seriously contrary to the interests of the child.

113. The Children Act also includes rules on paternity and maternity in artificial fertilization, the paternity law status of sperm donors and a prohibition of agreements on surrogate motherhood.

**B. The child's right to retain identity, including nationality,  
a name and family relations (art. 8)**

114. Please refer to Denmark's initial report of 1993, section V.B, and to section VI.E of this present report concerning the prevention of the abduction of children. It may be reported, in addition, that a provision was inserted into the Danish Nationality Act (*Indfødsretsloven*) by Act No. 193 of 5 April 2002, according to which anyone who has acquired Danish nationality by fraudulent conduct, including by intentionally giving incorrect or misleading information or suppressing relevant information, may be deprived of the nationality by court order if the conduct exhibited was decisive to such acquisition. The preparatory instruments to this provision show for example that the possibility of depriving a citizen of his nationality due to fraudulent conduct includes anyone with Danish nationality. The provision will not have any real practical importance, however, in respect of persons who acquired Danish nationality at birth and persons who acquired nationality through legitimization or adoption. In practice,



the provision will thus mainly concern persons who acquired Danish nationality by declaration or by naturalization. It is also stated expressly in the preparatory instrument that the provision has been worded to ensure that only the fraudulent person may be deprived of his or her nationality. The person's children below the age of 18 years who acquired Danish nationality through the person concerned may not be deprived of their nationality according to the provision.

### **C. Freedom of expression (art. 13)**

115. Please refer to Denmark's initial report, section V.C and section VIII.C of the present report concerning child culture. In the reporting period a variety of initiatives have been taken to involve children in the overall political decision process, also as a follow-up to the World Summit for Children and through the repeated organization of a Youth Parliament under the auspices of the Danish Parliament (*Folketinget*).

#### **1. Follow-up to the World Summit for Children**

116. To follow up on the Summit, held in New York from 8 to 10 May 2002, the Minister of Social Affairs has decided to establish a youth forum. This youth forum aims to include the views of children and young people in connection with initiatives of relevance for children and young people. It is a pilot project running until the end of 2003, when it will be evaluated and possibly continued in future.

#### **2. Youth Parliament 2003**

117. On 3 February 2003, the Danish Parliament held its third session of the Youth Parliament. A total of 176 school pupils from Denmark and Greenland were given the opportunity, after six months of preparations, to discuss and negotiate bills that they had themselves drafted and submitted. A total of 1,267 bills had been submitted by 233 classes of schoolchildren. Two seats in the Parliament had been reserved for pupils from the Faeroe Islands who had not, however, submitted any bills this year. Out of the 12 recommended bills, the Youth Parliament adopted 5, which were presented to Ulla Tørnæs, the Minister of Education, at a concluding reception. The pupils were also given the opportunity to ask questions of nine ministers during the parliamentary question hour. The questions spanned a broad field - from the Iraq war to renovation of the schools in Greenland - illustrating that the pupils were knowledgeable about the society in which they live. With the Youth Parliament, the pupils were given good insight into the political process, and they showed commitment and took an active part in the discussions. The next session of the Youth Parliament will be held in 2005 and involve school pupils from Denmark, the Faeroe Islands and Greenland.

### **D. The child's right to freedom of thought, conscience and religion (art. 14)**

118. Please refer to Denmark's initial report, section V.E.

### **E. The child's right to freedom of association (art. 15)**

119. Please refer to Denmark's initial report, section V.F.

## **F. The child's right to privacy, family and home (art. 16)**

120. Please refer to Denmark's initial report of 1993, section V.G, and, in respect of the child's right to access and contact with the parents during placement in care, please refer to the paragraphs below.

### **1. Access and contact during placement**

121. Parents and children or young persons placed in alternative care have the right to access and contact while the child is placed in care according to the rules contained in the Social Services Act (see also section VI.A below). The right to access is a right for parents and children to visit each other, while the right to contact includes the right to mutual mail and telephone contact and other communication. Maintaining contact with parents is of great importance for the child's or the young person's situation while placed in care, and the local authority is responsible for ensuring that the relations are maintained.

122. If necessary, the local authority has the possibility to make decisions on the scope and exercise of access and contact and may determine specific terms of access and contact. The terms may be concerned with the planning of mutual visits and how mail and telephone contact or other communication has to take place. In determining the terms, particular weight should be attached to the interests of the child or young person and the purpose of the care placement. According to the rules on access and contact it is not possible, however, to fix terms by which the access and contact is restricted to less than once a month, as in that case the access and contact will be considered to be interrupted.

123. The situation relating to care placement may be of such a nature or develop in such a way that it may be necessary to adjust the access by intervening to a greater extent. In such cases the local authority may decide to interrupt the relations or order supervised access or make the child's place of residence anonymous. A decision to interrupt the relations with the child or young person must in all circumstances have been necessitated by consideration for the child's or the young person's health or development.

124. Control of letters and telephone conversations, etc. may only take place when a child or young person stays at a residential institution and it is necessary for the protection of the child's or the young person's health or development. Therefore, such control cannot take place where the child or young person stays at a different place of care, including in a foster family. The child's correspondence with public authorities and lawyers is exempted from control in all circumstances.

### **2. Access and contact with other persons than the parents**

125. Children and young people placed in care need to maintain relations with their previous near environment, which will normally comprise a far broader group of people than their parents. Grandparents, other close relatives, neighbours and other persons in the daily life of the child or young person may thus have had close relations with the child or young person, which it may be of great importance to maintain during care placement. When placing children and young

persons in care, the local authority should therefore take account of these resource persons in the near environment and contribute to maintaining contact between them and the child to the extent found to benefit the child or young person in light of the purpose of the placement.

### **3. Study of access practice**

126. In connection with the reading of the Children Act, the Ministry of Justice decided in the summer of 2001 to commission a study of the rules and practice in the area of access rights, to be conducted by one or more independent researchers. The study consists of two parts. One part, conducted by the National Institute of Social Research (Socialforskningsinstituttet) in cooperation with Associate Professor Ingrid Lund Andersen, Aarhus University, is aimed to illustrate access rules and practice. In connection with the study, the National Institute of Social Research will review a number of access proceedings settled by the Department of Private Law. The Institute expects to complete this part of the study by the end of 2003.

127. The second part of the study has to illustrate the consequences of access for the affected children. This part of the study will be conducted by the National Institute of Social Research on the basis of an ongoing progression study of a large number of children born in 1995. The Institute has estimated that to obtain a sufficiently large database on children covered by various access arrangements, it should await the next data collection in the progression study, which takes place in the course of 2003. This part of the study will therefore not be completed until early 2004.

### **G. The child's access to information (art. 17)**

128. New media, including the Internet and computer games in particular, influence children's access to information. To gain greater insight into children's use of these media, the Media Council for Children and Youth (Medierådet for Børn og Unge) has been asked by the Ministry of Culture to carry out two studies of children's use of the Internet and the influence of computer games on children's development. Based on the results of the studies, the Media Council for Children and Youth will initiate information campaigns addressed to teachers, children and parents. The Council will also prepare a recommended code of conduct for children's use of the Internet. The study of computer games is also planned to form the basis of the Council's recommendations to the Minister for Culture on possible initiatives relating to children's and young people's use of computer games.

129. In respect of the child's access to information about his or her own origin, please refer to section V.A of this report concerning the determination of paternity according to the Children Act. It may also be reported that the child is recognized as a party to cases affecting the child, including adoption and paternity cases, as access to information about biological parents is recognized as an important part of a child's development of identity. The Department of Private Law informs adoptive children on how to search for their biological parents and their possibilities to apply for access to documents in their own adoption case files kept by Danish authorities and agencies.

**H. The child's right to protection from torture and other degrading treatment (art. 37 (a))**

130. Please refer to Denmark's first periodic report from 1993, paragraph V (h).

**VI. THE RIGHT TO FAMILY LIFE AND ALTERNATIVE CARE  
(arts. 5, 18 (1) and (2), 9-11, 19-21, 25, 27 (4) and 39)**

131. As shown in table 1, 24 per cent of all Danish children in 2001 lived with only one of the parents, while 16 per cent of all children lived with only one adult, i.e. with a single parent. Seventy-five per cent of Danish children lived with both parents on 1 January 2001; 4 per cent of all children had only one parent, either because the other had died, or because the child's father was unknown.

**Table 1  
Children shown by family situation at 1 January 2001**

|  | Total | Single parents |
|--|-------|----------------|
| Children living with both parents  | 75%   |                |
| Children living with one parent  |       |                |
| Children with only one parent living with a single father/mother   | 2%    | 2%             |
| Children with only one parent living with a father/mother in a new relationship                            | 2%    |                |
| Children living with a single father/mother while the other parent is single                               | 10%   | 10%            |
| Children living with a single father/mother, with the other parent being in a new relationship             | 4%    | 4%             |
| Children living with a father/mother in a new relationship, with the other parent being single             | 3%    |                |
| Children living with a father/mother in a new relationship with the other parent in a new relationship too | 3%    |                |
| Placed in care   | 1%    |                |
| Children, total  | 100%  | 16%            |

*Source:* Children's living conditions. Statistics Denmark, 2002.

132. Over time, far more children than the 25 per cent who did not live with both parents on 1 January 2001 have experienced family disruptions. It thus appears from table 2 that only 58 per cent of the children who had turned 17 years on 1 January 2001 have had just one family; 51 per cent of them had lived with both parents all their life, 7 per cent had lived

with their mother all their life, while only a single child had lived with the father all his life. The remaining 42 per cent of the children who had turned 17 years on 1 January 2001 had experienced a varying number of family disruptions. Some had had relatively stable conditions and only experienced living in two or three families, as the parents had, for example, parted and then entered a new relationship, or been reunited. The situation of the children who had experienced many family disruptions ranges from children whose parents part and reunite repeatedly to children who experience a new adult moving in or out of the family each time.

**Table 2**  
**17-year-olds shown by family type at age 17 years and**  
**the number of families they have had**

|                    | 1 family | 2 families | 3 families | 4 families | 5 or more | Total |
|--------------------|----------|------------|------------|------------|-----------|-------|
| Single father      | 0%       | 2%         | 1%         | 1%         | 1%        | 4%    |
| Single mother      | 1%       | 7%         | 2%         | 3%         | 2%        | 15%   |
| Father and mother  | 57%      | 2%         | 3%         | 0%         | 1%        | 63%   |
| Father and partner | 0%       | 0%         | 1%         | 0%         | 1%        | 2%    |
| Mother and partner | 0%       | 1%         | 5%         | 1%         | 3%        | 11%   |
| Placed in care     | 0%       | 2%         | 1%         | 1%         | 2%        | 6%    |
| Total              | 58%      | 14%        | 12%        | 6%         | 9%        | 100%  |

*Source:* Children's living conditions. Statistics Denmark, 2002.

**A. Respect for the rights and duties of the child's parents (art. 5)**

133. Please refer to Denmark's initial report of 1993, section VI.A and B. In addition, certain legislative changes have been introduced in the reporting period as a consequence of the adoption of the Social Services Act. For example, the Act covers special support to children and young persons, such as advisory assistance, educational or other support at home, family therapy, financial support and placement in care. The Act prescribes that special support to children and young persons must be granted early and in a coherent manner, so that emerging problems in the child or young person are solved at home or in the near environment as far as possible. It also prescribes that the support in each case must be structured on the basis of a specific assessment of the situation of the particular child or young person and the family.

134. The phrase "near environment" means that the local authority should not rely exclusively on the resources of persons in the home, typically the holders of custody and siblings living at home, but also consider whether other close relatives or connected persons may contribute to solving the problems. They may, for example, be parents who do not share custody, grandparents, uncles, aunts, neighbours, friends, parents of friends, schoolteachers and day-care staff. It is important, however, to remain aware that the involvement of the near environment in the solution of problems may also create conflicts and have adverse consequences for the child or young person.

135. After the change of the rules on special support to children and young persons set out in the Act on Social Services, which took effect on 1 January 2001, local authorities must offer the holder of custody the services of a support person in the event of placement of a child or young person in care. This applies irrespective of whether the child or young person has been placed with or without consent from the family. The support person will be allocated from the time when placement of the child is proposed, as a concrete element of the planned measures. The support person has to engage in discussion with the parents and help them by answering questions about public authorities, with preparing and evaluating meetings and reading and understanding written documents concerning the placement.

136. In addition, the support person may contribute to creating clarification for the parents in relation to the placement and help them improve their parental skills and maintain contact with the child. In addition, the appointment of a support person may make the child experience a lesser degree of conflict between parents and the place of care, because the parents will have someone to talk with about their feelings and frustration about the placement. The support person may also help the parents with a number of other aspects, for example to seek a solution to the problems that originally caused the placement.

#### **Cooperation between county government offices and local authorities**

137. In spring 2002, the Department of Private Law, after discussions with the Ministry of Social Affairs, launched a project to study the possibilities of establishing, improving and intensifying cooperation between county government offices and local authorities, including in custody and access proceedings. A number of custody and access proceedings involve both county government and local authorities, and to help the child and the child's family in the best possible way in the specific situation there may be a need in such cases for an inter-authority effort. So far this type of cooperation between local authorities and county government has not been formalized. The project has to uncover as far as possible whether any barriers of a practical and legal nature prevent optimal cooperation between the authorities involved. The project includes two county government offices, each cooperating with two local authorities in the project period.

138. The practical side of the project was started in August 2002 and is expected to be completed by June 2003. In connection with the project, the county government and local authorities - based on relevant specific access and custody proceedings - have to consider and test potential channels of cooperation, including the possibility of exchanging relevant information about the child and his or her family. The final project report is expected to be issued by the end of 2003. The report will describe the potential for inter-authority cooperation under current legislation, but also focus on whether it will be appropriate - or even necessary - to change the legal framework in order to optimize cooperation between county government and local authorities.

#### **B. Parental responsibility and assistance to parents (art. 18 (1) and (2))**

139. Assistance to parents in performing their obligations to bring up their children is provided in several areas, for example by child expert counselling and conflict resolution in the area of family law, parental education and leave schemes during and after maternity and adoption.

### **1. Child expert counselling**

140. According to section 28 of the Act on Custody and Access, the county government has to offer parents and children counselling by a child expert when disagreement on custody and access arises. The county government may also offer parents and children counselling by child experts, even if it does not consider a matter of custody or access. In 2002, the county government offices offered counselling by child experts in 3,775 cases.

### **2. Mediation**

141. On 1 January 1998, the office of the County Governor of Copenhagen introduced a pilot scheme for mediation in access cases. Based on the evaluation of this pilot scheme, the service was extended to the whole country so that, with effect from 1 August 2001, mediation could be offered by all county government offices.

142. The purpose of mediation under county government auspices is to help parents who do not live together to solve their own problems on issues such as custody and access. The basic idea behind the mediation service is to actually pass the conflict back to the parents. The parents are the only parties with in-depth knowledge of the conflict, and together with the child the parents themselves have to live with the agreements that may be reached on custody or access rights. Through mediation it is attempted to make the parents take responsibility in relation to the child's situation. Thus mediation is aimed to reduce the number of access proceedings considered by the county government offices and prevent unnecessary involvement of the authorities in conflicts between the parents. Parents have to reach an agreement on the child through the process of mediation, to find a solution that seems satisfactory to all parties. Even if no agreement is reached, the mediation may have abated the conflict between the parents to the benefit of the child, so that any future conflicts are easier to handle.

143. This type of conflict resolution, based on the mediation method, means that two impartial and neutral mediators (typically a lawyer and a child psychologist) are responsible for the mediation process, while the parents themselves are responsible for reaching a result. To ensure uniformity of the conflict resolution services offered by the county government offices, all their mediators have received training in the same methods and techniques. From August 2001 and until the end of that year, 152 mediation sessions were completed nationally, while the number was 389 in 2002.

144. The Department of Private Law has made an agreement with the Centre for Alternative Social Analysis (CASA) on evaluation of the conflict resolution services of the county government offices. The evaluation was started on 1 March 2003, and the final result is expected to be submitted in mid-2004. The evaluation will include questionnaire surveys aimed at both parents and mediators as well as interviews designed to assess the effect of the mediation services in both the short and the long term.

### **3. Maternity leave and parental leave**

145. Since most Danish parents, mothers and fathers, are in occupation, there is a need for flexible schemes in the labour market that can ensure the necessary coherence of working and family life.

146. In March 2002, the existing rules on maternity and parental leave were improved, as all parents obtained the right to one year of maternity and parental leave. To protect the mother's and the child's health, the maternity leave is now structured so that the mother has a right to 4 weeks of absence from work before birth and 14 weeks of absence from work after birth on full benefits. In addition, parents together have the right to 32 weeks of parental leave, with 32 weeks of full benefits for distribution between them. Finally, the father has the right to two weeks of paternal leave in connection with the child's birth. Thus, in total parents have the right to full benefits for one year, equal to DKr 162,000 in 2003.

147. In addition, parents have the option of extending the maternity and parental leave period by 14 weeks, as long as they may make an agreement with their employers for a flexible planning of the leave period. For example, they may extend the leave period by working part-time or they may postpone part of the leave period and take it later. The new rules replace the previous rules on maternity leave and childcare leave.

148. Also, the collective agreements in the labour market have been improved on several points in the reporting period in respect of the options provided by collective agreements to balance working and family life referred to in Denmark's second periodic report of 1998, paragraphs 111-113. Thus, the existing opportunities have been continuously improved as a result of the collective bargaining between employers and employees, giving parents better financial conditions in the period of maternity leave. The public sector has introduced extra childcare days and full pay in the first 24 weeks of maternity leave after the child's birth, and an increasing number of companies and sectors have made collective agreements that include the right to absence from work on a child's first day of sickness, extra childcare days, options to work from home and options to work part-time.

#### **4. Childcare leave**

149. Parents of children born before 26 March 2003 are not covered by the new rules on maternity leave and parental leave but, as in the past, they can take childcare leave according to the "old" rules, which are described in Denmark's second periodic report of 1998, paragraphs 109 and 110.

#### **5. Parental education for new immigrants**

150. In January 2003, the Government introduced a bill on education in Danish for adult immigrants. It was adopted by Parliament on 20 May 2003 to take effect on 1 January 2004. This act will mean considerably improved education in cultural and social conditions in Denmark in the Danish language programmes. The programmes will include information about daily life in Denmark, family, schools, the education system and the democratic processes. Under other auspices a programme for parental education will be introduced to help parents handle their responsibility as upbringers in the Danish society, develop parents' cooperation with schools and day-care centres and strengthen dialogue between parents and teachers and day-care staff. In connection with this initiative, the Ministry of Integration administers a special allocation of about DKr 10 million in 2003, from which interested bodies may apply for grants.



## **C. Separation of the child and parents (art. 9)**

### **1. Examinations**

151. As mentioned above, the rules on special support contained in the Social Services Act give authority to the local authorities in certain cases to place a child in care - if necessary without the parents' consent - and thus separate the child from the parents. When it is assumed that a child or young person needs special support, also by way of placement in care, the local authority has an obligation to examine the child's situation in great detail. The purpose of such examinations is to determine as early as possible the need for assistance measures and, if so, to obtain a basis for assessing which measures will be most appropriate in light of the nature of the problems. Specific targeting of the initial examinations is thus considered to be of considerable value for the further development of the case.

152. The examination should be viewed as the beginning of cooperation between the local authority and the holder of custody to solve the difficulties that affect the child or young person. The decision to examine the situation of a child or a young person should therefore be made in understanding with the holder of custody as well as the child or young person, if the child has turned 15 years. In particular cases it may be necessary, however, to carry out an examination without prior consent.

153. An examination of the situation of a child or young person should take a holistic approach and describe resources and development potential. In addition to the child's or young person's own situation, it should include the family's views on and possibilities of solving the problems raised. The family's active participation in solving the problem may thus be crucial for obtaining a satisfactory result. The examination should be carried out in interdepartmental cooperation on the part of the local authority, and to the widest possible extent involve knowledge already held by the child's day-care centre, school, health visitor or others with insight into the situation of the child or young person.

154. According to the Social Services Act, an examination may not be more comprehensive than warranted by its purpose, and it has to be carried out as gently as the situation permits. Since the examination may pose considerable strain on both the child and the family, it should be assessed continuously throughout the examination process how extensive it should be. It has to result in a reasoned decision on whether there is a basis for taking measures and, if so, propose the nature of the measures. It must include information on the position of the holder of custody and the child or young person to the proposed measures and on any conditions in the family or its environment that may contribute to relieving the problems that gave rise to the examination.

155. Before placement in care is considered, the Social Services Act provides a possibility for the local authority to initiate preventive measures to avoid emerging problems in a child or young person escalating unnecessarily. Such preventive measures may include advisory assistance to the family where it is assumed that support to the child, the young person or the family may be necessary over a certain period of time, and practical, educational or other support in the home, family therapy or similar forms of support, family stays at residential institutions or residential facilities, personal counselling to the child or young person and appointment of a permanent contact person for the child or young person or for all the family.

156. Since 1993, preventive measures have been used increasingly. Thus table 3 shows that the number of children and young people who received preventive measures in one or more forms rose from 5,463 in 1993 to 12,748 in 2001. The increase has particularly been in relief measures, support for placement at boarding and continuation schools, permanent contact persons (introduced on 1 July 1997) and organization of training measures and reintegration facilities (introduced on 1 January 2001). However, in this period there has been a decline in the number of children and young persons who have been given a personal counsellor.

**Table 3**  
**Number of children and young persons who received certain preventive measures as of 31 December in a given year**

|   | 1993  | 1994  | 1995  | 1996  | 1997  | 1998  | 1999   | 2000   | 2001   |
|---|-------|-------|-------|-------|-------|-------|--------|--------|--------|
| Personal counsellor                           | 1 681 | 1 698 | 1 474 | 1 396 | 1 427 | 1 369 | 1 260  | 1 263  | 1 272  |
| Permanent contact person                      |       |       |       |       |       | 275   | 617    | 1 058  | 1 654  |
| Relief stays                                  | 2 948 | 3 981 | 4 476 | 5 120 | 5 638 | 6 226 | 6 548  | 6 943  | 7 166  |
| Support for boarding/<br>continuation schools | 911   | 1 348 | 1 478 | 1 611 | 1 715 | 1 923 | 2 071  | 2 368  | 2 777  |
| Training measures                             |       |       |       |       |       |       |        |        | 173    |
| Establishment of<br>reintegration measures    |       |       |       |       |       |       |        |        | 97     |
| Children, total (gross)                       | 5 540 | 7 027 | 7 428 | 8 127 | 8 780 | 9 793 | 10 496 | 11 632 | 13 139 |
| Children, total (net)                         | 5 463 | 6 928 | 7 349 | 8 021 | 8 646 | 9 607 | 10 286 | 11 361 | 12 748 |

*Source:* Statistics Denmark, Statistical Information. Social security and legal services. Support to children and young persons.

*Note:* The total net number of children and young persons with support is smaller than the sum of the particular types of measures, because each child or young person may have received several forms of support.

157. Table 4 shows that the total number of family-oriented preventive measures initiated through the period rose more than the number of families who received measures. The average number of measures per family has thus risen in the period, indicating a strengthened effort to support each family. The relative distribution of the various types of preventive measures has been relatively constant over the period, though there has been a weakly rising trend towards preferring advisory assistance, day measures and practical and educational support in the home rather than financial support.

**Table 4**

**The number of families who had received certain preventive measures**

|  | 1993   | 1994   | 1995   | 1996   | 1997   | 1998   | 1999   | 2000   | 2001   |
|--|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Advisory assistance, day measures                          | 7 206  | 8 239  | 9 000  | 8 926  | 9 907  | 10 329 | 11 418 | 12 000 | 12 312 |
| Practical, educational or other support in the home        | 4 769  | 5 433  | 6 200  | 6 586  | 7 604  | 7 579  | 7 964  | 7 766  | 8 199  |
| Family therapy in the home                                 | 3 186  | 3 392  | 4 630  | 4 715  | 5 012  | 5 246  | 5 515  | 5 738  | 6 370  |
| Establishment of residential stays for children or parents | 522    | 692    | 668    | 866    | 707    | 635    | 713    | 711    | 779    |
| Contact person for the family                              |        |        |        |        |        |        |        |        | 960    |
| Financial support  | 6 852  | 9 403  | 10 327 | 10 768 | 10 949 | 11 375 | 11 050 | 11 239 | 11 443 |
| Financial support to prevent care placement                | 5 033  | 7 521  | 8 474  | 9 939  | 8 687  | 7 753  | 7 685  | 8 443  | 7 507  |
| Support person after care placement                        |        |        |        |        |        |        |        |        | 272    |
| Number of families, gross                                  | 27 568 | 34 680 | 39 299 | 41 800 | 42 866 | 42 917 | 44 345 | 45 897 | 47 570 |
| Number of families, net                                    | 20 112 | 24 512 | 27 023 | 29 880 | 28 533 | 28 049 | 29 600 | 31 616 | 32 788 |

*Source:* Statistics Denmark, Statistical Information. Social security and legal services. Support to children and young persons.

*Note:* The total net number of families with support is smaller than the sum of families with the particular types of measures, because each family may have received several forms of support.

## 2. Care plans

158. The local authority must always prepare a care plan when considering placement of a child or young person in care and also in cases concerned with young persons below 18 years who have committed violent or other serious crime. The local authority has to involve the child or young person and the parents in the preparation of the care plan, and it must specify the objective of the plan and the measures necessary to attain it.

159. The requirement for preparation of a care plan before any decision to place a child in care applies irrespective of whether the placement is based on consent or implemented as a compulsory measure. In cases that are not subject to any obligation to prepare a care plan, the local authority has to consider if a plan may be needed, taking account of the family's wishes and the nature, scope and duration of the proposed measure.

160. The use of care plans is intended to ensure that the local authority's considerations are targeted and systematic. The requirement for planning of proposed measures before they are implemented should, at the same time, contribute to continuity in child welfare cases, which is considered to be of great importance. There is no requirement for a specific degree of detail in the description of the elements of the care plan, but it must in an understandable way provide a clear framework for the measure allocated to the child or young person, to give the staff that will be involved a reasonable basis for assessing it. The caseworker will involve the child or young person and the parents in preparing the care plan and, for example, formulate the measure required and its objective.

161. When children are placed in care on a voluntary basis, the care plan is an important precondition for the consent of the parents and the young person to the measures. It is therefore of major importance for the subsequent cooperation between the parties that the particular elements of the action plan are immediately understandable to the holder of custody. If the local authority finds that compulsory care placement of a child or young person is required, the care plan will also be included in the recommendation to the local child and youth committee, and it is thus also of considerable importance for the decisions of the committee.

162. The care plan must indicate the objective of placement in care, no matter whether it is voluntary or compulsory. It must indicate what the placement should result in, and give the reasons why placement is thought to contribute to solving the problems and difficulties of the child or young person as disclosed by the examination carried out by the local authority. In addition, it should describe the type of placement, such as a residential institution, foster care or a residential facility, considered to be most suitable for solving the problems of the child or young person. In addition, the care plan must address other conditions that are viewed to be relevant in the given situation, including aspects concerned with the nursing, treatment, schooling, training and education of the child or young person.

163. Also, the expected duration of the placement must be indicated. Even though it may be difficult in advance to state it specifically, such timing considerations are nevertheless assumed to carry great weight in the parents' acceptance of the care plan. The local authority's own assessment of the time it will take to attain the goals of the care plan is also assumed to be of great importance in that connection. A statement of the expected duration of the placement is also expected to lead to greater understanding on the part of the parents of the content and suitability of the care plan, hopefully avoiding to some extent unnecessary applications by the parents for the return of the child before the measures have been completed.

164. In order to ensure a holistic approach, covering the child or young person as well as the family, the care plan has to consider the types of support that should be implemented for the family during and after placement. It is important to continue supporting the family towards a solution of the problems that were contributory to the difficulties of the child or young person.

### 3. Statistics concerning placements in care

165. As shown in table 5, the number of children and young persons in care rose from approximately 12,000 in 1993 to approximately 14,000 in 2001. The increase includes some variations, as the number of children in care in 1997 fell to approximately 11,500. However, from 1997 to 2001 there was a steep rise, of approximately 2,700, in the number of children and young persons in care. The distribution of children and young persons in various types of placement was relatively constant in the period 1993-2001, however, with a trend towards increasing use of foster care and socio-educational residential facilities and a reduction in the use of boarding and continuation schools. This decline in the use of this placement option was caused by a legislative amendment in 1993 by which grants for placement in such schools were not just provided according to the care rules but also according to the rules on preventive measures. While the use of these schools as a care option declined, there was a corresponding increase in the use of the same schools as preventive measures.

**Table 5**  
**Number of children and young persons placed in care**  
**as of 31 December of a given year**

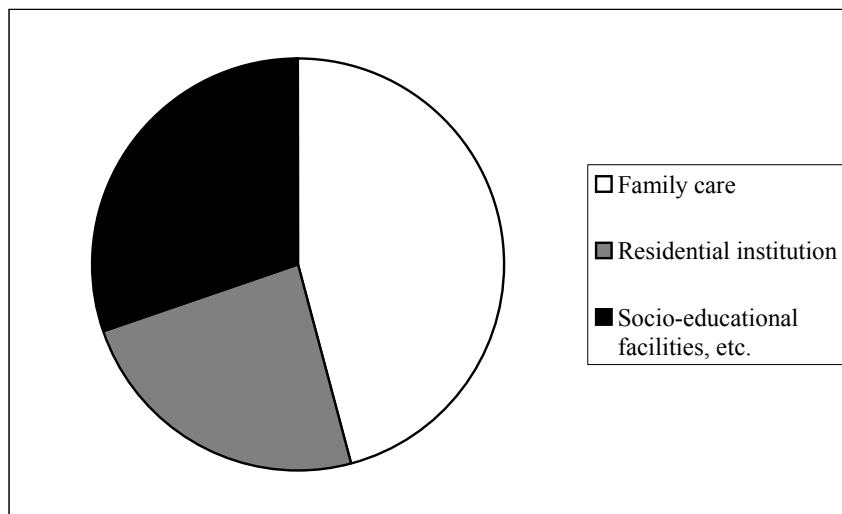
|  | 1993   | 1994   | 1995   | 1996   | 1997   | 1998   | 1999   | 2000   | 2001   |
|--|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Foster care                              | 5 044  | 5 102  | 5 058  | 4 922  | 5 023  | 5 370  | 5 746  | 6 163  | 6 492  |
| Residential institutions                 | 3 250  | 3 249  | 3 280  | 3 250  | 3 097  | 3 166  | 3 190  | 3 371  | 3 371  |
| Socio-educational residential facilities | 1 076  | 1 068  | 1 089  | 1 133  | 1 202  | 1 386  | 1 595  | 1 930  | 2 200  |
| Ship projects, etc.                      | 62     | 56     | 57     | 50     | 59     | 52     | 55     | 60     |        |
| Boarding schools, etc.                   | 1 913  | 1 600  | 1 613  | 1 558  | 1 500  | 1 556  | 1 417  | 1 354  | 1 213  |
| Rented room                              | 739    | 770    | 770    | 713    | 613    | 593    | 667    | 760    | 822    |
| Hospital                                 | 2      | 4      | 5      | 5      | 5      | 6      | 2      | 3      |        |
| Not stated                               | 1      | 1      | 0      | 0      | 0      | 0      | 0      | 0      | 73     |
| Placements, total                        | 12 087 | 11 850 | 11 872 | 11 631 | 11 499 | 12 129 | 12 672 | 13 641 | 14 171 |

*Source:* Statistics Denmark, Statistical Information. Social security and legal services. Support to children and young persons.

*Note:* Placement in ship projects or in hospital for 2001 are included in the “not stated” category.

166. If placements in socio-educational residential facilities, ship projects, boarding schools, rented rooms, hospital and “not stated” are combined into one group and compared with placements in foster care and residential institutions, the children and young persons in care as at 31 December 2001 were as shown in table 6, with 46 per cent in foster care, 24 per cent in residential institutions and 30 per cent in socio-educational residential facilities, etc.

**Table 6**  
**Children in care shown by various types of placements**  
**as at 31 December 2001**



*Source:* Statistics Denmark, Statistical Information. Social security and legal services. Support to children and young persons.

167. As regards the age of the children and young persons placed in care, table 7 shows that the increase in the number of children in care is distributed evenly over all age groups apart from 15- to 17-year-olds. In this group there was a considerable decline in the period 1993-1997 and a subsequent increase in the period until 2001.

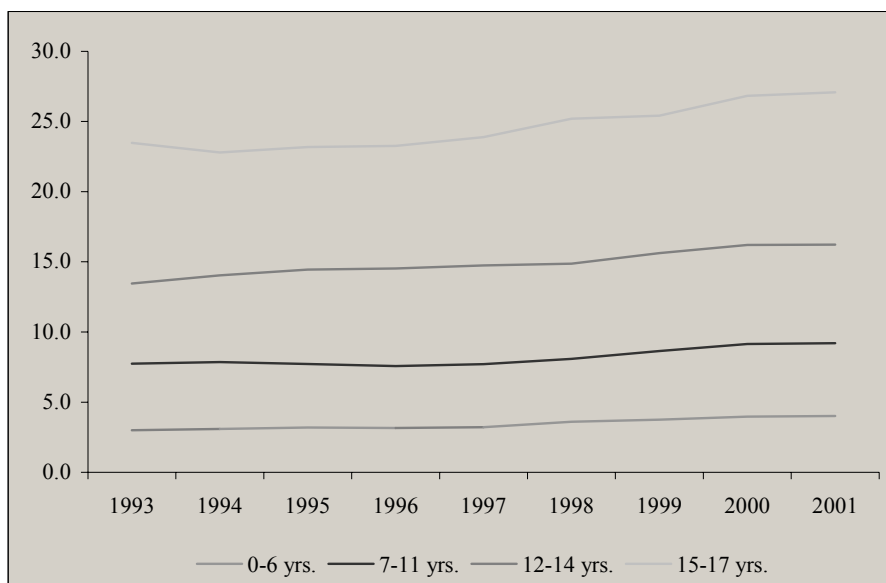
**Table 7**  
**Number of children and young persons placed in care shown by age**

|             | 1993   | 1994   | 1995   | 1996   | 1997   | 1998   | 1999   | 2000   | 2001   |
|-------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| 0-6 years   | 1 332  | 1 413  | 1 508  | 1 511  | 1 547  | 1 739  | 1 807  | 1 910  | 1 907  |
| 7-11 years  | 2 103  | 2 167  | 2 208  | 2 245  | 2 356  | 2 550  | 2 827  | 3 064  | 3 168  |
| 12-14 years | 2 342  | 2 357  | 2 353  | 2 365  | 2 424  | 2 518  | 2 712  | 2 899  | 3 006  |
| 15-17 years | 4 546  | 4 288  | 4 285  | 4 113  | 4 083  | 4 166  | 4 186  | 4 467  | 4 652  |
| 18-19 years |        |        |        |        |        | 1 019  | 1 077  | 1 193  | 1 227  |
| 20 years    |        |        |        |        |        | 137    | 63     | 108    | 211    |
| Total       | 12 087 | 11 850 | 11 872 | 11 631 | 11 499 | 12 129 | 12 672 | 13 641 | 14 171 |

*Source:* Statistics Denmark, Statistical Information. Social security and legal services. Support to children and young persons.

168. In respect of the number of children in proportion to the population as a whole, table 8 shows that the proportion of children and young persons in care has been relatively constant in the period from 1993 until 1997, and after that year it has been rising. The increase here is also most distinct in the group from 15 to 17 years.

**Table 8**  
**The number of children and young persons aged 0-17 years placed in care on 31 December in the given year per 1,000 children in the population in the following year**



*Source:* Statistics Denmark, Statistical Information. Social security and legal services. Support to children and young persons, and Statistics Denmark, Statistical Yearbook.

169. If the number of children and young persons placed in care is grouped according to the authority on which the placement is based, table 9 shows an increase in the number of children and young persons placed without parental consent in the period 1993-2001. Thus, in 1993, 846 children were placed without consent, against 1,299 in 2001. This absolute increase is also reflected in relative terms, as the proportion of children and young persons placed in care without parental consent increased in the period from 7.0 per cent in 1993 to 9.2 per cent in 2001.

**Table 9****Number of children and young persons placed in care on 31 December  
in the given year shown by basis of authority**

|                                     | 1993   | 1994   | 1995   | 1996   | 1997   | 1998   | 1999   | 2000   | 2001   |
|-------------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| With consent                        | 11 230 | 10 916 | 10 856 | 10 548 | 10 364 | 10 891 | 11 438 | 12 353 | 12 865 |
| Without consent                     | 846    | 928    | 1 009  | 1 075  | 1 130  | 1 233  | 1 229  | 1 274  | 1 299  |
| Preliminary placement               | 11     | 6      | 7      | 8      | 5      | 5      | 5      | 14     | 3      |
| Extension of the home-taking period |        |        |        |        |        |        |        |        | 4      |
| Total                               | 12 087 | 11 850 | 11 872 | 11 631 | 11 499 | 12 129 | 12 672 | 13 641 | 14 171 |

*Source:* Statistics Denmark, Statistical Information. Social security and legal services. Support to children and young persons.

**4. Placement of mentally vulnerable children and young persons in care**

170. Protecting the well-being of mentally vulnerable children and young persons through placement in care has been given high priority in recent years. Thus, in the period 1997-2002 funds of DKr 79.8 million were allocated for establishing care places for this group, ensuring 279 residential places available for immediate placement of mentally vulnerable children and young persons. In addition, for the period 2003-2006, funds of DKr 20 million a year have been allocated to improve cross-sectoral cooperation and extend and develop relevant reintegration measures.

**5. Quality improvement in the area of special support**

171. The support and placement area has been criticized in recent years, including in examinations made by the National Institute of Social Research. In particular, it has been pointed out that too few studies are conducted as viewed against the intentions of the Act, that the children are involved too rarely in the examination phase, that the focus on method development, documentation and evaluation is only limited, that families are poorly informed and inadequately involved and that a real care plan is rarely prepared before placement. As a consequence, a number of initiatives have been launched in recent years to strengthen the quality of special support to children and young persons.

172. One of these initiatives is the continuing education project "The Best Interests of the Child", which has received an allocation of DKr 25 million to follow up on the changes of the rules of the Social Services Act on special support to children and young persons, which entered into force on 1 January 2001. The project, which is aimed at local authority caseworkers, interdepartmental groups and the professional management, includes method training for examining the situation of children and young persons and involving their parents and training in interviewing children and young persons.



173. In addition, three projects have been established. The first, "Quality in Child and Youth Casework", is aimed to involve all relevant levels in connection with care placement, including local politicians, social education workers at residential institutions and the children and their parents.

174. The goal of the second project is to improve the quality of fostering work, for example by improved training of foster families. Finally, the third project, launched by the Association of County Councils, will establish a database of residential institutions and facilities. It will contain information about the professional content, target groups and prices of all residential institutions and facilities for children and young persons. The database may help improve the casework of local authorities by giving them a better basis for matching the child and the place of care.

#### **D. Family reunification (art. 10)**

175. Please refer to Denmark's second periodic report of 1998, paragraphs 63-66. There have been no major changes in the practice applied in family reunification of children with their parents in Denmark in the reporting period. In 2002, family reunification permissions were granted for a total of 3,052 minor children born abroad. In 2002, applications for family reunification were rejected for a total of 649 minor children born abroad. The reasons for rejecting an application for family reunification of a child may be that the parent resident in Denmark is not the holder of custody, or, in cases where the parents have joint custody, that no consent has been granted by the parent living in the child's native country. In other cases a rejection of family reunification is the result of a situation where the child has applied with a parent who is also denied family reunification.

176. Currently, the average case processing time in the Danish Immigration Service is about six months for applications for family reunification filed for children born abroad, and it includes cases in which the child applies alone as well as those where the child applies for family reunification together with a parent.

177. It should be noted in this connection that applications from children for family reunification with a parent in Denmark are usually filed with an application for family reunification from the other parent. These applications are processed and decided together. For each application viewed separately, this may lead to a generally longer case processing time for applications for family reunification from children. The Danish Immigration Service continues to make a special effort to process all applications for family reunification in an expeditious and humane way. Due to the overall caseload of child/parent applications received by the Danish Immigration Service, the introduction of more stringent requirements for family reunification by Act No. 365 of 6 June 2002 and also resource conditions of a more general nature, it has not been possible to reduce the case processing time for applications for family reunification from children to less than three months, contrary to what Denmark had indicated in the second report to the Committee on the Rights of the Child in 1998. However, the Danish Immigration Service is striving to reduce the present case processing time to about three months.

**E. Child abduction, etc. (art. 11)**

178. A report<sup>2</sup> presented in 2003 by a task force under the Ministry of Justice shows that the Department of Private Law dealt with 200 cases of international child abductions to and from Denmark in the period from 1 July 1991 to 15 November 2002. A total of 185 of these cases were processed according to the Hague Convention, while the other cases were processed according to the Council of Europe Convention or the Nordic conventions.

**Table 10**

**Cases concerning child abductions dealt with by the Department of Private Law in the period 1991 to 2002**

|       | Cases of child abductions from Denmark | Cases of child abductions to Denmark from abroad |
|-------|--|--|
| 1991  | 1                                      | 1  |
| 1992  | 4                                      | 3  |
| 1993  | 7                                      | 6  |
| 1994  | 9                                      | 11   |
| 1995  | 19                                     | 8  |
| 1996  | 6                                      | 6  |
| 1997  | 14                                     | 8  |
| 1998  | 16                                     | 10   |
| 1999  | 11                                     | 10   |
| 2000  | 6                                      | 9  |
| 2001  | 10                                     | 12   |
| 2002* | 4                                      | 9  |
| Total | 105                                    | 89   |

*Source:* "Child abductions" - Report of a task force of the Ministry of Justice, 2003.

*Note:* The statistics only show cases that have been instituted by administrative or judicial authorities in Denmark or abroad. Cases where the request for return of the child has been withdrawn before its transmission to a foreign authority or a Danish court, or where the case has not been transmitted due to inactivity on the part of the requesting party have thus not been included.

\* Stated at 15 November 2002.

179. From 1991 and until 15 November 2002, the Department of Private Law passed on a total of 107 cases concerning the return of children from Denmark to the enforcement courts. In 19 of these cases the parents made a settlement, typically for voluntary return of the child. The court made the decision in 56 cases, and in 34 of these cases the court ruled that the child had to be returned. In 21 cases the application was withdrawn, frequently because the child had been

returned on a voluntary basis. In the same period, the Department of Private Law passed on 93 cases on the return of children to Denmark to a central authority abroad. Thirteen cases were settled by an agreement between the parents. The courts had to decide 30 cases. In 22 of these cases the ruling was that the child had to be returned. Twenty-nine cases were withdrawn after the Department of Private Law had passed on the cases to the central authority abroad. The remaining cases have been shelved for other reasons, or they were still pending at the time the statement was made.

180. In the summer of 2001, the Ministry of Justice appointed a working group which had to present proposals for an improved effort in connection with the consideration of cases of international child abduction, especially where a child has been abducted from Denmark. In January 2003, the working group presented a report, whose recommendations were included in a bill that was presented to Parliament on 28 February 2003. During and after the work of the working group the administrative initiatives described in section VI.E.2 were also taken.

### **1. Legislative steps taken to prevent child abductions from Denmark to other countries**

181. In order to improve the possibility of securing the return of abducted children to Denmark, it is proposed in the mentioned bill to introduce access to free legal aid for parents of children who have been abducted from Denmark to a place abroad, or who are retained there illegally.

182. Free legal aid may particularly be granted towards legal expenses both in Denmark and abroad, if, for example, it is relevant to bring legal action abroad. In addition, the scheme comprises expenses for translation or legalization of necessary documents as well as the parent's expenses to travel abroad, if this is necessary to conduct the case abroad. If the decision of the court abroad goes against the parent concerned, legal aid may also be granted to cover costs of the case which the parent is ordered to pay to the other party.

183. As a starting point, the condition for granting legal aid is that the matter must be concerned with a child abduction under the rules of Danish law and that the child was resident in Denmark before the abduction or retention. The legal aid scheme comprises cases in which the child has been abducted to a country that has acceded to the international conventions on wrongful removal of children as well as cases in which the child has been abducted to a country which has not acceded to any of these conventions.

184. In Denmark, children below the age of 15 years may travel in and out of the country without having their own passport, if they travel with their parents, foster parents or other persons close to them, in whose passports they have been entered. In order to better prevent child abductions, it is proposed in the bill to make an amendment to the passport legislation, by which the person(s) holding custody of a child will have a possibility to demand deletion of the child from the passports of other persons. This amendment will mean that the parent who has sole custody may have the child deleted from the other parent's passport. However, it is a condition that the child have his or her own passport.

185. Finally, it is proposed in the bill that child abduction should be a direct ground for divorce. The background is that it has turned out in practice in some situations that foreign authorities, where the parents are still married (or separated), consider the wrongful removal of the child as a conflict between the parents into which the authorities should not intervene. According to the bill, the amendments will enter into force on 1 July 2003.

## **2. Administrative steps to prevent child abduction from Denmark to other countries**

186. In addition to the initiatives included in the bill, several administrative steps have been taken. Thus, on 1 May 2002, a counselling helpline was introduced, staffed by the Department of Private Law. The purpose of the helpline, which is open 24 hours a day, is to provide counselling to parents whose child has been abducted or who fear an abduction on the rules that exist in the area and information on who they have to contact in a given situation.

187. In order to strengthen cooperation between the authorities, as well as the information work in cases relating to child abduction, a contact group was established at the recommendation of the working group. The contact group includes representatives from the authorities that are primarily involved in proceedings of child abductions, i.e. the Ministry for Foreign Affairs, the Department of Private Law, the police, the social authorities and the Immigration Service. In this forum there will be an opportunity for exchange of experience and coordination of action to help the parents whose children have been abducted. This is expected to be realized by mutual exchange of experience, information about new initiatives in the area, drafting of common guidelines, leaflets to parents and establishment of a web site on child abductions. The web site will include all relevant information and rules on the prevention of abduction and the proceedings relating to abductions as well as contact information about relevant authorities and information on what the authorities can help with in case of a child being wrongfully removed.

188. In September 2002, the Court Administration (Domstolsstyrelsen) appointed a Danish contact judge in relation to the Hague Convention on the Civil Aspects of International Child Abduction of 1980, in conformity with the recommendations of the fourth meeting of the Special Commission of the Hague Conference held from 22 to 28 March 2001. The contact judge will be able to provide general counselling on the Convention to officers of Danish enforcement courts. This means, for example, that to a certain extent the courts will be able to get answers to general questions about the Convention and its practical application, when such questions may arise in the consideration of specific cases. In addition, the contact judge will be able to respond to inquiries from foreign judges on general questions, such as the distribution of legal competence and current legislation in Denmark.

## **3. Appointment of a committee concerning child abductions from other countries to Denmark**

189. In 1991, Denmark acceded to the Hague Convention on the Civil Aspects of International Child Abduction of 1980 and the Convention of the Council of Europe on Recognition and Enforcement of Decisions concerning Custody of Children of 1980. The conventions were implemented in Danish law by Act No. 793 of 27 November 1990 on International Enforcement of Decisions of Custody of Children, etc. (international child abductions). The Department of Private Law has been appointed the central authority under the two conventions.

190. Since 1991, the Danish authorities have dealt with about 100 cases concerned with the return of children who had been brought to Denmark from abroad. In various contexts, there has been debate about the handling of these cases by the Danish authorities, and a wish for clearer rules in the area has been expressed. Against this background the Ministry of Justice has decided to appoint a committee which has to make an assessment of ways to strengthen the handling of these cases by the Danish authorities. The committee will assess the role of the central authority, including its interaction with the courts, and the possibility of strengthening the mediation function of the central authority as presupposed by the Hague Convention. In addition, the committee will also evaluate the Danish courts' knowledge about this area, the rules on administration of justice for the area and whether there is a need to strengthen the performance of other authorities involved.

#### **F. Protection of the child from physical or mental violence, abuse, etc. (art. 19)**

191. The protection of children from physical or mental violence is necessary, both in relation to violence committed by adults, including the child's parents, and violence committed by other children by way of bullying.

##### **1. Protection of the child from physical or mental violence by adults, including parents**

192. As described in Denmark's second periodic report of 1998, paragraph 168, the right to use corporal punishment was abolished in 1997. Following that, the National Council for Children prepared a leaflet about the subject, which is available in Danish, English, Turkish, Arabic, Urdu, Bosnian-Serbian-Croatian and Somali.

193. In proceedings concerned with the access rights of violent parents, the authorities derogate from the general principle of the Act on Custody and Access referred to in section IV.B.2.b, by which access rights are granted at request to the parent who does not live with the child. Thus, the county governor's office must reject access rights or, if necessary, cancel existing access rights if required to protect the child, and decisions on access rights will thus be based on a specific assessment of all circumstances of the case and taking into account the best interests of the child. Therefore, according to the current practice of the authorities, access rights are not granted to a parent who has been violent to his or her child or maltreated the child in another transgressive way.

194. Please refer also to section IX.D concerning sexual abuse of children, and section VII.B.7.b concerning genital mutilation of girls.

##### **2. Protection of the child from physical or mental violence by other children in the form of bullying**

195. A study carried out in 1998, which was part of Denmark's contribution to the WHO coordinated study "Health Behaviour in School-aged Children", showed that 25 per cent of all children were bullied at least several times every month. A similar study conducted in 2002 showed a considerable decline in this number, to only 11 per cent. This study has not been

finalized, however, and the cause of the decline has therefore not been clarified. However, the researchers' hypothesis is that the decline has been obtained in particular at the schools that have defined and implemented anti-bullying policies.

196. As part of the initiatives to protect the child from mental abuse, the Ministry of Social Affairs published an inspirational leaflet in September 2002 giving recommendations on the prevention of bullying in day-care centres, entitled: "Early Tracing - Prevention of Bullying Among the Youngest Children". It is thus recognized that bullying does not take place only in schools, but has to be fought and prevented from the children's early years. The inspirational leaflet contains tips on how the staff of day-care centres may specifically help prevent bullying. The goal is to ensure that children have a childhood without bullying, by teaching them to respect diversity and not exclude anyone from the child community.

### **G. Placement in care, etc. (art. 20)**

197. When a local authority has decided to place a child or young person in alternative care, it must then decide on the choice of care in conformity with the care plan for the placement of the child or young person that has to be prepared before all placement decisions (see also section IV.B.3 above). Where the need for alternative care arises so suddenly that it is not safe to put off the placement until a care plan has been prepared, the local authority must decide on the choice of care on the basis available.

198. The choice of alternative care based on a care plan means that the local authority has to choose the type of care which is found most suited to provide the measures for the child or young person that are necessary to attain the objective of placement described in the care plan. Depending on this objective, the possibility of placing a child or young person with relatives, including the child's grandparents, should be taken into consideration. The place of care must in any circumstance be chosen with a view to providing the best conditions for the welfare and development of the child or young person and meeting the requirements for personal care that are necessary in view of the age and maturity of the child or young person and the nature of the special support. In addition, the future relations of the child or young person with his or her family must be taken into consideration.

199. Placement in alternative care may be realized by placement in a foster family rated as generally qualified by the local authority or in residential facilities or residential institutions for children and young persons whose operation is subject to county authority responsibility. Even though a foster family or a residential facility must always be rated as generally qualified, it is important that the responsible local authority make supplementary examinations to check whether the child or young person will be well placed in that particular place of care.

### **Return and termination of placement**

200. All forms of support, including placement in alternative care, must be ended, according to the Social Services Act, when the objective of the measure has been achieved, when the measure is no longer appropriate, or when the young person has turned 18 years. This applies to both voluntary and compulsory placements. The stay in alternative care may, however, be continued after a child has turned 18 years if he or she so agrees.

201. It is considered of great importance that the return is well prepared. When planning the return to the home the local authority must remain aware that it means a change of environment for the child or young person, and that it is important to prepare the child or young person and the family for the return. This may include a period of visits to the home, for example over weekends. The relations and contact, which have to be ensured throughout the placement period for the child or young person and his or her family, must be intensified in step with the solution of the family's problems and improvement of the situation.

202. If a placement is terminated because the young person has turned 18 years, there must be a final review of the care plan to assess the type of support and guidance that has to be provided to the young person in respect of accommodation, education, work and personal counselling. Any special conditions that may affect the reintegration after placement, must therefore be indicated in the plan.

## **H. Adoption (art. 21)**

203. In the reporting period, several legislative changes in the adoption area have been introduced. In addition, Denmark has taken steps to make a bilateral agreement with Viet Nam and formulate a national definition of the concept of post-adoption services.

### **1. Pre-adoption courses**

204. In connection with Denmark's accession to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption of 29 May 1993, several changes of the rules of the Adoption Act on the adoption of children from abroad were introduced, inter alia by Act No. 358 of 2 June 1999. In that connection, it was the goal to create more up-to-date rules for home studies and approval of prospective adopters, and a requirement was introduced that applicants who apply for adoption of a foreign child for the first time must take part in a pre-adoption course.

205. The course is separated from the other elements of the home study and approval process and, thus, is not considered in the assessment by the adoption authorities of the applicants' qualifications as adoptive parents. The aim of the course is rather to ensure adoption applicants of the best possible preparation for their adoption of foreign children. They are instructed and counselled on a number of issues of importance in the adoption of foreign children, including the adoption motive, the child's background, the child's feelings, the child's reactions to the new situation and the adoptive child's integration in the family. In addition, it is emphasized that adoptive parents should inform their child that he or she was adopted, to give the child a possibility to relate to his or her own biological origin.

### **2. Prohibition of charging fees**

206. By an amendment to the Adoption Act, which entered into force on 1 November 1997, it was specified in detail that adoption cannot be granted if anyone who has to consent to the adoption pays or receives a fee or any other form of consideration, including payment for loss of earnings. The adoption authorities may demand all types of information from anyone with insight into the situation for the purpose of clarifying whether any fee or consideration has been paid or received.

### **3. Bilateral agreement with Viet Nam**

207. Denmark is expected to enter into a bilateral agreement on adoption with Viet Nam within a short period of time. The background to the agreement is that in 2000 Viet Nam introduced a new Family Act, which includes regulation of intercountry adoptions. It should be noted that Viet Nam has not acceded to the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoption. The agreement is based on a number of principles and legal guarantees, including some of those contained in the Convention on the Rights of the Child and the Hague Convention.

208. Thus, the preamble to the agreement includes the family principle specifically, according to which a child should grow up in a family rather than an institution, and the body of the agreement includes a provision on the biological principle, by which the contracting States should take appropriate measures to ensure that a child can remain with his or her biological family, and a provision on the principle of subsidiarity prescribing that intercountry adoption should only take place if a suitable family cannot be found in the child's own country. In addition, the agreement includes a number of procedural rules on the consideration of adoption cases, including rules on the duties of the central authorities and the information about the child and adoptive parents that has to be produced before the adoption may take place.

### **4. A Danish definition of post-adoption services**

209. The adoption authorities, the authorized agencies and a number of interested organizations have entered into cooperation to draft a Danish definition of post-adoption services (PAS), meaning the special support measures and services that are made available to adoptees and adoptive families after the adoption has been completed. The specific purpose of this cooperation is to map out existing services and competencies in this area in Denmark and prepare a strategy for communication of knowledge to relevant actors, including through networks and conferences.

#### **I. Periodic reviews of placement decisions (art. 25)**

210. While a child or young person is placed in care, the responsible local authority has to supervise the situation of the child or young person on an ongoing basis and review the completion of the care plan defined for the placement. The local authority has an obligation to supervise the child or young person regularly and must, irrespective of the type of placement, maintain personal contact with the child or the young person and the place of care.

211. In addition, the local authority has an obligation to review the care plan not later than three months after the child or young person has been placed in alternative care, with a view to assessing if any revision is required. In the subsequent period the plan must be reviewed at intervals of not more than six months. The need for any revision of the care plan will be assessed continuously based on the local authority's contact with the child or young person and the place of care. The observations of the situation of the child or young person made by the place of care are thus of major importance for the assessment of the plan and any need for revision of the plan. The family's situation while the child or young person is placed in care must also be included in the review of the plan.



212. If it turns out that the plan needs revision, a decision to this effect should as far as possible be made in understanding with the holder of custody and the child or young person. The question of alteration of the plan may also be raised by the holder of custody or the young person, if he or she has turned 15 years. The decision to revise the plan has to be made by the local authority. The requirements for periodic reviews and, if relevant, revision of the care plan are minimum requirements, and the local authority is entitled and obliged to revise the plan at any time if this is necessitated by new developments.

213. Several studies have shown that the supervision conducted by local authorities of children and young persons in care and the follow-up on placements are not good enough. Greater focus will therefore be put on strengthening the supervision in several of the initiatives referred to in section VI.C.5.

#### **J. Maintenance (art. 27 (4))**

214. Pursuant to the Act on Financial Responsibility for Children (*Lov om børns forsørgelse*), a parent who does not fulfil his or her financial responsibility may by an administrative decision be ordered to pay maintenance for the child. The maintenance amount has to be fixed taking account of the child's welfare and the parents' financial circumstances. In normal situations the maintenance amount is fixed at the standard rate, currently DKr 970 per child per month. Higher maintenance amounts may be ordered in situations where the parent liable to pay maintenance has an income exceeding approximately DKr 315,000, taking account of the number of children entitled to maintenance.

215. In order to increase parents' private financial responsibility for their own children, the annual standard maintenance rate was increased by well over DKr 1,000 in 2000, and the public contribution to single parents was reduced correspondingly. For single parents the increase of the maintenance amount has thus had no financial consequences, whereas for parents who have entered into a new relationship and are thus no longer single, the maintenance amount has been increased, whereby the new partner's or spouse's contribution towards the maintenance of children for whom that person does not have any financial responsibility has been reduced.

216. In January 2002, the Child Legislation Committee of the Ministry of Justice (Justitsministeriets Børnelovsudvalg) issued a report on the financial responsibility for children (report No. 1389/2000), which contains proposals for a complete revision of the rules on child maintenance, including proposals to significantly increase the maintenance amount and abolish education maintenance to young persons aged 18-24 years and maintenance payments towards christening and confirmation. It is also proposed that it should be possible to reduce the continuous maintenance amounts if the liable parent has particularly extensive access to the child, in practice meaning more than 110-120 days a year. However, the Child Legislation Committee has not decided how much the child maintenance amount might be increased, nor has the Committee made any analysis of the tax implications of any increase of the maintenance amount or the consequences in relation to the child allowance rules contained in social legislation.

217. The Minister of Justice has therefore appointed an inter-ministerial task force to examine different models for implementing the proposals presented by the Child Legislation Committee. The task force has to make calculations of how an increase will affect the financial

circumstances of various family types and also take account of the criticism raised regarding the Child Legislation Committee's calculations. The task force will also look into the tax implications and consequences for the social benefits payable to families with children. One of the issues that need consideration is whether the special child allowances granted to pensioners or in cases where one or both parents have died should be raised as well. The task force includes the Ministry of Finance, the Ministry of the Interior and Health, the Ministry of Taxation, the Ministry of Social Affairs and the Ministry of Justice.

### **Disbursement, payment and recovery of child maintenance**

218. If the parent who is liable to pay child maintenance evades payment, the local authority must disburse a maintenance amount equal to the standard amount. Next, the local authority will recover the amount due from the liable parent, including amounts due that exceed the standard maintenance amount. The recovery may be effected for example by withholding from the person's salary payments. Recovered amounts should primarily cover the maintenance amounts that the local authority has not already disbursed in advance. Thus, the parent entitled to receive maintenance does not have to recover the amount by civil litigation or similar proceedings. Information about disbursed and recovered maintenance in the period 1998-2001 is shown in table 11.

**Table 11**

#### **Advance disbursements of maintenance and recovery and cancellation of arrears of maintenance, stated in DKr million**

|  | 1998    | 1999    | 2000    | 2001    |
|--|---------|---------|---------|---------|
| Paid by local authorities for the year     | 1 303.3 | 1 320.6 | 1 553.1 | 1 603.1 |
| Recovered from liable parents for the year | 1 282.1 | 1 293.4 | 1 430.2 | 1 478.3 |
| Sum due to local authorities beg. of year  | 3 328.7 | 3 227.7 | 3 170.4 | 3 325.0 |

*Source:* Statistics Denmark, Statistical Information.

219. The total amounts of maintenance should be viewed against the 42 per cent of children who experience at some time of their life, as stated in section VI, the separation of their parents.

### **K. Physical and psychological recovery and social reintegration (art. 39)**

220. In the health area, a knowledge centre, named the Team for Sexually Abused Children, has been established in association with the National Hospital. The team has nationwide reception and examining functions for children who have been or are feared to have been exposed to sexual abuse. In addition, the centre collects knowledge on and conducts research into the examination and treatment of sexually abused children, as well as handling counselling of public authorities and contributing to the annual reporting for the area handled by the SISO Centre, the Knowledge Centre for Social Measures concerning Sexual Abuse of Children (see also section IX.D.6 below).

## **VII. HEALTH AND WELFARE (arts. 18 (3), 23, 24, 25, 26, 27 (1) and (3))**

221. The measures taken in the reporting period to continuously protect and improve children's health and welfare comprise physically and mentally disabled children, particularly in the care area, including day-care services, as well as steps in a range of health areas in which a special need for strengthened action has been identified, in particular in respect of children's nutrition.

### **A. Physically and mentally disabled children (art. 23)**

222. As a general principle, Denmark seeks to provide a life for physically and mentally disabled children that is as normal as possible and to assist their parents in achieving it. Please refer to Denmark's initial report of 1993, section VII.B. The following paragraphs account for the development of the services available to disabled children in the reporting period, in both day care and education, and the support offered to the children's parents in the form of improved access to compensation for loss of earnings to those who care for a disabled child at home.

#### **1. Disabled children in day-care measures**

223. The local authority has to provide day-care services to children with impaired physical or mental capabilities, for example by integrating the children in a regular day-care centre, possibly with special staff support, or in the home of a registered childminder. In addition, local authorities may set up disability groups in regular day-care centres or set up local authority institutions for disabled children exclusively, or they may establish a joint local authority institution with the county authority being responsible for its operation.

224. In addition, county authorities have to provide the necessary number of places in special day-care services to children with a special need for support and treatment due to a significant and permanent physical or mental impairment, where such needs cannot be met by placement in one of the regular day-care services. The county authority also has to provide the necessary number of places in special club services aimed at older children and young persons who have a special need for support and treatment due to a significant and permanent physical or mental impairment, where these needs cannot be met by their participation in one of the regular club services for older children and young people. The development in the number of children registered in special day-care services is shown in table 12.

225. At the recommendation of the responsible local authority, the county authority decides on admission into special day-care or club services. Attending special day-care or club services is free of charge for the children and young persons with a significant and permanent physical or mental impairment, who are admitted exclusively or mainly due to a need for treatment.

**Table 12**

**Children registered in special day-care services shown by age**

|      | ½-2 years | 3-5 years | 6-9 years | 10-13 years | 14 years and above | Total |
|------|-----------|-----------|-----------|-------------|--------------------|-------|
| 1999 | 137       | 645       | 364       | 130         | 86                 | 1 362 |
| 2000 | 123       | 712       | 382       | 144         | 112                | 1 473 |
| 2001 | 112       | 731       | 415       | 158         | 133                | 1 549 |
| 2002 | 156       | 742       | 455       | 163         | 186                | 1 702 |

*Source:* The Ministry of Social Affairs.

**2. Loss of earnings and extra expense allowance**

226. Parents who care at home for a child or young person with a significant and permanent physical or mental impairment or a serious chronic or long-lasting disorder qualify for an extra expense allowance and compensation for loss of earnings. The number of parents receiving these allowances is shown in table 13.

**Table 13**

**Number of parents receiving assistance to cover excess expenses in providing for a disabled child at home and loss of earnings**

|                         | 1999   | 2000   | 2001   |
|-------------------------|--------|--------|--------|
| Extra expense allowance | 34 871 | 31 253 | 31 911 |
| Loss of earnings        | 11 210 | 12 563 | 13 799 |

*Source:* The Ministry of Social Affairs.

227. With effect from 1 January 2003, a number of financial improvements have been introduced for parents who receive compensation for loss of earnings due to their care for a disabled child at home. Parents who receive compensation for loss of earnings due to their care for a disabled child will also receive contributions to a pension plan, and they are also covered by the Act on the Labour Market Supplementary Pension. The rules on qualification for and payment of holiday allowances to persons who receive compensation for loss of earnings have also been aligned with the general rules of the legislation on holidays with pay, so that these parents now qualify for holiday allowances on a par with regular pay earners. Finally, parents who are members of an unemployment fund and receive assistance to cover loss of earnings may receive a supplementary allowance if they lose their jobs through no fault of their own and without being entitled to unemployment benefits.

**3. Disabled children in education**

228. All children, irrespective of any disability, have a right to education in primary and secondary school (*Folkeskolen*). Denmark has an extensive system of education services for children and young persons with special needs, in primary and secondary schools and in upper

secondary education and vocational training programmes. Based on a specific assessment of the needs of the individual, each pupil generally has a right to the necessary consideration of his or her disability within the regular class framework. Teachers are responsible for planning their teaching in such a way that it is adjusted to the particular pupil's abilities and skills at any time.

229. Children whose development requires special consideration or support receive special education and other special pedagogical assistance. The Minister of Education is responsible for laying down rules in this area. The planning of teaching, including the choice of forms of education and work methods, teaching aids and selection of study areas, must in all subjects live up to the objects of the Danish school system and be varied to match the particular pupil's needs and background. General special education is the responsibility of local authorities based on rules laid down at the central level. In addition, county authorities provide further special education services to disabled children whose needs are not covered by general special education. While the schooling should as far as possible take place in the pupil's local environment, the county authorities also operate national and regional schools for special disability groups. The Education (*Folkeskole*) Act applies to all pupils in primary and secondary school, including pupils in special education classes. As regards the planning of the teaching of these pupils, it is possible to use a special curriculum.

#### **B. The child's standard of health (art. 24)**

230. The Government adopted the health programme "Healthy throughout Life - the targets and strategies for public health policy of the Government of Denmark, 2002-2010" in September 2002. It is a holistic health programme with children as an important target group. In particular, the services to children include health promotion programmes at schools and day-care centres and initiatives to prevent asthma and allergic diseases, problems related to lack of general well-being, and overweight. The programme also sets challenges to day-care centres and schools. Over the next few years the challenge will be to focus on content development and reinforcement of the schools' education for health, creation of a favourable framework for physical activity for the children and continued introduction of school health policies, including policies on alcohol.

##### **1. Young people and alcohol**

231. With effect from 1 July 1998, the retail sale of alcohol to children below the age of 15 years was prohibited in Denmark by Act No. 411 of 26 June 1998 to amend the Act on Alcohol Abuse. At that time a campaign was launched against children's use of alcohol, and material was prepared for use by parents, teachers and school boards in 1999. The material encourages the schools to involve parents in introducing alcohol policies in the basic school system, and parents are encouraged, in cooperation with the schools, to set guidelines for children's use of alcohol at parties and similar events. In late 2002, young people's use of alcohol was one of the themes of the annual alcohol campaign launched in week 40 by the National Board of Health, and this theme will also be part of the campaign for 2003.

## **2. Prevention of smoking among children and young people**

232. By Act No. 1313 of 20 December 2000 to amend the Act on Non-Smoking Environments on Public Premises and Transport, etc., the smoking of tobacco in primary and secondary schools, local authority youth schools and youth boarding schools was prohibited for pupils at such schools and for children in after-school centres. In order to prevent passive smoking and avoid children's behaviour being influenced by the smoking habits of adults, several smoking restrictions have been imposed for the staff at these institutions. The Government has also indicated plans to table a bill that will prohibit the sale of tobacco to children. A prohibition, if introduced, is expected to enter into force from early 2004. At the same time an information campaign is expected to be launched, addressing young people and their parents as well as retail store workers.

## **3. Improvement of children's physical activity**

233. A range of initiatives has been taken to encourage children to be more physically active. In February 2003, the National Board of Health launched its campaign: "Mind your own body". The campaign has happiness and play as its pivot and is primarily addressed to third and fourth year schoolchildren and their teachers and parents. By means of a theme magazine and special TV programmes, both children and adults are given good and fun ideas about healthy food and exercise. In addition, the Exercise Forum, an independent exercise board under the Ministry of the Interior and Health, has helped create greater awareness of the topic through its holding of one national and three regional conferences focused on "Children and Exercise", and publication of a leaflet.

## **4. Prevention and treatment of eating disorders**

234. The National Board of Health published a report in 1997 with an assessment of the prevalence of and possibilities to prevent eating disorders in Denmark. An initiative to follow up on this report was a volume of material prepared by the National Board of Health in 1999 on the prevention of eating disorders, addressed to teachers and staff who work with children and young people. The objective of the material was to give professional groups in the primary health service and other groups who work with children and young people more knowledge about the various forms of eating disorders and their early development features. In 2001, as a follow-up to this material, the National Board of Health organized a conference for prevention professionals in the primary health service.

235. In addition, the National Board of Health and the National Institute of Public Health (Statens Institut for Folkesundhed) published a report in 2002 concerning risk behaviour for the development of eating disorders in women aged from 16-59 years. The report compares women's eating problems with several other health problems and women's use of health services. The study behind the report shows that about 25 per cent of all women aged 16-20 years show risk behaviour that may lead to the development of eating disorders. Risk behaviour is to a higher degree than expected accompanied by overweight, stress and taking medication, as well as other types of risk behaviour including smoking, alcohol, cannabis and other drug abuse. The incidence of risk behaviour declines with age to about 10 per cent in all women aged 20-59 years.

236. In 2002, an inter-ministerial working group proposed a number of initiatives to prevent eating disorders and rehabilitate young persons with eating disorders. The Ministry of Social Affairs is responsible for monitoring the proposed initiatives, which are planned to be implemented in cooperation between the health service and the social service. Finally, in the period 2001-2003, the National Board of Health prepared a draft reference programme with recommendations for the treatment of eating disorders and organization of treatment. The reference programme is expected to be ready for the consultation phase in mid-2003.

### **5. Mentally vulnerable children**

237. The Ministry of the Interior and Health, the Ministry of Social Affairs, the Ministry of Education and the local authority bodies have together prepared a report on services in the education and social sectors aimed at mentally vulnerable children and young persons. The report, issued in June 2001, includes recommendations on how the mentioned sectors can better meet the special needs of mentally vulnerable children and young people.

### **6. Severe obesity**

238. In March 2003, the National Board of Health published a discussion paper entitled "National Action Plan against Obesity - Recommendations and Perspectives". The document is addressed particularly at children and young people, because lifestyle-oriented, obesity-related risk behaviour is frequently established at an early age and carried into adult life, as childhood obesity, in particular adolescent obesity, increases the risk of adult obesity. Obesity in children also increases their risk of being bullied and socially excluded. The document presents a number of proposals for measures to be taken in the public as well as the private sector to prevent obesity among children and young people. The proposals include implementing diet and exercise policies at schools and day-care centres, promoting easy access to healthy food and opportunities for physical activity and, through a special information effort targeting parents, encouraging parents to serve as role models for children and young people.

### **7. Information concerning measures to abolish traditional practices prejudicial to the health of children**

239. The general guidelines regarding the form and contents of periodic reports indicate that certain traditional practices, including forced marriage and genital mutilation of girls, are considered prejudicial to the health of children and therefore should be reviewed in this section of the report.

#### **(a) Forced marriage**

240. With a view to protecting young people's right to choose their own partners, the Government will present an action plan in mid-2003 dealing with forced marriage and quasi-forced and arranged marriage. The action plan will propose preventive measures and initiatives to change attitudes, thereby ensuring, over time, that all ethnic groups in Denmark will consider it desirable for young people to choose their own partners. A form of dedicated crisis help will also be established for young people who are subjected to coercion or pressure in connection with marriage, or are in such a marriage. In addition, the action plan will include programmes aimed to support and inform the families of the young people concerned, because

the parents need to be informed about young people's rights in Denmark, including the individual's right to choose his or her partner. The action plan will also improve the possibilities available to the affected authorities and organizations to handle contact about forced marriages and arranged marriages, and it is intended to strengthen the exchange of experience and other cooperation between private and public organizations.

**(b) Genital mutilation**

241. In January 2003, an inter-ministerial working group presented a report on genital mutilation of girls. Based on the report, the Ministry of Social Affairs will cooperate with other relevant ministries to take steps to combat this phenomenon. Firstly, information material will be prepared for various professional groups. The material will include instructions on the aspects that should give professionals a special reason to consider whether a girl is at risk of being exposed to genital mutilation. Such aspects may, for example, be plans for her return to her native country and long-term absence from her day-care centre or school.

242. In addition, the Ministry plans a range of education activities for and debate meetings with population groups in which genital mutilation of girls is a prevalent tradition. The local groups and networks that handle similar information activities will also be expanded and reinforced. Finally, a targeted information campaign will be launched for use by teachers and other staff at schools with a large number of bilingual pupils and pupils with another ethnic background than Danish. Other measures include an initiative taken by the National Board of Health in cooperation with Somali population groups in Denmark to prevent genital mutilation of girls. The Board of Health has made a video and printed material in Somali to be used by health care and education professionals.

**C. Social security (art. 26)**

243. The Act on Child Allowances and Advance Payment of Child Maintenance, i.e. Consolidation Act No. 1017 of 17 November 2002 (*Lov om børnetilskud og forskudsvis udbetaling af børnebidrag*) provides for the payment of a variety of child allowances for special groups of children. These allowances are described in Denmark's first periodic report of 1993, section VII.D, and Denmark's second periodic rapport of 1998, paragraphs 158-167. The following paragraphs account for the most important changes that have taken place in the area during the reporting period.

244. The special child allowance paid to pensioners will be means-tested in future according to an amendment of the Act on Child Allowances and Advance Payment of Child Maintenance that entered into force on 1 April 2000. By the same amendment act, as a consequence of the increase in the standard maintenance rate referred to in section VI.J above, a supplement to the special child allowance was introduced, and the ordinary child allowance was reduced correspondingly. For claimants of child allowances and maintenance the total allowance or maintenance amount will typically be unchanged, or even larger. In addition, with effect from 1 January 2001, a means-tested, special child allowance to parents in education was introduced by Act No. 1311 of 20 December 2000 to amend the Act on Child Allowances and Advance Payment of Child Maintenance.



245. Child allowances are adjusted annually on the basis of the increase in the annual pay rates of workers and salaried employees. The allowances are tax free, and at 1 January 2003 the annual amounts were:

|   |            |
|---|------------|
| Ordinary child allowance                  | DKr 4 040  |
| Extra child allowance                     | DKr 4 108  |
| Special child allowance                   | DKr 10 308 |
| Supplement to the special child allowance | DKr 1 332  |
| Special child allowance (to students)     | DKr 5 300  |
| Multiple-birth allowance                  | DKr 6 646  |

The adoption allowance is a lump sum payment of DKr 38,318.

246. The child maintenance, which may be claimed in advance from the local authority, may from 1 January 2003 not amount to more than DKr 11,640 per year, corresponding to the standard maintenance rate, which is equal to the sum of the special child allowance and the supplement to it, as stated above. For a child whose parents have died, the amount paid is twice the special child allowance plus twice the supplement to it.

247. According to the Act on the General Family Allowance (*Lov om en børnefamilieydelse*), a tax-free, non-means-tested family allowance graduated according to the children's age is paid for all children and young persons below 18 years resident in Denmark. The family allowance is an integral part of the tax system. Please refer to Denmark's first periodic report of 1993, section VII.D.

248. The family allowance is adjusted every year in proportion to the average annual rise in pay rates. From 1 January 2003 the annual amounts were:

|                                  |            |
|----------------------------------|------------|
| Baby allowance, 0-2 years        | DKr 12 900 |
| Small child allowance, 3-6 years | DKr 11 700 |
| Family allowance, 7-17 years     | DKr 9 200  |

Almost 1.2 million children living in about 660,000 families qualify for the family allowance.

### **Educational and labour market integration of vulnerable young persons**

249. In the period 1999-2002, nine local authorities took part in a model local authority project, whose goal was to promote the educational and labour market integration of vulnerable young persons. The more specific target of the project was to develop coordination between the local authority instruments in the child, adolescent and family sectors and in the adult sector, including in the area of welfare-to-work schemes, in order to improve the educational and labour market integration of the young people in the most difficult situation. A second target was to study to what extent employment and personal support may contribute to greater self-support and creating a more socialized life for this group. The project was aimed at young people

aged 16-23 years who had been unable to take advantage of existing educational and welfare-to-work services and had family problems, a weak schooling background, abuse problems and problems of crime. The target group had been selected with a view to stimulating the development of local models for handling the interface between local authority measures and areas of law and ensuring coordination of them.

#### **D. The child's right to benefit from childcare services (art. 18 (3))**

250. According to the Social Services Act, the local authority must provide educational, social and care services and ensure to make the necessary number of places available in day-care services for children. Day-care services may be provided by day-care centres, childminding services or special allocation schemes. Day-care centres include crèches, kindergartens, age-integrated centres and after-school centres, while childminding services provide places in private homes and other premises in the children's home environment, approved in advance by the local authority for this purpose. The special allocation schemes are day-care services established at the initiative of a group of parents or others to which the local authority provides a grant for each child cared for under the scheme subject to an agreement on the operation of the scheme.

##### **1. Grants for private day care**

251. Local authorities have the option to offer parents the choice between a place in a public day-care measure and a financial grant to pay for private day care. If the local authority decides to offer this option to parents, the scheme comprises children aged from 24 weeks until the time when children usually start pre-school class. The local authority may decide, however, only to pay grants towards private day care for children in a specific segment of the eligible age group. With effect from 1 August 2003 this scheme will be made mandatory, and subsequently the local authorities will have an obligation to offer parents a grant towards private day care. The amount of the grant is the same for all children in the same age group in the local authority district, and the grant may not be higher than 85 per cent of the lowest net expense per place in a public day-care measure for the same age group within the local district in question.

##### **2. Grants for in-family day care**

252. With effect from 1 July 2002, local authorities have had the possibility pursuant to the Social Services Act to offer a financial grant to parents who wish to provide care of own children rather than enrol their child in a local authority day-care measure. The object of this scheme is to make it easier for families with children to combine their working and family life in a flexible and convenient way. It is voluntary for the local authorities to introduce the scheme. If it is introduced, it covers children aged from 24 weeks until the time when children usually start pre-school class. The local authority may decide to pay grants only to parents with children in a certain segment of the age group. The maximum payment is three grants to the same family. The same grant amount is provided for all children in a given age group in the local authority district, and the grant may not amount to more than 85 per cent of the lowest net expense per place in a day-care measure for the same age group in the local district. The grant for the particular child is provided for one continuous period of eight weeks at a minimum and one year at a maximum. Receiving grants is based on the condition that the parent concerned has no job income and does not claim any form of public benefit or pension.

### **3. Objects of day-care services**

253. According to the objects clause for public day-care services contained in the Social Services Act, these services are aimed to assist in furthering children's development, well-being and independence in cooperation with their parents. Day-care services must meet educational, social and care objectives to an equal extent. This objects clause was inserted into the Social Services Act with effect from 1 July 1998. The Ministry of Social Affairs has initiated an evaluation of the experience gained through the first years of applying the objects clause for day-care services in order to document and illustrate whether and, if so, how local authorities have implemented the objects clause both politically and practically, and the extent to which it has contributed to quality development in day-care services. The evaluation has been completed and shown that the objects clause has contributed to greater focus on the educational content of day-care services.

### **4. Admission rules**

254. The decision on admitting children to day-care services is made by the local authority. With effect from 1 January 2003, new rules have been added to the Social Services Act by which local authorities have to define guidelines for the admission of children into day-care services taking account of local conditions. Thus, local authorities have obtained a greater degree of freedom and flexibility to determine their own distribution of day-care places for the benefit of both the children and their parents, without affecting the children's fundamental, equal right to a day-care place. Since day-care services must meet both educational, social and care objectives, local authorities cannot discriminate against or give preference to certain groups of children. The local authority may not set guidelines that exclude groups of children from a place in day care, for example such as children of unemployed parents, nor may they give preference to certain children, for example siblings.

255. However, the new admission rules make it possible to change the order of allocation of day-care places to particular children. This makes it easier for local authorities, based on a specific assessment to help parents keep their jobs and ensure that unemployed parents can accept jobs, and that social benefit claimants, unemployed parents who are members of an unemployment fund and parents in job rehabilitation are able to benefit from job placement services. It is also easier to ensure that siblings are admitted to the same day-care centre and to combine the groups of children taking account of gender, age and ethnic origin.

### **5. Parental boards**

256. Parents' influence on day-care centres is secured through representation on parental boards. Since the spring of 2001, there have been joint parental boards for local authority day-care measures and schools in rural districts on a pilot basis. The object of these joint parental boards is to ensure day care of the same quality as in urban areas while preserving the small schools in rural districts at the same time. This scheme will be made permanent with effect from 1 August 2003.

## **6. Parental fees**

257. The parental fees for day-care services have for several years amounted to 30 per cent of operating expenditure. In addition, parents receive multi-child rebates and free places based on financial and socio-educational considerations. In 2000, local authorities were, however, given the possibility, until 2002, to increase the parental fee to a maximum of 33 per cent of operating expenditure, provided they have introduced a day-care guarantee according to the provisions set out in the Social Services Act (see also section VII.D.12 below). However, local authorities cannot increase the parental fees for parents who pay reduced day-care fees due to financial circumstances. In 1999, the free-place threshold was generally raised by DKr 114,400.

## **7. Quality in day care**

258. With a view to continued development of quality in day care, the Ministry of Social Affairs, the Association of Local Authorities and the Union of Day Care and After School Staff established a quality in day-care project in December 2000. As part of the first phase of the project, five working groups were appointed to look into the themes of: educational content of day-care services, their organizational and financial framework, cooperation and responsibility, management and staff development and day care provided by childminders. The working groups have prepared a pre-analysis including the most significant development trends and proposals for future action areas. The second phase of the project includes a development plan, under which, over the next few years, a number of initiatives will be launched to ensure and support continued quality development in day-care measures. Thus, in 2003, funds of DKr 25 million have been allocated for the development of the educational practice in day-care services for children aged 0-6 years. This will be combined with a research project on learning, for which funds of DKr 10 million have been allocated.

## **8. Bilingual children in day-care measures**

259. Practice Note 53 of 6 March 1998 on day-care services provided under the Social Services Act was changed with effect from June 2001 at the recommendation of the Government's Integration Committee. In this connection, local authorities are advised to make an extra information effort aimed at parents of bilingual children. Its objective is to increase the admission of bilingual young children to day care. In addition, the Ministry of Social Affairs has published a leaflet entitled "Integration of bilingual young children in day care - the road to integration into Danish society" to be used by local authority caseworkers, health visitors and other professionals whose work involves contact with parents of bilingual children. The stronger information efforts are expected to raise the demand for day care from parents of bilingual children, and the service coverage for this group of children is therefore expected to rise more than that of other groups. Since the costs of the rising demand have to be paid by the local authorities, the annual government block grants to local authorities have therefore been increased by DKr 20 million.

## **9. Meal schemes**

260. With effect from 1 July 2003, local authorities may decide, according to a new rule in the Social Services Act, to provide meal schemes in kindergartens, etc., paid for by the parents, for children aged 3 years and above. Alternatively, the local authority may continuously decide to include meals fully or partly as an integral part of day-care services and thus in the general parental fees. If a local authority decides to permit meal schemes paid for by the parents, the parental board of the particular nursery school has to decide, in dialogue with the staff and other parents, whether to set up a meal scheme. Whether it can be established and how it can be planned will depend on the conditions of the particular nursery school, for example its kitchen facilities, and the backing from the parents. Children below the age of 3 years are to a wide extent already covered by existing meal schemes in day-care services.

## **10. Club services**

261. Local authorities have an obligation under the Social Services Act to provide the necessary club services and other socio-educational recreation services for older children and young people. Please refer to Denmark's second periodic report of 1998, paragraphs 152-155. A special allocation of DKr 50 million was set aside for the period 2001-2003 for improved local authority club services aimed at socially vulnerable children and young people. The development programme is not targeted at the institution level only, but rather views club activities as part of a local strategy for better services to young people. The Ministry of Social Affairs has in this connection selected 18 projects intended particularly to expand and develop new work forms that are expected to strengthen local services to young people who need support. In the same period, a special one-year training programme has also been established for the staff of the clubs that have applied for funds from the allocation. To date, almost 40 club employees have completed the programme qualifying as so-called competency agents.

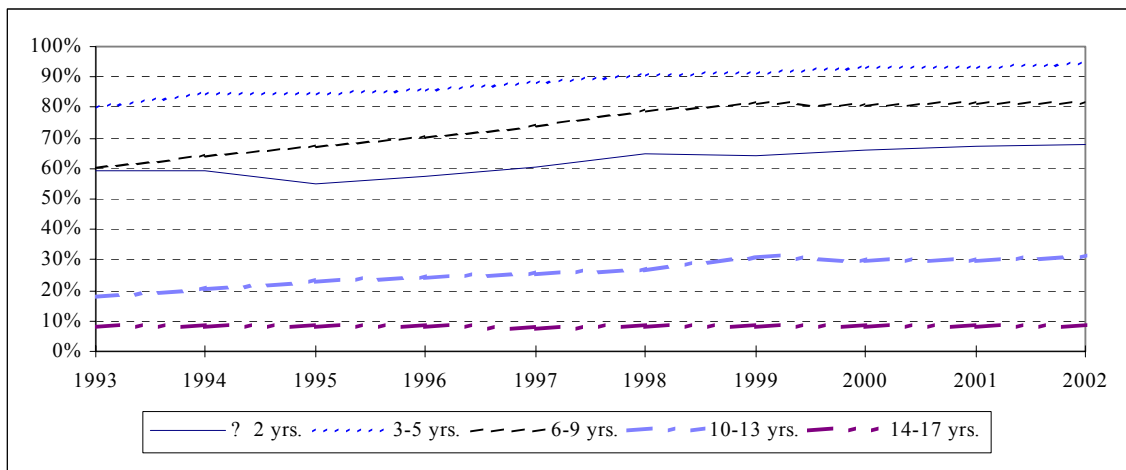
## **11. Places available in day-care services**

262. Table 14 shows that the ratio of children aged from 6 months to 2 years admitted to day care rose from 59 per cent in 1993 to 68 per cent in 2002. For children aged 3-5 years the ratio increased from 80 per cent in 1993 to 94 per cent in 2002, while for children aged 6-9 years it rose from 61 per cent in 1993 to 81 per cent in 2002. For children aged 10-13 years the service coverage has nearly doubled in the period, from 18 per cent in 1993 to 31 per cent in 2002. The ratio for young people aged 14-17 years was stable around 8 per cent throughout the period.

263. The average service coverage for all age groups as a whole was 56 per cent in 2002 against 41 per cent in 1993. For children aged 6 months to 9 years the service coverage was 82 per cent in 2002 against 66 per cent in 1993.

**Table 14**

**The ratio of children admitted to day-care services, after-school centres or clubs, beginning of the year**



Source: The Social Resource Count. Statistics Denmark.

**12. Day-care guarantee**

264. In 2003, 9 out of 10 local authorities have established day-care guarantees according to the rules of the Social Services Act. Under this guarantee, parents who request day care for their child will receive a place for the child no later than four weeks after the end of the maternity leave or three months in other situations, for example after they have moved into a local authority district. A total of 227 local authorities have decided to raise the parental fees for the year 2003 above the rate of 30 per cent of operating expenditure referred to in section VII.D.6. The number of local authorities with day-care guarantees for the past few years is shown in table 15.

**Table 15**

**Local authorities with a day-care guarantee under section 15 (a) of the Social Services Act**

|   | 2000 | 2001 | 2002 | 2003 |
|---|------|------|------|------|
| Number of local authorities with a day-care guarantee | 173  | 220  | 239  | 245  |

Source: Ministry of the Interior and Health.

Note: The total number of local authorities was reduced in 2003 from 275 to 271 as the local authorities on the island of Bornholm were joined into one regional local authority.

265. Table 16 shows that the number of children on a waiting list for day care before and during the reporting period was reduced significantly from 34,800 in 1994 to fewer than 3,000 in 2002. The majority of children on waiting lists are below the age of 3 years.

**Table 16**

**Waiting lists for day-care and after-school centres, ages 6 months to 9 years**

|          | Jan. 1994 | Jan. 1995 | Jan. 1996 | Jan. 1997 | Jan. 1998 | Jan. 1999 | Jan. 2000 | Jan. 2001 | Jan. 2002 | Oct. 2002 |
|----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| ½-2 yrs. | 10 775    | 6 721     | 9 340     | 10 033    | 8 116     | 5 442     | 4 037     | 2 652     | 2 053     | 1 006     |
| 3-5 yrs. | 5 440     | 4 295     | 5 003     | 4 224     | 2 626     | 2 360     | 1 223     | 663       | 481       | 199       |
| 6-9 yrs. | 1 781     | 1 343     | 1 432     | 1 518     | 872       | 926       | 223       | 185       | 118       | 78        |
| Total    | 17 996    | 12 359    | 15 775    | 15 775    | 11 614    | 8 728     | 5 483     | 3 500     | 2 652     | 1 283     |

*Source:* January 1994-January 2002: Association of Local Authorities. October 2002: Ministry of the Interior and Health.

266. As shown by table 17, immigrants and their descendants do not take advantage of day-care services to the same degree as the rest of the population. The difference is most significant for the youngest children aged 1-2 years, where the difference between the mentioned groups and the national average is about 29 percentage points. For children aged 3-5 years the difference is 11-15 percentage points. A similar survey was made in 1998, although it is not fully comparable for children aged below 3 years. However, the comparison of the two years shows that the ratio of admitted 3- to 5-year-old children of immigrants and their descendants is approximating the national average. While the service coverage for immigrant children was thus significantly below the national average in 1998, the increase in the ratio for the same group in the period 1998-2000 was greater than the increase for the population as a whole.

**Table 17**

**Children 1- to 5-years-old in day care shown by national background and average for the country, 2000**

|                   | Coverage ratio | Variance from average, percentage points | Change relative to 1998, percentage points |
|-------------------|----------------|--|--|
| 1-2 years         |                |  |  |
| Immigrants        | 49.4           | -29.0                                    |  |
| Descendants       | 50.3           | -28.1                                    |  |
| Entire population | 78.4           |  |  |
| 3-5 years         |                |  |  |
| Immigrants        | 77.4           | -15.1                                    | 15.1                                       |
| Descendants       | 81.0           | -11.5                                    | 10.3                                       |
| Entire population | 92.5           |  | 5.8  |

*Source:* Children's Living Conditions. Statistics Denmark, 2002.

267. In addition, table 18 shows that single parents use day-care services a bit more than two-parent families. The variance is greatest for the youngest children aged 1-2 years and may perhaps be explained by the circumstance that two-parent families have the possibility of dividing working hours between them, which single parents cannot do.

**Table 18****Children in day care by family status, 2000**

|                | 1-2 years | 3-5 years |
|----------------|-----------|-----------|
| Single parents | 85.4      | 94.9      |
| Couples        | 77.8      | 92.2      |

*Source:* Children's Living Conditions. Statistics Denmark, 2002.

**E. The right to a reasonable standard of living (art. 27 (1) and (3))**

268. Children's financial situation has improved considerably in the period 1989-1999. Thus, table 19 shows that 40 per cent of all children in 1999 belonged to the fourth of all families who had the highest spending potential measured by their gross income. This is a doubling of the same rate in 1989. Correspondingly, only 6 per cent of children in 1999 belonged to the fourth of the population who had the lowest spending opportunities, which is half the number in 1989.

**Table 19****Children shown by family income quartile, gross income per person**

|      | 1st Quartile                       | 2nd Quartile | 3rd Quartile | 4th Quartile                        | Total |
|------|------------------------------------|--------------|--------------|-------------------------------------|-------|
|      | The quarter with the lowest income |              |              | The quarter with the highest income |       |
| 1989 | 13%                                | 33%          | 36%          | 18%                                 | 100%  |
| 1999 | 6%                                 | 20%          | 34%          | 40%                                 | 100%  |

*Source:* Children's Living Conditions. Statistics Denmark, 2002.

269. The family gross income is equal to the taxable income without any tax deductions for interest expenses, etc. Tax-free benefits such as rent subsidies, the child family allowance and education loans are not included in gross income. These tax-free benefits paid to families with children therefore improve their conditions further. The income is stated as the equivalence income, meaning the income available per family member. In the calculation of income per person in the family, the first adult in the family counts as a full unit, while the second adult is weighted at 0.7, and each of the children are weighted at 0.5 of a unit. This calculation is an Organisation for Economic Co-operation for Development (OECD) standard, which takes account of the fact that adults have higher living expenses than children, that a family consisting of one adult and two children has a spending requirement equal to a family of two adults and no children, and it takes account of the fact that a family of two adults, due to relatively lower regular expenses, thus has a lower spending requirement per person than a family of only one adult.



## **VIII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES (arts. 28, 29 and 31)**

270. The right to education, leisure and cultural activities is a crucial element in the development of the child's ability to take an active part in a democratic society and thus contribute to the realization of the other rights set out in the Convention on the Rights of the Child. The following paragraphs account for developments in the educational and child-cultural areas since Denmark submitted its second periodic report in 1998.

### **A. The child's right to education (art. 28)**

271. Please refer to Denmark's initial report of 1993, section VIII.A, and section VII.A.3 of the present report concerning disabled children in education. It may be reported, in addition, that the ratio of pupils attending private schools rose from 10 to 13 per cent in the reporting period.

272. According to the targets set by the Ministry of Education, at least 85 per cent of a year of young people should commence and complete post-secondary education, while upwards of 50 per cent should complete further education. Under Act No. 298 of 30 April 2003 on Education and Career Guidance, it is a requirement that all children have to be offered the opportunity to form an impression of the options available in the education system in order to optimize their background for choosing post-secondary education. In several education programmes, special initiatives have been taken in the reporting period to prevent dropout later in the education system. This action has been successful, particularly in the area of production schools, where a considerable number of the young persons who opt for a year at a production school continue in the regular education system, typically in post-secondary education.

273. Reviews are conducted at all levels of the education system, both reviews of the students' individual benefit from their education and institutional self-reviews; it is also possible to conduct external, independent reviews.

274. In respect of participation in international cooperation in the area of education, please refer to Denmark's initial report, section VIII.A. In addition, it may be reported that the Ministry of Education and several institutions of education take part in a range of international studies, including comparative studies, in the education sector, including studies conducted by the OECD, the European Union (EU), the Council of Europe and the United Nations Educational, Scientific and Cultural Organization (UNESCO). Moreover, a number of schools and other education institutions take an active part in international cooperation via school/institution-to-school/institution cooperation with other countries and increasing use of the Internet. For example, about 40 Danish schools take part in UNESCO's Associated School Project, and several institutions take part in Agenda 21 programmes, particularly in the Baltic Region under the heading Baltic 21E (Sustainable Development in the Baltic Region).

### **Inclusion of immigrants in the education system**

275. In November 2002, the Government launched the campaign "All Young People are Needed", administered by the Ministry of Integration Affairs. The goal of the campaign is to ensure that all young people, irrespective of their ethnic background, enjoy equal opportunities in the Danish education system and labour market. The primary aims of the action are to improve

young people's insight into and knowledge about their job and education opportunities and to ensure that young people are retained in the education programmes they have commenced, so that in the longer term there will be greater integration of ethnic groups in a broader segment of occupations.

276. To provide a coherent integration effort the Government set up a working group on Improved Integration 2003. The group members were the Minister of Refugee, Immigration and Integration Affairs (Chairman), the Minister of Employment, the Minister for Social Affairs and Gender Equality, the Minister for Culture and the Minister for Education. Other ministers have been involved when required. The work of the ministerial group has been concentrated on three central areas of integration. The initiative was aimed at ensuring, firstly, a coherent and open democratic society, secondly, that children and young people with another ethnic background than Danish can cope in the education system and, thirdly, that more immigrants become employed. In June 2003 the group of ministers presented the Government's vision and strategies for improved integration. Regarding efforts to ensure that children and young people with another ethnic background than Danish cope in the education system, the group of ministers has presented proposals for reinforced steps to promote integration in schools, abolish unnecessary education requirements and improve information to young people and their parents.

#### **B. The object of education (art. 29)**

277. Please refer to Denmark's initial report of 1993, section VIII.B. The objects clause of the Education (*Folkeskole*) Act prescribes that schools have to prepare pupils for co-determination, co-responsibility, and rights and obligations in a society with freedom and democracy. Therefore, the schools' teaching and daily life in general must be based on spiritual freedom, equality and democracy. The parents' active participation and involvement in decision processes concerning their children's life at school will contribute to protecting children's rights, while the pupils' participation in the decision-making bodies of the schools, including pupils' councils and school boards, ensure that they have co-determination everywhere in the education system.

#### **C. Leisure and cultural activities (art. 31)**

278. In June 1999, the then Government presented a report to Parliament that included its proposed policy in the area of child culture. The report was intended to provide optimal conditions for all children in Denmark to get a grasp of, experience and contribute to society and its communities. According to the report, the culture policy had to ensure that children would feel included in a community as early as possible and have opportunities to develop and express themselves on their own premises. Moreover the culture policy had to be applied in protecting children in relation to media developments. Based on the report, the Government formulated a child culture programme with several proposals for greater or reinforced action in the area of child culture. The child culture programme was launched on 1 January 2000 and completed on 31 December 2002.

279. To realize the goals of the child culture programme, a special body was appointed in January 2000, the Cultural Council for Children (Kulturrådet for Børn), which also had to serve as an advisory body to the Ministry of Culture in matters concerning child and youth culture. The Cultural Council for Children has started a range of projects, all aimed to realize the intentions of article 31 of the United Nations Convention on the Rights of the Child.

In conjunction with this effort, the Council initiated pilot projects to introduce more cultural experiences into school life by means of the project "The Culture-Oriented School". In addition, the Council started model pilot projects in county and local authority districts to strengthen and qualify local child culture work and established a scheme for local child culture advisers. Moreover, in cooperation with other actors, the Council has established an education programme for museum communicators, thus boosting the quality of the communication of information to children at museums.

280. In conjunction with the change of government in November 2001, a new child culture policy was introduced. In this connection, a coordinating cooperation network was formed between the Cultural Heritage Agency, the Library Agency, the Film Institute and the planned Arts Agency. Also a secretariat was established. In addition to assisting the network, the secretariat may launch special targeted projects by agreement with the Minister for Culture. After an initial transition phase the network is expected, in the spring or summer of 2003, to carry on the work of the Cultural Council for Children, which will then be discontinued.

281. The government culture institutions apply more than Dkr 300 million a year to cultural activities for children. The intention behind the new network and secretariat structure is to integrate institutional activities, such as activities concerned with children's films, theatre, libraries and music schools, and project-oriented programmes into a strategic framework. Based on reciprocal exchange of experience in this structure, it will be possible to obtain the maximum benefit from the funds applied.

282. To strengthen the inclusion of refugees and immigrants into local sports and club life in particular, funds of Dkr 4 million a year for the period from 2003 to 2006 have been allocated, earmarked for support to projects with these objectives. This support is intended to be aimed especially at those refugee and immigrant groups who find it most difficult, according to past experience, to take advantage of existing leisure services, including young women, maladjusted youths and young people who are recently arrived refugees.

## **IX. SPECIAL PROTECTIVE MEASURES (arts. 22, 30, 32-35, 37 (b)-(d), 38 and 40)**

283. As mentioned, the Convention is based on the assumption that all children need special protection and care. In addition, the Convention secures a special degree of protection of children in certain vulnerable situations, including refugee children, disabled children, children who have suffered sexual or other abuse and children who are subjected to public prosecution.

### **A. Refugee children (art. 22)**

284. Please refer to Denmark's initial report of 1993, section IX.A.1, as well as Denmark's second periodic report of 1998, paragraphs 21-25.

285. In respect of unaccompanied minor refugee children, it may be reported that by Act No. 60 of 29 January 2003 amending the Aliens Act and the Integration Act (Proceedings concerning unaccompanied minor asylum-seekers), several further improvements of the situation of unaccompanied minor asylum-seekers have been adopted. This Act entered into force on 1 April 2003. An unaccompanied minor asylum-seeker is a person below the age of 18 years

who enters the country and files an application for asylum without being accompanied by his or her parents or other persons with legal capacity who may be considered to have stepped into the place of the parents, including family members.

286. One of the consequences of the Act is that the current practice of granting a residence permit to unaccompanied minor asylum-seekers is incorporated in law. An unaccompanied minor asylum-seeker, who is not thought to be sufficiently mature to undergo asylum proceedings, will thus be granted a residence permit immediately according to a new provision in the Aliens Act, i.e. section 9c (3) (1). The period that the children have to stay at asylum centres is thereby made shorter than if the children had to await the decision of their asylum application, and a calm and secure environment for the children is created quickly, because they are moved to the integration phase after a shorter period in Denmark. Normally this applies to all children below the age of 12 years.

287. For children between 12 and 15 years, the question of whether the particular child may be considered sufficiently mature to undergo the regular asylum procedure will, according to current practice, depend on a specific and individual assessment. Children above 15 years will normally be considered sufficiently mature to understand and undergo a regular asylum procedure. In assessing a child's age and maturity, it will also be taken into account whether there are special circumstances that lead to the conclusion that the child should not be subjected to a regular asylum procedure, but be granted a residence permit right away according to section 9c (3) (1) of the Aliens Act. Such special circumstances may exist if the child is retarded, sick or severely traumatized.

288. If an application from an unaccompanied minor asylum-seeker who has been judged sufficiently mature to undergo an asylum procedure is subsequently rejected, the immigration authorities will consider at their own initiative whether the child should be granted a residence permit on the grounds that there is reason to assume that the child would otherwise be placed in a situation of emergency should he or she return to the native country. In that case the residence permit will be granted according to a new provision in section 9c (3) (2) of the Aliens Act.

289. Another effect of the Act is that a permanent scheme for the appointment of a representative of unaccompanied minor asylum-seeker is established, so that the children are given a personal support person as soon as possible after their arrival in Denmark. The representative has to support the child and safeguard the child's interests, and will have authority to make all the decisions that the holder of custody can normally make on behalf of the child. The representative has to support and provide guidance to the child in connection with the consideration of his or her application for a residence permit in Denmark and will attend all interrogations and interviews conducted by the immigration authorities. The representative will also have to support the child in relation to other more personal questions and has authority to make decisions about the child's personal situation.

290. A representative has to be appointed for a child unless exceptional reasons make it inappropriate. The representative will be appointed by the county governor's office on the basis of a recommendation from the Danish Red Cross. Other organizations may also be approved by the Minister for Integration Affairs to recommend persons for the office of representative. The decision made by the county governor's office may be appealed to the Department of Private Law.

291. In general, there is a requirement that a person appointed to serve as a representative be independent of the immigration authorities. There is no requirement for any specific education background or experience. However, it is a condition that the person concerned - for example, based on his or her education and occupational experience - be qualified to handle the task. In addition, the person concerned must not have committed any criminal offence - or have a record of other behaviour - that will make the person unqualified to handle the task.

292. The existing observer service described in paragraph 21 of Denmark's second periodic report of 1998 is maintained, so that a member of the staff of the Danish Red Cross will continuously attend interviews with the unaccompanied minor asylum-seeker until a representative has been appointed to protect the interests of the child.

293. When an unaccompanied asylum-seeking child is granted a residence permit, a new decision has to be made on the appointment of a temporary holder of custody of the child according to section 25 of the Act on Custody and Access. The temporary holder of custody will take over the functions held by the representative appointed previously. It is stated in the preparatory instruments to the Act that the person who has been appointed as representative should, in principle, also continue as the temporary holder of custody, in order to ensure the highest possible degree of continuity in the child's life.

294. In addition, the rules of the Act mean that no unaccompanied minor asylum-seekers have their case decided without them having received legal assistance. An attorney is assigned to all asylum-seekers, including unaccompanied minor asylum-seekers, in connection with the asylum procedure before the Refugee Board (Flygtningenævnet). In addition to this general right to have an attorney assigned, it has now been decided that an attorney will also be assigned to unaccompanied minor asylum-seekers, in case it is intended to decide the child's case according to the "manifestly unfounded" procedure. This procedure is applied to the cases in which the Danish Immigration Service decides, after a submission to the Danish Refugee Council, that a case cannot be brought before the Refugee Board.

295. The Immigration Act has moreover imposed an express obligation on the Danish Immigration Service to initiate a search to trace the parents of unaccompanied minor asylum-seekers. This search must be initiated as quickly as possible after the child's arrival in Denmark, but not before a representative has been appointed for the unaccompanied minor.

296. As starting point, the tracing of parents will require consent from the child. It will be possible, however, to carry through a search for the parents without the child's consent if the representative who safeguards the child's interests gives his consent. The decision to carry out a search must be made taking account of whether it may create a risk for the child and the child's family in the home country. A search to trace parents has to be conducted in cooperation with the Danish Red Cross or another similar organization approved for this purpose by the Minister for Integration Affairs.

297. It is stated in the preparatory instruments to the Act that - in case the parents of an unaccompanied asylum-seeking child are found - it should usually be attempted to reunite the child with the parents in the home country or the country in which the parents are resident. If a child does not want to return to the parents on a voluntary basis, the issue of whether to withdraw the child's residence permit in this country will arise.

298. If a child has been granted a residence permit according to section 7 of the Aliens Act (asylum), the residence permit may not normally be withdrawn exclusively because the parents are found. A decision to withdraw a residence permit granted under section 7 of the Aliens Act will thus require that the risk of persecution no longer exist, or that the child's original basis for obtaining asylum status turns out to be untrue, and that the child has thus at no time been at risk of persecution.

299. Where a child has been granted a residence permit according to section 9c (3) of the Aliens Act, the basis on which the residence permit has been granted will include the circumstance that the child has no contact with the parents. If the child's parents are found, the basis on which the residence permit was granted will thus, in principle, no longer exist, and the child's residence permit may therefore - as long as it has been granted for a time-limited period - be withdrawn, in accordance with section 19 (1) (1) of the Aliens Act.

300. It should be noted in this connection that withdrawal on this basis is only possible within the first seven years, since the child will normally be granted a permanent residence permit after seven years under section 11 (3) of the Aliens Act. In the assessment of whether to withdraw the child's residence permit, the considerations mentioned in section 26 of the Aliens Act have to be taken into account, for example, the child's attachment to the Danish society and persons living in Denmark, the duration of the child's stay in Denmark and the child's age, state of health and other personal conditions.

301. It should also be noted that it is stated expressly in the preparatory instruments to the Act that, in the case of younger children, the situation will frequently be such that they should be considered to have obtained strong attachment to the Danish society at an earlier time than in the case of adults, and that in connection with any decision on withdrawal, the child's best interests must be attached weight. As a point of departure it will thus not be prejudicial to the child's case that the child has provided positive assistance in tracing the parents.

#### **B. Protection from economic exploitation (art. 32)**

302. The protection of children from economic exploitation is based primarily on the initiatives taken to ensure that children are not admitted to work that is hazardous or detrimental to their health. On 14 August 2000, Denmark ratified the ILO Worst Forms of Child Labour Convention, 1999 (No. 182). On 22 June 1996, Act No. 458 of 12 June 1996 to amend the Working Environment Act (young people's work) entered into force, according to which the primary threshold for admitting young persons to occupational work was raised from 10 to 13 years.

303. From that date, children below the age of 13 years may in essence carry out nothing but cultural activities, subject to permission from the police, including work as models, contributors to radio and TV programmes and feature and commercial films. In 2001, a total of 20 cases of illegal child labour were reported to the police. All cases have been settled, resulting in 7 fines, 1 acceptance of a fine imposed by the court, 11 cases of acceptance of a fine out of court and 1 dismissal. As shown by table 20 and table 21 the number of children aged 10-12 years in employment has dropped distinctively after the Act was changed.

**Table 20**

**Number of children and young persons in employment**

| Age   | 1996    | 1997    | 1998    | 1999    | 2000    | 2001    |
|-------|---------|---------|---------|---------|---------|---------|
| 0-9   | 275     | 145     | 109     | 114     | 100     | 148     |
| 10-12 | 3 397   | 1 711   | 473     | 406     | 348     | 343     |
| 13-14 | 18 207  | 18 625  | 17 383  | 17 791  | 17 896  | 17 640  |
| 15    | 24 221  | 22 448  | 22 470  | 22 164  | 22 417  | 22 652  |
| 16-17 | 72 382  | 69 459  | 66 335  | 64 025  | 62 826  | 62 407  |
| Total | 118 482 | 112 388 | 106 770 | 104 500 | 103 587 | 103 190 |

*Source:* Statistics Denmark.

**Table 21**

**The rate of young persons in employment (per cent)**

| Age   | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 |
|-------|------|------|------|------|------|------|
| 0-9   | 0.04 | 0.02 | 0.02 | 0.02 | 0.01 | 0.02 |
| 10-12 | 2.1  | 1.0  | 0.3  | 0.2  | 0.2  | 0.2  |
| 13-14 | 17   | 17   | 16   | 16   | 16   | 15   |
| 15    | 41   | 41   | 41   | 41   | 41   | 40   |
| 16-17 | 58   | 57   | 57   | 57   | 57   | 57   |
| Total | 11   | 10   | 10   | 9    | 9    | 9    |

*Source:* Statistics Denmark.

304. The precise number of young people in employment is not known, but based on a comparison of the employment data from Statistics Denmark, table 20, with two representative spot-check studies by the Danish Institute of Social Research from 1993 and 1998 (Ministry of Employment, 1993; Jensen, 1998) it is estimated to be about 150,000.

305. The employment data compiled by Statistics Denmark are based on a survey of the population's activity in the labour market in the last week of November of the year in question. The category of persons in employment includes pay earners with permanent work for an employer as well as self-employed persons and their spouses who help in their business. To be considered a pay earner, a person must have received an amount of pay during the year in question that corresponds to at least 80 hours of work at a specially calculated minimum wage, which corresponded to an annual pay limit of Dkr 7,134 in 1998. Students, school pupils and other persons who meet the criteria for being considered in employment but have significant non-occupational activities at the same time throughout the period of the calculation are included as employed persons. More than 90 per cent of young people who have jobs are students and without any permanent status in the labour market. The remaining approximate 10 per cent are mainly accounted for by apprentices, trainees or unskilled workers.

306. Unlike the data from Statistics Denmark, the spot-check surveys made by the Institute of Social Research in 1993 and 1998 are based on young people's own perception and assessment

of the activities they consider to be jobs, and thus also comprise activities such as babysitting, dog walking and cleaning at home. These three job categories are in fact estimated to account for more than one third of young people's work after school. A comparison of the Social Research Institute's spot-check surveys from 1993 and 1998 shows that apparently the average extent of young people's work in the two periods is relatively constant at a level of about 6 to 7 hours a week, ranging from 1 to 15 hours a week. Thus, the weekly working hours of young people are far below the level of persons in full-time employment.

307. The Social Research Institute's spot-check survey from 1998 also shows that young people's after-school work consists primarily of delivery of newspapers and advertising material, cleaning, work in the food industry, supermarkets, kiosks, bakeries, petrol stations or the restaurant trade, care for animals, babysitting, work in agriculture, forestry, market gardening or private gardens, cultural work at theatres, circuses or choirs as well as fund-raising for club or association activities. The far greater number of young persons have jobs in the service sector, while only a small number works at workshops or factories.

308. In respect of young sailors, three and five young persons aged from 16 to 18 years respectively were employed on board Danish merchant ships at the end of 2000 and 2001. Similar statistics are not available for the fisheries industry, but also here the number of young persons is very small.

### **1. Industrial accidents and work-related disorders**

309. The rules laid down for the working environment area are based, inter alia, on the occupational accident risk in a given business sector, calculated as the ratio of reported accidents and work-related disorders on the one hand to the number of children and young persons in employment on the other. The difficulties referred to above in determining the occupation rate of children and young persons are therefore also reflected in the determination of the risk of occupational accidents. The accident risk is, however, in all probability, smaller for young persons than for adult workers, as the greater part of young people's work is part-time or after-school work. Current health and safety at work legislation excludes young people from a variety of forms of hazardous work, including the operation of dangerous machines and exposure to hazardous chemicals.

310. The development in the number of reported industrial accidents among young persons below 18 years is shown in table 22. Through the past many years, the number of reported fatal industrial accidents among young persons every year has been from one to four, with about 20 per cent being traffic accidents. Of the total number of industrial accidents, fatal accidents account for less than 1 per cent. Most recently, in each of the years 2001 and 2002, one fatal accident was reported. In the period from 1993 to 2001, the average number of reported industrial accidents every year was 645 affecting young people below the age of 18 years. With a risk population of 150,000 young persons in employment, that corresponds to about four reported accidents for every 1,000 young persons employed. The corresponding annual figure for all age groups in the same period was 18 reported industrial accidents for every 1,000 persons in employment. The number of serious accidents is relatively constant, representing an average of 100 reported accidents a year, corresponding to 15 per cent of all accidents reported.



**Table 22**

**Reported industrial accidents affecting young persons  
below 18 years shown by age and year of registration**

|              | 0-9 years  | 10-12 years | 13-14 years | 15 years     | 16-17 years   | Total         |
|--------------|------------|-------------|-------------|--------------|---------------|---------------|
| 1984         | 6          | 8           | 27          | 95           | 1 252         | 1 388         |
| 1985         | 4          | 7           | 38          | 129          | 1 279         | 1 457         |
| 1986         | 7          | 11          | 51          | 145          | 1 268         | 1 482         |
| 1987         | 2          | 17          | 54          | 135          | 1 241         | 1 449         |
| 1988         | 5          | 9           | 49          | 125          | 1 198         | 1 386         |
| 1989         | 2          | 17          | 40          | 85           | 986           | 1 130         |
| 1990         | 2          | 11          | 27          | 97           | 761           | 898           |
| 1991         | 4          | 7           | 21          | 63           | 650           | 745           |
| 1992         | 5          | 11          | 23          | 50           | 611           | 700           |
| 1993         | 5          | 7           | 25          | 58           | 502           | 597           |
| 1994         | 1          | 14          | 35          | 87           | 552           | 689           |
| 1995         | 2          | 9           | 52          | 73           | 560           | 696           |
| 1996         | 3          | 6           | 47          | 74           | 551           | 681           |
| 1997         | 3          | 6           | 45          | 78           | 551           | 683           |
| 1998         | 10         | 2           | 41          | 77           | 512           | 642           |
| 1999         | 6          | 4           | 49          | 86           | 515           | 660           |
| 2000         | 2          | 7           | 53          | 63           | 464           | 589           |
| 2001         |            | 4           | 38          | 63           | 471           | 576           |
| <b>Total</b> | <b>609</b> | <b>157</b>  | <b>715</b>  | <b>1 583</b> | <b>13 924</b> | <b>16 448</b> |

*Source:* The Working Environment Authority.

311. According to the statistics of the Working Environment Authority (Arbejdstilsynet) shown in table 23, the number of work-induced disorders among children and young people was clearly declining in the period from 1993 to 2001. In 2001, there was, however, a doubling of the number of reported disorders, from 21 in 2000 to 42 in 2001. Of all reported disorders, approximately half were allergic or irritative skin disorders (eczema), while the second most frequent problem, musculo-skeletal disorders, accounted for about 33 per cent of the reported disorders. The decline until 2001 was primarily due to a reduction in the prevalence of eczema, assessed to be the result of preventive action, including restrictions on the permission to carry out “wet work”, such as cleaning and work in kitchen. However, there was also a decline in the prevalence of musculo-skeletal disorders.

**Table 23**  
**Reported work-induced disorders among 10- to 17-year-olds**  
**shown by age and year of registration**

|              | 10-12 years | 13-14 years | 15 years   | 16-17 years   | Total        |
|--------------|-------------|-------------|------------|---------------|--------------|
| 1984         |             |             | 2          | 65            | 67           |
| 1985         |             | 4           | 4          | 67            | 75           |
| 1986         |             | 3           | 14         | 138           | 155          |
| 1987         |             | 4           | 13         | 120           | 137          |
| 1988         | 1           | 4           | 7          | 117           | 129          |
| 1989         |             | 4           | 8          | 105           | 117          |
| 1990         |             | 5           | 11         | 82            | 98           |
| 1991         |             | 6           | 7          | 73            | 86           |
| 1992         |             | 1           | 9          | 71            | 81           |
| 1993         |             | 1           | 6          | 56            | 63           |
| 1994         |             |             | 4          | 47            | 51           |
| 1995         |             | 2           | 4          | 36            | 42           |
| 1996         |             | 1           | 5          | 33            | 39           |
| 1997         |             | 1           | 4          | 37            | 42           |
| 1998         |             | 4           | 2          | 33            | 39           |
| 1999         |             | 1           | 3          | 19            | 23           |
| 2000         |             | 1           |            | 20            | 21           |
| 2001         |             | 2           | 1          | 39            | 42           |
| <b>Total</b> | <b>1</b>    | <b>44</b>   | <b>104</b> | <b>11 578</b> | <b>1 307</b> |

*Source:* The Working Environment Authority.

## 2. Activities of the Working Environment Authority

312. In the period 1995-2000, the Working Environment Authority launched a variety of initiatives to improve the health and safety at work of children and young persons, for example by information and preventive action in several employment sectors such as agriculture, car repair workshops, the retail trade, the hotel and catering trade and the iron and metal products industry. In 2001, the Working Environment Authority also implemented a campaign at vocational schools.

313. Out of the funds available to the Ministry of Employment for research projects and labour market policy pilot projects, an allocation was earmarked for pilot projects on health and safety at educational institutions in the period 1997-2001. The allocation was administered by the Working Environment Authority. Support was provided to 28 projects aimed at various stages of education, ranging from primary schools and post-secondary schools to higher education and adult education. Project support was granted to pilot projects designed to map out the health and safety conditions at schools and education institutions and involve pupils and students in health and safety work at their schools and institutions.

314. One example of such a pilot project is EDISO (Pupils' Participation in the Safety Organization), which received support from the allocation in the first and second rounds in 1997. The project is anchored in the classes at the schools, each electing a safety representative who reviews any health and safety problems in the class in cooperation with the head teacher. From the sixth grade the class safety representatives are also members of a safety committee integrated in the school's regular safety organization. Courses are implemented for class representatives on a quarterly basis. If a pupil has been injured, the accident is registered on a special form similar to the form developed by the staff safety organization of the school to be used in workplace reviews of the premises of the school. The conditions subjected to such reviews include physical problems, such as poor indoor climate and insufficient safety in natural science rooms, and mental problems, including stress and bullying.

315. In 1999, the social partners, under the auspices of the sector health and safety councils and with support from the Ministry of Employment, launched 11 projects on youth health and safety at work. In 2000, a further three projects were started in the transport sector, the building and construction sector and the car repair sector. In addition, the social partners have provided assistance in the form of leaflets on health and safety. The action taken by the Working Environment Authority and other health and safety actors has created greater awareness about the protection of young people and had positive influence on the health and safety of young people at work. At the same time the measures have uncovered several problems in the area of health and safety and, in future, the Working Environment Authority will therefore direct attention particularly to the protection of young persons at work.

### **C. Protection from illicit use of narcotic drugs, etc. (art. 33)**

316. Please refer to Denmark's initial report of 1993, section IX.C.2. In addition, it may be reported that schoolchildren receive information about narcotic drugs frequently, and a web site provides information that may be used in education. The National Board of Health has implemented a model project to prevent the use of ecstasy and issued guidance material to restaurants about young people and drugs.

317. In 2000, the National Board of Health published a teaching book entitled *The Biology of Narcotic Drugs* aimed at all upper secondary schools, and it established a special web site for young people with information about drugs. In 2001, the National Board of Health published the report "Young People and Drugs", which compiled existing knowledge about risks in using and abusing drugs and the status of drugs in contemporary youth culture. It also included a number of recommendations to be used in preventive action.

318. The preventive action taken is linked closely with the health aspects of young people's abuse of alcohol and drugs. Adolescence is a phase of life in which boundaries are tested in relation to a young person's own identity and lifestyle. Many are introduced to alcohol or drugs, and a few are at risk of getting stuck in abuse. It is therefore important to provide treatment offers, guidance and follow-up. To achieve these goals, the Ministry of Justice, the Ministry of the Interior and Health and local authorities have joined forces to develop preventive and therapeutic measures aimed at young drug abusers.

#### **D. Protection from sexual exploitation and abuse (art. 34)**

319. Please refer to Denmark's initial report of 1993, section IX.C.3, and Denmark's second periodic report of 1998, paragraphs 235-243. Moreover, in the reporting period several studies have been conducted and reports submitted with focus on ways to introduce more effective measures, including ways to prevent sexual abuse of children.<sup>3</sup> Against this background, a large number of initiatives have been taken in the particular areas to fortify the effort to prevent sexual abuse of children.

##### **1. Current law**

320. The Criminal Code includes a number of provisions on the protection of children from sexual exploitation, etc. In this respect please refer to Denmark's initial report of 1993, section IX.C.3, and Denmark's second periodic report of 1998, paragraphs 235-237. In the reporting period a number of amendments to the Criminal Code have also been adopted, for instance with the aim of improving the criminal law protection of children from sexual abuse.

321. According to section 94 (4) of the Criminal Code, limitation in respect of criminal liability in cases of sexual abuse of children will not apply until the victim has turned 18 years, at the earliest. This special extension of the term of limitation, introduced with effect from 1 July 2000, applies to all cases of sexual abuse where a child victim, due to a close or otherwise special relationship with the abuser, may feel pressed to keep silent about the abuse.

322. Under section 223 a of the Criminal Code, which was added in 1999, anyone who has intercourse as a client with a person below 18 years will be punished with a fine or imprisonment for up to two years. This provision is applied if payment is made or promised. It must not necessarily be payment of a money amount, but the client's consideration has to be equivalent to a money value. Previously it was a requirement for application of this provision that the person below 18 years lived fully or partly off prostitution. This requirement has now been abolished by Act No. 288 of 2 April 2003. About this amendment of the Act, refer also to section IX.D.2.

323. Section 230 of the Criminal Code, which was added in 2000 by Act No. 441 of 31 May 2000 to amend the Criminal Code and the Administration of Justice Act (limitation, reinforced action against sexual abuse of children and young persons and IT investigation), makes it a punishable offence to use children and young persons below 18 years as pornographic models. This amendment should be seen in the context of the Convention on the Prohibition of and Immediate Action to Abolish the Worst Forms of Child Labour (Convention No. 182) of the International Labour Organization.

324. Thus, section 230 prescribes that anyone who takes indecent photographs, films or similar material of a person under 18 years of age with the intent to sell or disseminate the material in other ways will be punished with imprisonment for up to two years, or with a fine under mitigating circumstances. The perpetrator must have acted with intent, however, such that the punishable area, by a reference to section 226, has been extended to include negligence in respect of the young person's age.

325. The provision is based on the assumption that the person below the age of 18 years is aware that indecent photographs, etc. are taken. Hidden photography or recording falls under section 232 (indecent infringement) or section 264a (photographing a person in a not freely accessible place). In its explanatory notes to the bill, the Ministry of Justice writes that the provision in section 230 of the Criminal Code has been inserted, inter alia because it should not be left to persons of such a young age to decide for themselves whether they want to take part in activities of the mentioned nature, and because otherwise the degree of voluntariness in the young persons' participation may be questionable.

326. According to section 235 (1) of the Criminal Code, anyone who sells or otherwise distributes indecent photographs, films, etc. of children for profit will be punished with a fine or imprisonment for up to two years. Anyone who disseminates such material to a broader group will be punished in the same way. About this provision, please refer to Denmark's second periodic report of 1998, paragraphs 235-237. The present maximum penalty of two years of imprisonment was introduced by Act No. 441 of 31 May 2000 to amend the Criminal Code and the Administration of Justice Act (limitation, reinforced action against sexual abuse of children and young persons and IT investigation). By the same Act, a new provision was inserted as the second paragraph of section 235 (1) to the effect that also those who disseminate indecent photographs of children to a wider group will be punished with imprisonment for up to two years. By this amendment, the area of application was widened, because the second paragraph does not contain any requirement that the dissemination was made "for profit".

327. One example of dissemination to a wider group mentioned in the explanatory notes to the bill is the distribution in "clubs" on the Internet or by means of other channels, where the club has membership rules by which a person has to send a specific number of pictures to all members of the club, whereupon the member receives pictures from others in the same way. If the transmission of child pornographic material is to one person or a few persons in private circumstances, the offence will not be covered by the second paragraph of subsection 1 but, instead, the provision in subsection 2 on possession, etc.

328. The possession of child pornographic material has been criminalized by section 235 (2), according to which anyone who is in possession of or gains access against consideration to photographs, films, etc. of children who have intercourse or engage in other sexual acts than intercourse, have sexual acts with animals or use objects in a grossly obscene manner, will be punished with a fine or, in aggravating circumstances, imprisonment for a term up to six months. This provision was inserted in 1994.

329. According to the explanatory notes to the bill, the aim when the provision in section 235 (2) was drafted was to ensure a solution that would, on the one hand, include pictures taken in connection with serious criminal offences against children, while the possession of less grave pictures, on the other hand, should continue to be permissible and could perhaps have a crime-abating effect.

330. By the amendment of the Criminal Code in 2000, the provision in section 235 (2) was furthermore widened to include the situation where a person gains access against consideration to the special forms of child pornographic material mentioned in the provision. The background was that TV pictures (for example transmitted by satellite) or pictures transferred from a

database to a person's own computer screen cannot be said to be in the possession of the viewer, as possession means that the picture has to be stored by that person. It was therefore found that the concept of possession was too narrow in light of the way it is possible by means of information technology to acquire child pornographic material.

331. The classification of possession as a criminal offence was thus expanded to include cases in which a person - even if there is no real possession - gains access against consideration to child pornographic material. The more incidental situations, in which Internet users move into special areas that may provide free access to child pornography, falls outside the provision. The maximum penalty fixed by section 235 (2) was also tightened by the mentioned amendment, as a possibility was introduced, in aggravating circumstances, to sentence a person to imprisonment for up to six months for violation of the provision.

332. Finally, it may be mentioned that section 741a of the Administration of Justice Act provides a possibility to assign a lawyer to the victim, for instance in a case involving violation of the provisions of the Criminal Code on incest, rape, intercourse with a minor and other sexual acts with minors. It follows from section 741b of the Administration of Justice Act that before the victim is interviewed the first time, the police must instruct the victim about the possibility of requesting the assignment of a lawyer. This lawyer will have access to attend interviews of the victim by the police and in court and has a right to ask further questions to the victim, cf. section 741c of the Administration of Justice Act.

## **2. Legislative measures**

333. In July 2000, a working group consisting of representatives of the Ministry of Justice, the Ministry of Education, the Ministry of Social Affairs, the Ministry of Culture and the Ministry of Health submitted a report, "Report on reinforced action against sexual abuse of children".

334. The object of the report was to illustrate the extent of sexual offences against children and take stock of the previous, current and planned initiatives in the area and assess whether there was a need for more knowledge and implementing new initiatives. The report pinpointed a variety of areas in which such a need was found to exist, including a need to illustrate methods to be applied when videotaped interviews are used in the prosecution of cases concerned with sexual abuse of children. Based on this report, a working group under the Ministry of Justice submitted its report, "Report on the criminal prosecution of sexual abuse of children" (1420/2002), in September 2002. The report included a detailed review and assessment of the special issues involved in the investigation and prosecution of sexual abuse of children.

335. Based on the mentioned report, Act No. 288 of 2 April 2003 to amend the Criminal Code, the Adoption Act and the Administration of Justice Act (on child pornography, sexual exploitation of children and criminal prosecution of sexual abuse of children, etc.) was adopted, introducing a number of changes in the procedure for prosecuting cases concerned with sexual abuse of children.

336. Thus, the Act included the insertion of an express authority into the Administration of Justice Act to admit the submission of video interviews in evidence during a trial and also a provision to the effect that the person suspected or charged will not be permitted to attend a

video interview of a child, whereas that person will be given permission to acquire knowledge of the content of the interview subsequently and a possibility to request a renewed interview of the child. This procedure avoids the child, aware of the presence of the person suspected or charged, becoming nervous and thus unable or afraid to explain what has happened. The child will also avoid the psychological strain of knowing that the person suspected or charged attends the interview concerning the offence.

337. In addition, a possibility has been introduced under the Administration of Justice Act - before a video interview of a child - to assign a lawyer to the person who is suspected or charged or may later be suspected or charged in the case.

338. The Act moreover implements the amendments to the Criminal Code and the Adoption Act required for Denmark's ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, which Denmark signed on 7 September 2000. The Optional Protocol binds the States parties to criminalize any sale of a child that takes place with a view to sexual exploitation of the child, transfer of the child's organs for profit or employment of a child in forced labour. In addition, it follows from article 3 (1) (b) of the Optional Protocol that "offering, obtaining, procuring or providing a child for child prostitution" has to be prohibited.

339. The Act also includes some amendments to the Criminal Code necessary for Denmark's participation in the adoption of an EU framework decision on combating sexual exploitation of children and child pornography. In addition, the Act implements the sections of the Council of Europe Convention on Cybercrime that are concerned with child pornography. The proposed EU framework decision imposes an obligation on the member States to criminalize the exploitation of children by prostitution or "sexual activities", including pornographic performance, rape, etc., as set out in its article 2. According to article 2, paragraph (c) (ii), it will thus be a punishable offence to take part in sexual acts with a child, in situations where money or other forms of compensation or consideration is given in return for the child's participation in the activities.

340. The Act also includes an amendment to section 223a of the Criminal Code, under which anyone who has sexual intercourse as a client with a person below 18 years who lives fully or partly off prostitution will be punished. The change that follows from the Act cancels the condition in section 223a of the Criminal Code that the person below 18 years lives off prostitution. Thus, it will in any circumstance be a punishable offence to have intercourse as a client with a person below the age of 18 years against payment or a promise of payment.

341. In addition, the Act expands the criminal law protection provided by section 235 (1) of the Criminal Code on the dissemination of child pornography, so that it covers all young persons below 18 years. The provision has also been widened to include the dissemination of any form of indecent, visual presentation of persons under 18 years of age. This ensures that the provision includes so-called "fictitious" child pornography, and it covers any form of dissemination - not only dissemination for profit or dissemination to a wider group.

342. At the same time the maximum penalty provided by section 235 of the Criminal Code has been raised to make the dissemination of child pornography punishable with imprisonment for up to six years in aggravating circumstances. The maximum penalty under section 230 of the

Criminal Code on the use of pornographic models under 18 years has also been raised, so that violation of this rule may be punished, in aggravating circumstances, with imprisonment for up to six years.

343. Section 235 (2) of the Criminal Code on the possession of child pornography has, moreover, been expanded to include possession of any form of obscene visual presentations of persons below the age of 18 years - and not, as previously, only a number of more serious forms of child pornography. It follows from section 235 (3), however, that possession is still not punishable if the person presented in the picture has turned 15 years and given consent to the possession of the picture.

344. In addition, the maximum penalty provided by section 235 (2) has been raised to make possession of child pornography punishable with imprisonment for up to one year.

### **3. Action plan to combat the sexual abuse of children**

345. In order to maintain the focus and ensure continued reinforcement of the action to prevent sexual abuse of children, the Government will submit an action plan for the combat of sexual abuse of children in the spring of 2003. The goal of this action plan will be providing an overview of the initiatives taken and assess, based on the existing measures and knowledge in the area, whether there is a need for strengthened action or further knowledge in some areas. The action plan is also intended to provide an efficient instrument for all professionals engaged in the prevention and hearing of cases concerning sexual abuse of children. However, considerable new research and knowledge collection in the area have already been realized.<sup>4</sup>

346. Since 1998, it has, moreover, been possible to report any discoveries of child pornographic material to the hotline of Save the Child. If the material is found to be of such a nature, the report is passed on to the police. The Save the Child hotline is also in continuous cooperation with the Centre of Investigative Support for IT Crime and the Internet Industry operated by the National Commissioner of Police.

347. In 2001, the Crime Prevention Council, cooperating with Save the Child, set up a web site on safe chatting on the Internet addressed to children and young people and their parents. At the web site they may read about precautions that should be taken when chatting with strangers on the Internet, as well as information, leaflets and education material may be downloaded from the site. A further element of the safe chat campaign is the distribution of leaflets and posters to schools, libraries and cafes and advertisements and radio spots.

### **4. Sexual offences against children in sports**

348. In 2002, the Ministry of Culture, cooperating with the sports organizations, initiated a study of sexual offences against children and young people in sports with special attention directed at the extent and nature of such offences. The study was initiated in cooperation with sports organizations and conducted by the National Institute of Public Health by Senior Researcher Karin Helweg-Larsen. The study was prompted by information in the media in early 2002 that the number of reported sexual offences in sports had risen from 6 to 14 cases in two years. Several of the reported offenders had previously been convicted of sexual offences against children and had a criminal record already.



349. This study, published in December 2002, has provided an overview and documentation of the cases, including cases reported to the police, known from various Danish and to a lesser degree foreign sources. One of the conclusions of the report is that only a small number of the cases, or about five a year, are reported to the police. It is assumed, however, that a few more than 2,000 Danish children will experience some form of sexual offence before their eighteenth birthday in connection with activities in the country's sports clubs or their sports coaches, and it is therefore also concluded that there is a need for intensified information initiatives in this area.

350. To follow up on the report, the Minister for Culture and the sports organizations held a conference in January 2003 on sexual assaults on children and young persons in sports. The conference was also attended by representatives of several other organizations, the police, the local authorities, the social authorities, the school system and the Ministry of Social Affairs and the Ministry of Education. The recommendations from the conference emphasize the need for more specific knowledge about the handling of specific cases of sexual assaults on children in sports, and for establishing local authority services to provide counselling to clubs and voluntary leaders in cases when such assaults are suspected. Finally, it is recommended to raise awareness about transgressive conduct, which cannot be characterized as real sexual assaults but nevertheless constitute sexual harassment, and include this issue in the continued measures of the sports organizations to influence conduct and attitudes in their specialized associations and sports clubs. The recommendations will be monitored in close collaboration between the Ministry of Culture and the sports organizations.

## **5. Statistics on sexual offences**

351. The true extent of sexual offences against children in Denmark is not known, because not all sexual offences against children are reported to the authorities and therefore cannot be included in official surveys of the number of sexual offences against children. Until 2001, it was also not possible to calculate the precise number of reported cases and charges raised for sexual offences against children. From 2001, the gender and age of victims of crimes against the person such as violence and sexual offences are, however, registered in current crime statistics.

352. In respect of violations of section 222 (2) of the Criminal Code - heterosexual crimes against children below the age of 12 years and heterosexual intercourse with a child aged 12 to 14 years obtained by coercion or threats - the crime statistics show that in 2001, 207 cases were reported, leading to 181 charges. In 2000, the number of reported cases was 205, leading to 169 charges, while in 1999 the number of reported cases was 264, leading to 209 charges.

353. In respect of section 225 of the Criminal Code - homosexual offences against children below the age of 12 years - 13 cases were reported in 2001, leading to 10 charges, and 44 cases were reported in 2000, leading to 39 charges. For 1999 the figures were 25 cases reported and 19 charges.<sup>5</sup>

## **6. The report of July 2000 submitted by the inter-ministerial task force**

354. In view of the increasing awareness about sexual abuse of children, an inter-ministerial task force was appointed in 1999, consisting of representatives of the Ministry of Justice, the Ministry of Education, the Ministry of Health, the Ministry of Culture and the Ministry of Social Affairs. It was assigned with mapping out the extent of the problem and accounting for

previous, current and planned initiatives in the area and assessing the need for new action. It presented its report in July 2000. To ensure strengthened action, a project allocation of DKr 39 million was set aside for a four-year period as recommended by the task force.

355. In conjunction with the report, a consultation report was compiled, describing the action and planned initiatives for the area taken by a number of public authorities and private organizations and also pinpointing various areas in which the previous measures were found inadequate. This report was aimed particularly at local authorities, other public authorities and private organizations. The report has also prompted a number of other measures.

356. Thus two knowledge centres in the social and health area have been established. One of them, the Knowledge Centre for Social Action concerned with Sexual Offences Against Children (SISO) is tasked with coordinating initiatives and social measures already taken by local authorities. SISO also provides advisory services to authorities and organizations and handles the annual reporting on the overall activities at the national level for the area. In the health area, in association with the National Hospital, another knowledge centre, the Team for Sexually Abused Children, has been established. For further information please refer to section VI.K.

357. The four-year allocation of DKr 39 million referred to above has also made it possible to finance several research projects. One is an interview study of young male sexual offenders. Based on the shared experience of childhood negligence reflected by the young persons interviewed, the study led to a pilot project designed to map out the therapy requirements of such offenders, treatment options for young offenders and the development of specific methods to be used in their treatment.

358. The other research projects include a national study aimed to illustrate the extent and nature of sexual offences against children, conducted by interviews of well over 6,100 school pupils from the ninth year. The report on the study, "Youth Welfare in the Year 2002 - a study focused on sexual abuse in childhood" (the National Institute of Public Health, August 2002) showed that about 11 per cent of the young people interviewed had been exposed to acts that were punishable as sexual offences, but fewer than 3 per cent had perceived those acts as infringements. The study also revealed a significant correlation between difficult personal conditions, including a difficult family situation and impaired well-being, and the risk of exposure to sexual offences. The results of this study are included in the continued work to implement the action plan for stronger action against sexual abuse of children.

359. Finally, it may be mentioned that the Institute of Social Research has launched a study to illustrate the knowledge and experience of parents and professionals in cases involving sexual offences against children in day care. The objective of the study is to provide knowledge to be used in developing guidelines on how such cases can be handled most appropriately by day-care centres.

#### **E. Protection from abduction, sale, etc. (art. 35)**

360. Please refer to Denmark's first report of 1993, section VI.H. Moreover, in 2002, by Act No. 380 of 6 June 2002 to amend the Criminal Code, the Administration of Justice Act and the Road Traffic Act (increase of the penalty for rape, assault, involuntary manslaughter,

involuntary serious bodily harm, causing danger wilfully, car theft, aggravated breach of the peace, human smuggling and human trafficking, etc.) a separate provision on human trafficking was added to Part 26 of the Criminal Code on crimes against personal freedom.

361. This provision (sect. 262a) criminalizes human trafficking as a separate offence. According to the provision, anyone who recruits, carries, transfers, houses or subsequently receives a person, resorting to or having resorted to illegal coercion under section 260, deprivation of liberty under section 261, threats under section 266, unlawful inducement, consolidation or exploitation of a deception or any other undue method will be punished with imprisonment for a term up to eight years, where the act was committed with a view to exploitation of the victim by sexual indecency, forced labour, slavery or conditions similar to slavery or removal of organs.

362. If the victim is a person below the age of 18 years, an offender may be punished for human trafficking under section 262a (2), even if the means of coercion referred to in section 262a (1) have not been used. This will also apply if, by providing payment or any other benefit, the perpetrator obtains consent from a person with custody rights over the victim, according to subsection 2 (2). In such cases the maximum penalty is also imprisonment for a term up to eight years.

363. Denmark has ratified the Hague Convention on the Protection of Children and Cooperation in Respect of Intercountry Adoptions of 29 May 1993. According to article 4 of the Convention, intercountry adoption may only take place if consent to the adoption has been given by the individuals, institutions and authorities required to give such consent under the legislation of the child's country of origin. Depending on the child's age and maturity, the child must also give consent. The consent must be given voluntarily and not be provoked by payment.

364. These rules have been implemented into Danish law by section 15 of the Adoption Act, added to the Act in 1997. According to this provision, adoption may not be granted if anyone required to give consent to the adoption pays or receives a fee or any form of consideration, including compensation for loss of earnings. According to section 31 (1) of the Adoption Act, cf. section 34 (1) (2), providing children for adoption is a punishable offence if carried out by others than the authorized private agencies.

365. Otherwise, please refer to section VI.E on child abductions.

### **Legislative measures**

366. By the act referred to in section IX.D.2, i.e. Act No. 288 of 2 April 2003 to amend the Criminal Code, the Adoption Act and the Administration of Justice Act (on child pornography, sexual exploitation of children and criminal prosecution of sexual abuse of children, etc.), a provision, in addition to the measures already mentioned to prevent sexual abuse of children, has been inserted into the Adoption Act to the effect that anyone who pays a fee as a middleman in order to obtain consent for adoption may be punished.

367. In addition, the Act stipulates that limitation in respect of cases of human trafficking, where the victim is below 18 years, shall not be reckoned from a date earlier than the day the victim turns 18 years. Finally, the Administration of Justice Act has been amended to make it possible to assign a lawyer to the victim in proceedings on human trafficking.

368. Otherwise, please refer to section II.A.2 concerning the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

#### **F. Protection of the child in relation to armed conflicts (art. 38)**

369. Please refer to Denmark's first report of 1993, section IX.A.2.

#### **G. Children in criminal justice (arts. 37 (b)-(d) and 40)**

370. In respect of the treatment of children suspected of or charged with or convicted of a criminal offence, please refer to Denmark's first periodic report of 1993, section IX.B, as well as Denmark's second periodic report from 1998, paragraphs 268-279. In respect of the deprivation of a child's liberty in the administration of criminal justice, refer also to section IX.G.1 of the present report. About the age of criminal liability of children, please refer to Denmark's first periodic report of 1993, section III. Denmark's obligations under international instruments concerning criminal procedure guarantees, including to children, are dealt with in Denmark's core document (HRI/CORE/1/Add.58, paras. 87-94).

371. As mentioned in section IV.B.1, the consideration for the child's welfare is a fundamental principle in Danish criminal justice. In this respect, the protection of children and young people who are deprived of their liberty during and after a criminal trial has been considerably extended, as in the reporting period Denmark has introduced improved regulation of issues concerning solitary confinement. In addition, a special juvenile sanction has been established for convicted children and young persons and various preventive and resocializing measures have been taken.

##### **1. Deprivation of a child's liberty in criminal justice**

372. Please refer to Denmark's first periodic report of 1993, section IX.B.2, as well as Denmark's second periodic report of 1998, paragraphs 244-261. In the reporting period a number of changes have, moreover, been made in respect of pre-trial detention, the serving of prison sentences and solitary confinement, and a special juvenile sanction has been introduced.

##### **(a) Pre-trial detention and serving of sentences**

373. As described in Denmark's second report, the rules on placement of young people in detention were changed in connection with Denmark's ratification of the Convention on the Rights of the Child, particularly to provide better supervision to ensure that young persons were allowed contact with others. This was done by the establishment of special juvenile units in two prisons (Blegdamsvejens Fængsel and Statsfængslet på Søbysøgård).

374. Until January 1999, young persons aged 15-17 years in pre-trial detention who could not be placed in surrogate custody were placed in the juvenile unit of the prison of Blegdamsvejens Fængsel or in a local prison.

375. In view in particular to the low number of young detainees, the practice of placing them in the juvenile units turned out to involve great drawbacks for the young persons. They frequently felt isolated both in relation to other inmates and to their family and relatives. Due to the distance to their home region it was often difficult for them to receive visits. This was not appropriate, because this group in particular needs as much contact with the family as possible. These young people are also highly resource-demanding; they are typically rejective of the customary options of education and work, and with the facilities available it was not possible to provide relevant activities for this group. It was therefore decided to close down the special units for detainees aged 15-17 years and set other criteria for the placement and treatment of young people.

376. By Act No. 432 of 31 May 2000 on the Enforcement of Sentences, etc. (*Straffuldbyrdelsesloven*), the regulation of the enforcement of sentences, etc. was compiled into one act. Under the Sentence Enforcement Act, an executive order and a set of guidance notes were prepared for the treatment of young persons aged 15-17 years placed in the institutions of the Prison and Probation Service, i.e. Executive Order No. 390 of 17 May 2001 and Guidance Note No. 96 of 16 May 2001. The executive order comprises both young persons in pre-trial detention and young persons who have to serve a prison sentence or be kept in secure detention. In respect of pre-trial detainees it is assumed that the secure social institutions will continue to be used to the widest possible extent for surrogate custody purposes. According to section 16, however, the executive order does not apply to detention of asylum-seekers in the institutions of the Prison and Probation Service. Young persons of 15-17 years who have to serve a prison sentence are placed in the hostels of the Prison Service or institutions outside the Prison Service, unless considerations of law enforcement prevent their placement outside a central or local prison.

377. The executive order applies to inmates below the age of 18 years. This means primarily that above that age, the requirement for separation from older criminals will lapse, but a treatment programme that has been initiated, for example, will naturally not be interrupted only because the young person turns 18 years.

378. It should be noted that special rules for young persons below the age of 18 years are included in social legislation, in particular the executive order on the duty to notify the social authorities, according to which public officers and other persons with public responsibilities have a duty to notify the local authority when, in their work, they receive information about conditions of a child or young person below 18 years that may give rise to an assumption that the child or young person needs special support.

379. In respect of pre-trial detainees, the executive order prescribes that a person aged 15-17 years who cannot be placed in surrogate custody should, in principle, be placed in the local prison (including the Copenhagen prisons). However, it will be assessed specifically, based on the information available about, for example, the current composition of the inmates

there, whether the placement should be in a different local prison. To take account of the consideration for maintaining contact with family, etc. the placement should as far as possible be in a local prison near the young person's residence.

380. Treatment programmes have to be established as far as possible for young persons, for instance in the form of education and work options under section 13 of the executive order. In the decision of placement, account has to be taken of whether a specific assessment of the young person's needs and background will make it appropriate to place him or her in a prison other than the local prison.

381. It is sought to carry out the transfer under section 777 of the Administration of Justice Act at the earliest time possible, if it is to be expected that the young person has to remain in detention during the trial and serve a long-term sentence or be placed in a secure institution immediately after the final sentence. Transfer according to section 777 of the Administration of Justice Act will require approval from the court, and, in principle, it must be subject to consent from both the detainee, the prosecution service and the management of the institution.

382. In the local prison, the young person will be placed in the unit that will fulfil the consideration of protecting young persons from adverse influence from fellow inmates in the best possible way. In exceptional circumstances, and only with consent from the Directorate of Prisons and Probation (the Ministry of Justice), young persons aged 15-17 years may be placed in day rooms with older inmates. This may be the case where close family relations or conditions that are fully equal to such relations will make such placement compatible with the best interests of the young person. It is a requirement that the young person consents to such a placement.

383. When persons aged 15-17 years are allowed association with older inmates when prison staff is present, for example in common activities such as exercise in the prison yard, ball games, schooling, project work, etc., the staff has to direct special attention to ensuring that the young person is not exposed to adverse influence.

384. A permission to allow 15- to 17-year-olds to spend time with older inmates without any staff being present, for example in day rooms, lounges or common areas, will require a careful assessment of whether such a permission is estimated to be compatible with the interests of the young person. When such association is allowed, a detailed note has to be prepared about it.

385. If a person aged 15-17 years does not have access to contact with other inmates, it must be assessed on a daily basis whether it is possible to establish it or transfer the young person to an institution that provides such opportunities. If the assessment concludes that there is no possibility of establishing such contact - and this will mean that a young person aged 15-17 years is de facto isolated for a longer period of time - the matter must be submitted to the Directorate of Prisons and Probation (the Ministry of Justice). In any case, a report has to be submitted no later than after the young person has been in de facto isolation for one week, but it should take place earlier if warranted by circumstances in the particular case.

386. Young persons aged 15-17 years have to be placed according to the provisions of section 78 of the Sentence Enforcement Act, unless prevented by important considerations of law enforcement as set out in section 78 (2) of the Act. The rule for pre-trial detainees is that

when their cases are sent to the Directorate of Prisons and Probation (the Ministry of Justice) for a decision of the question of where they should serve their sentences, the Directorate must be informed at the same time of the considerations regarding placement under section 78 of the Sentence Enforcement Act.

387. According to the Sentence Enforcement Act, sentences normally have to be served in an open prison, including in the case of young people aged 15-17 years who cannot under section 78 serve outside a State or local prison. In the placement of young persons aged 15-17 years who have to serve in an open prison, the principle of geographic proximity should be given particular weight to ensure that the young person can retain contact with family and be reintegrated in society through education institutions, etc. near the young person's home. The principle of proximity may be departed from, if it is judged to be appropriate based on a specific assessment of the inmate's situation and the character of the proposed institution and its current composition of inmates. The possibility should also be examined of placing young persons in special units, such as drug-free or covenant units.

388. To safeguard the young person's possibility of retaining contact with family, applications for permission to visit from the young person's family members should be granted to the extent possible. Section 51 of the Sentence Enforcement Act prescribes that an inmate has the right to one weekly visit of at least one hour, and as far as possible two hours; permission for longer visits may be granted. The possibility of granting permission for extended visits should be exercised in relation to young persons in particular, to facilitate their retaining contact with family while serving their sentence.

389. The Ringe State prison is a prison intended primarily for young people, and the special rules on consideration of association and the duty to take notes set out in section 2 (2)-(6) therefore do not apply to this institution.

390. When young persons aged 15-17 years have to serve in an open prison in which there is a possibility of contact with older inmates, the staff must constantly pay special attention to ascertaining whether this placement is compatible with the young person's interests. If the staff finds that a particular placement involves a risk that a young person will be exposed to adverse influence from fellow inmates, or it is otherwise contrary to the best interests of the young person, he or she must immediately be moved to a different unit or a different prison. A note must be prepared on the choice made in respect of placement, etc. and the considerations on which the choice was based.

391. The institution has an obligation, through frequent contact with the young person, to keep informed of the young person's situation and ensure that he or she is not exposed to adverse influence. The staff has a duty to support and motivate young persons to accept the special treatment and education offers available. At least every second week the young person's situation in the institution must be discussed, and it must be considered whether there is any reason to take special measures in respect of education or treatment. It must also be considered in that connection whether there is any reason to make changes in the serving of the sentence.

392. In respect of young persons placed in a State or local prison, an individual treatment programme must be planned on the basis of the young person's motivation and special background. It may, for example, include cognitive skills training, treatment for any alcohol

or drug abuse problems, training in general social skills and elementary practical tasks, or a job offer. According to section 11, the institution has to remain aware of the possibility of allowing a job posting outside the prison and temporary licence for that purpose.

393. Young persons aged 15-17 years who are subject to compulsory education must be offered education for completing the school leaving exam (ninth year) if their schooling background makes this possible. They should be offered special education in Danish and arithmetic/mathematics to remedy any deficiencies in these basic subjects. If the premises, etc. so permit projects should be initiated similar to those operated in the production schools of the Prison and Probation Service.

**(b) Statistics on pre-trial detention**

394. The report published by the Ministry of Justice in the autumn of 2002 on the juvenile sanction and unconditional prison sentences served by young offenders includes a survey of the number of juvenile sanctions and unconditional sentences imposed in the period from 1 July 2001 to the beginning of April 2002. This material includes only sentences imposed on young persons who were below the age of 18 years at the time of the offence.

395. The report shows that a total of 31 juvenile sanctions and 53 unconditional prison sentences were imposed in the period. Almost half the detention sentences, 26 out of 53, were combination sentences, as especially sentences of four months and above are frequently partially conditional.

396. The report also shows that in more than 25 per cent of the cases leading to a youth sanction sentence and in almost 25 per cent of the cases that led to a prison sentence, the young offender had been in pre-trial detention, primarily in surrogate custody. However, 10 of the young persons who received a prison sentence had been placed in a local prison through the full pre-trial detention period or part of it, while this was only the case of 5 of the young offenders sentenced to the juvenile sanction.

397. Seven of those in pre-trial detention from the juvenile sanction group had escaped during the pre-trial detention period - in all cases from surrogate custody. In one of these cases the young person was transferred to a local prison, while the others were returned to surrogate custody.

398. The average duration of pre-trial detention was 42 days for the young offenders who received prison sentences, while the average was 67 days for those sentenced to the juvenile sanction.

**(c) Solitary confinement**

399. Act No. 428 of 31 May 2000 to amend the Administration of Justice Act and the Criminal Code (solitary pre-trial detention, detention during trial, witness protection, witness exclusion for priests from other religious communities, interrogations in cases tried before the Supreme Court, prosecution of cases outside the legal district due to shortage of premises and



complaints about the case processing by the prosecution service, etc.) introduced a number of changes in the rules on solitary pre-trial detention set out in the Administration of Justice Act, i.e. sections 770a-770e of the Act.

400. The key purpose of this amendment was to considerably restrict the use and duration of solitary confinement, and the new rules specify and tighten the conditions for imposing solitary confinement.

401. Thus, section 770a prescribes that the court may decide, upon request, that a person in pre-trial detention has to be placed in solitary confinement, if the detention was originally based on an assumption that the accused would otherwise obstruct the investigation of the case, especially by removing evidence or alerting or influencing others, and if there are certain reasons to assume that pre-trial detention will not in itself be sufficient to prevent the detainee from continuing to obstruct the investigation of the case by influencing accomplices through other inmates or influencing others by means of threats or similar methods.

402. According to section 770b, solitary confinement may only be imposed or continued if the objective cannot be obtained by a less severe measure, and if the confinement, including the special strain it may involve due to the young person's age, physical or mental vulnerability or personal situation in general, is not out of proportion to the importance of the case and the legal sanction that can be expected if the detainee is convicted, and provided that the investigation will be significantly expedited, as required for pre-trial solitary confinement.

403. Section 770b, paragraph 2, emphasizes the special strain that the measure may impose due to the personal situation of the detainee. This provision ensures, for example, that placement of young persons below the age of 18 years in solitary confinement will only be applied in rare and exceptional circumstances. Solitary confinement of persons below the age of 18 years will thus exclusively be ordered in rare and exceptional cases, when particularly serious reasons make solitary pre-trial detention necessary in the specific case. In any renewal of solitary confinement for more than very brief periods, the principle of proportionality will carry increasing weight against any continued solitary confinement of persons below the age of 18 years.

404. In addition, section 770c (4) of the Administration of Justice Act prescribes that solitary confinement may in no case take place for more than eight weeks if the detainee is below the age of 18 years. This applies irrespective of the nature of the crime charged.

405. According to section 770d, the court decides on solitary confinement by a separate order, and this order must state the specific circumstances based on which the court finds that the criteria for solitary confinement or continued solitary confinement are met. When solitary confinement is ordered, the first term of the measure must not exceed two weeks. If the detainee is below the age of 18 years, the term of solitary confinement may not be extended by more than two weeks at a time.

406. When young persons aged 15-17 years are detained, they must, in principle, be placed in surrogate custody in secure social institutions and not local prisons, etc. It is thus the main rule that persons aged 15-17 years should not be placed in the State or local prisons of the

Prison Service. Prisons will exclusively be used if the secure social institution cannot handle receiving the young person for surrogate custody, or where important considerations of law enforcement make it justified not to place a convicted person aged 15-17 years in one of the hostels of the Prison Service or an institution outside the Prison Service.

**(d) Statistics concerning solitary confinement of young persons aged 15-17 years**

407. In 2001, there was only one completed detention of a person below the age of 18 years in solitary confinement. The young person was kept in solitary confinement for 15 days on a charge of robbery. At the time of the detention in solitary confinement, the young person was 17 years and 8 months old.

**2. Sentencing of children**

408. Act No. 469 of 7 June 2001 to amend the Criminal Code and the Social Services Act (juvenile crime) strengthened the sanctions and measures in relation to maladjusted young offenders with a difficult social background.

409. By the amendment act, which entered into force on 1 July 2001, a new juvenile sanction was added to the Criminal Code in the form of a structured, controlled socio-educational treatment programme of two years for young offenders aged 15-17 years. This youth sanction makes it possible to retain a young person for a longer period of time and, at the same time, start a therapy programme, which may put the young person back on track in the longer term.

410. In addition, the amendment incorporated a new provision into the Social Services Act, under which a duty was imposed on the local authority to prepare a preliminary care plan not later than seven days after receiving documentation of serious crime from the police, so that the necessary social measures, particularly relating to children and young persons below the age of criminal liability (15 years), can be taken as quickly as possible after an offence has been committed.

411. The key content of the new youth sanction is a socio-educational treatment programme over 2 years, divided into three phases. The first phase is a stay in a secure institution, usually for about 2 months (a maximum of 12 months). In the second phase, the young person is placed in less strict conditions, for example in a non-secure residential institution or another suitable facility, where it is sought to offer the young person education and/or work. This stay will usually last 12 months, provided that the total stay at institutions will not exceed 18 months. The third phase is a socio-educational treatment programme on a day basis for about 10 months (or the remaining part of the two-year period).

412. The target group of the youth sanction is young persons between 15 and 18 years at the time of the offence, who have distinct adjustment problems, for which reason the sanction is considered appropriate. It is, moreover, a condition that the young person has committed a serious crime against the person such as assault, robbery or rape, or an aggravated crime against property, TWOC [taking (a vehicle) without the owner's consent] or vandalism - cases that would previously typically have led to an unconditional prison sentence of 30 days to one year.

413. In their sentencing, the courts have to define the framework of the specific youth sanction, in practice at the recommendation of the social authorities. The social authorities are then given the authority to plan the treatment programme within the scope of the sentence.

### **3. Prevention of crime among young immigrants**

414. In October 1999, the then Government appointed a ministerial committee tasked with presenting an overall action plan for the integration into Danish society of and an earlier response to maladjusted young people. In November 1999, the committee submitted its report, which described the existing programmes aimed at maladjusted young people, including immediate anti-crime measures, crime preventive action and several specific initiatives in the social, educational, labour market, housing, recreational and voluntary organization areas, as well as a number of new initiatives in two general areas: firstly, immediate response to and instant treatment of children and young persons who have committed crimes and, secondly, a crime prevention initiative and other preventive measures.

415. The initiatives to ensure immediate response included establishment of an action team that had to monitor and map out existing programmes for maladjusted young people, collect knowledge, provide advice to parties affected, establish networks and set up a telephone hotline, etc. In addition the Committee proposed one-to-one monitoring of maladjusted young people, quick contact to their parents if a crime was committed, new treatment programmes targeting young persons, etc.

416. The initiatives in the area of prevention included stronger action aimed at young offenders between 18 and 24 years, strengthened SSP (schools, social services and police) cooperation, early placement of children in the best interests of the child, urban policy pilot projects, for example to deal with street gangs, improvement of youth counselling services and parental training programmes, etc.

### **4. Resocialization of young sexual offenders**

417. The action plan to combat sexual abuse of children, referred to in section IX.D, will include a review of therapy programmes and measures to prevent repeated crime aimed at perpetrators of sexual offences against children, including juvenile perpetrators. In this connection, it will be assessed, inter alia, whether special criminal law or resocialization initiatives for juvenile perpetrators are required.

### **H. Children belonging to ethnic minorities (art. 30)**

418. Children belonging to ethnic, religious or linguistic minorities must, like other children, be able to enjoy the rights enshrined in the Convention on the Rights of the Child, specifically article 2 of the Convention, regarding which reference is made in section VI.A of this report. In addition, it follows from article 30 of the Convention that children of such minorities must not be denied the right to enjoy their own culture, practise their religion and use their own language. About the protection of these rights, please refer to Denmark's first periodic report of 1993, section IX.D. In the present report there is reason to point to developments in the following areas, all of which have undergone change in the reporting period.

## **1. Native tongue teaching**

419. Bilingual children who have not started school have the right to be offered support in their linguistic development with a view to their acquisition of the Danish language. Local authorities may to the necessary extent offer education in both Danish and the relevant second language to children from pre-school class and up to the tenth school year. Local authorities also have to offer mother tongue education to children of compulsory education age of EU and EEA citizens and children in the Faeroe Islands and Greenland. Mother tongue education and education in the most common immigrant languages may also be offered as elective school courses.

## **2. Ethnic minorities and the police**

420. Please refer to Denmark's second periodic report of 1998, paragraphs 19-20. It may be reported in association with this information that the general principle of non-discrimination set out in the Convention on the Rights of the Child is a key principle applied by the Danish police service. Denmark has introduced community police services in all police districts, and everywhere in the country the principles of problem-oriented police work are applied. This means that problems are analysed continuously in the police districts, particularly those that may cause public disorder and crime, and problem-oriented projects are launched on the basis of such analyses.

421. To a wide extent, these projects involve cooperative partners outside the police, for example local authorities and organizations that safeguard the interests of minority groups. In this connection the police have the initiating and coordinating function. In connection with crime preventive and repressive measures, the police take part in the projects directly.

422. Maladjusted young people and young people of a different ethnic origin than Danish have caused problems and insecurity in several of the country's police districts and, among the problem-oriented projects, several are aimed at eliminating these problems. In connection with the projects it is attempted to include these young people into the general youth culture, and it is sought to remove any conflicts between population groups, for example by measures to counter discrimination and xenophobia.

423. The police give high priority to cooperation and dialogue with various interest groups, including ethnic minorities. It may be mentioned, for example, that the Copenhagen police service has set the goal of building and expanding confidence and cooperation between the Copenhagen Police and the ethnic minorities, inter alia through a clearly demonstrated, efficient and highly prioritized prosecution of violation of the legislation that prohibits discrimination and racism as well as other offences originating in racist motives, and also through ongoing dialogue with representatives of ethnic minorities in order to avoid unnecessary conflicts or misunderstandings.

### **3. Nutritional guidance**

424. The National Board of Health has prepared a leaflet for health-care staff on how to offer nutritional guidance to persons of an ethnic origin other than Danish, based on the food culture of these groups. The leaflet, printed in a variety of languages, is entitled "Healthy Children in New Country" and is accompanied by a report for health-care staff on food in different cultures.

### **4. Children of ethnic minorities in day care**

425. One of the objectives of day-care services is to contribute to children's understanding of Danish culture in a broad sense as well as their understanding of the other cultures they meet in their daily life. Some day-care centres have taken on special staff, i.e. bilingual childcare workers, to provide a special effort to promote the integration of bilingual children. Thus, bilingual children with the same mother tongue as the special day-care staff may be admitted in preference to other children. In addition, many local authorities in South Jutland have established day-care services for children of the German minority in Denmark.

### **5. Care placement of children and youths of ethnic minorities**

426. In choosing the place of residence for children in care placement, consideration must be taken with regard to those specific circumstances arising from the ethnic, religious, cultural or linguistic background of the child or youth. Among other things, it is important to ensure continuity during the child's or youth's adolescence.

## **X. GREENLAND**

427. As mentioned in section I.B, this section contains a separate report on the situation of children in Greenland. It has been prepared on the basis of information provided by the Greenland Home Rule Authorities. For details on the preparation of this report please refer to section X.A.4.

### **A. General implementation measures (arts. 4, 42 and 44 (6))**

#### **1. Greenland's accession to the Convention on the Rights of the Child**

428. On 26 March 1992, the Landsting of Greenland adopted the decision on Greenland's accession to the Convention on the Rights of the Child. Therefore, on 11 May 1993, the Danish Government withdrew its previous reservation to the Convention, according to which it did not apply to Greenland.

429. Before the Landsting made the decision, there had been elections for the Landsting in 1991 with subsequent appointment of a new executive. The Greenland Executive wished to formulate a new policy to improve and strengthen the conditions of families, children and young people in Greenland. The child policy report of the Greenland Executive was then submitted to the Landsting during its spring session in 1992. In conjunction with the report, the Executive presented a proposal to accede to the Convention on the Rights of the Child. The proposal won acceptance from all political parties as well as the other members of the Landsting.

430. In order to ensure implementation of the Convention into the social regulations for Greenland, the Landsting - at its autumn session in 1992 - also adopted a new set of Landsting Regulations on Assistance to Children and Young Persons (*Landstingsforordning om hjælp til børn og unge*), which included provisions that implemented articles 9 and 25 of the Convention.

## **2. Measures to implement the rules of the Convention (art. 4)**

431. In the reporting period, the Greenland Home Rule Authorities have carried out a reform in the area of children and young people, which resulted in new Landsting Regulations on Assistance to Children and Young Persons, adopted at the spring session of the Landsting in 2003 (Landsting Regulations No. 1 of 15 April 2003). The new Regulations include an express rule to the effect that all measures taken according to the Regulations must be based on the child's needs and confirm that the Executive has an obligation to implement the Convention on the Rights of the Child and also provide information to be included in Denmark's periodic reports to the Committee on the Rights of the Child.

432. Moreover, a process to reform the school system has been initiated. This reform, based to a wide extent on the Convention on the Rights of the Child, has been named *Atuarfitsialak* ("The Good School").

433. The year 2000 was an official Year of the Child in Greenland. The activities through the year comprised several events with special focus on children and young people, including a national conference that had to be the starting point for the formulation of a policy on children and young people. In extension of the conference, the new Landsting Regulations on Assistance to Children and Young Persons were adopted, and a documentation centre for the conditions of children and young people in Greenland was established. It is expected to become permanent in the course of 2003.

## **3. Dissemination of knowledge of the Convention (arts. 41 and 42)**

434. The Convention on the Rights of the Child was translated into Greenlandic in connection with the accession resolution of the Home Rule Authorities in March 1992. The Convention is also available in Danish.

435. Against the background of a debate in the Greenland Landsting in 1999, an amount of DKr 800,000 was allocated in the Landsting budget for 2000 and the following years for organizing courses on legislation concerned with support to children and young persons and the Convention on the Rights of the Child. These courses are aimed at caseworkers, members of social committees and local authority councils as well as the staff of the police service, the schools, the Prison and Probation Service and the special prevention advisers.

436. In addition, funds were set aside for an information campaign on the Convention on the Rights of the Child. The campaign included a leaflet entitled "Children and the UN", which was distributed all over the country. In 2002, the Ministry of Social Affairs ordered a reprint of the leaflet and also commissioned a number of TV spots designed to broaden knowledge of the Convention.

437. In late 2000, the Regional Offices of the Ministry of Social Affairs organized a three-day course in Narsarsuaq, Kangerlussuaq and Ilulissat on the theme “The UN Convention on the Rights of the Child and children neglected at an early age”. Since then, the South Regional Office of the Ministry, in connection with trips to the relevant local authorities, has ensured that the local authority social service offices are involved in the preparation of the legislative measures referred to in section X.A.2. In 2001, the regional office was also responsible for training focused on the rules of the Convention in conjunction with a course aimed at teachers organized by the Educational and Psychological Counselling Unit of the South Region.

#### **4. Preparation of reports to the Committee on the Rights of the Child (art. 44)**

438. In connection with the drafting of Greenland’s input to Denmark’s third report to the Committee on the Rights of the Child, an information meeting was held with the relevant ministries and bodies of the Greenland Home Rule Authorities, the National Association of Local Authorities in Greenland (KANUKOKA) and Statistics Greenland. Those authorities and organizations, as well as the Chief of Police for Greenland, the Prison and Probation Service and the High Commissioner (Rigsombudsmanden), have been asked to provide contributions to the information submitted by the Greenland Home Rule Authorities.

439. The following Greenland NGOs have also been informed of their possibility to provide input to the contribution from Greenland: Sorlak, Spejderit Katuffiat, Sukorseq, Siumut Inuusuttunut Suleqatigiiffiisa Kattuffiat, Atassutip Inuusuttai, Inuit Ataqatigiit’s youth organization, Savaatillit Inuusuttut Peqatigiit, Sanningasup Tungujortup Inuusuttai, NAIP-inuusuttai, K.I.K. and Inuit Youth International.

440. Greenland’s contribution to the Danish country report was prepared in Danish and will subsequently be translated into Greenlandic and be submitted to the Greenland Executive and the Landsting and published on the web site of the Home Rule Authorities, [www.nanoq.gl](http://www.nanoq.gl).

#### **B. Definition of a child (art. 1)**

441. The provisions on minimum legal age contained in the legislation for Greenland correspond to a wide extent to those of similar Danish legislation. Therefore, to the necessary extent, reference will be made to relevant paragraphs thereon elsewhere in this report or to Denmark’s two previous periodic reports of 1993 and 1998.

##### **1. Consent to medical treatment and disclosure of patient information**

442. According to Landsting Regulations No. 6 of 31 May 2001 on the Legal Rights of Patients, a child patient who has turned 15 years may give his or her own informed consent to treatment. The holder of custody has access to the same information as the patient about his or her state of health and treatment prospects and must be involved when the child has to make a decision. In addition, a child patient who has turned 15 years is entitled to access to documents in public files and may give consent to the disclosure of health information. The rules are essentially the same as those of the Danish Act on the Legal Rights of Patients, and reference is therefore made to the description of these rules in section III.A.I.

## **2. End of compulsory education**

443. According to Landsting Regulations No. 8 of 21 May 2002, the age of compulsory education begins at the start of the school year in the calendar year in which the child turns 6 years, and it ends after the child has received regular education for nine years.

## **3. Admission to employment, including part-time or full-time work and hazardous work**

444. Children below the age of 15 years may not be admitted to work apart from light work for two hours a day. Young people between 15 and 18 years may not be employed for more than 10 hours a day and must be given a rest period of at least 12 hours in succession every day. The rest period must include the period between 10 p.m. and 5 a.m., unless the young person is employed in the fish processing industry and has turned 16 years. This legislation is being changed, however.

## **4. Marriage**

445. A person below the age of 18 years may not contract a marriage without a special permission, according to section 1 of the Royal Order on the entry into force for Greenland of the Danish Act on the Contraction and Dissolution of Marriage.

## **5. Voluntary enlistment in the armed forces**

446. There is no compulsory military service for residents of Greenland. Persons who move to Denmark after having lived in Greenland for 10 years or more may be granted exemption from military service by the Minister of the Interior and Health or the county governor's office authorized by the Minister of the Interior and Health to grant such exemptions. Residents of Greenland may enlist voluntarily for service in the armed forces of Denmark and will, in that case, be covered by current military legislation.

## **6. Minimum age for sexual consent**

447. The age of sexual consent is 15 years under section 53 of the Criminal Code for Greenland.

## **7. Age of criminal responsibility**

448. A person acquires criminal responsibility at the age of 15 years under section 10 of the Criminal Code for Greenland.

## **8. Change of identity**

449. Any change of a child's name requires consent from the child if the child has turned 12 years, according to section 14 (1) of the Royal Order on the entry into force for Greenland of the Danish Personal Names Act.



### **9. Consent to adoption**

450. If a child who is the subject of an application for adoption has turned 12 years, the child's consent should be obtained before the adoption takes place, unless obtaining of the consent is judged to be detrimental to the child. In practice, the consent is always obtained.

### **10. Age of majority**

451. Children below 18 years are subject to custody unless they are married. If a child below 18 years has married, the previous holder of custody acts as his or her guardian under section 27 of the current Royal Order, No. 306 of 14 May 1993, on the entry into force for Greenland of the Danish Legal Capacity Act.

### **11. Decisions on custody or access**

452. Where a child has turned 12 years, an interview with the child has to be conducted before a case related to custody or access is decided, as set out in the Royal Order on the entry into force for Greenland of the Danish Legal Capacity Act.

### **12. Legal capacity in property law**

453. A child who has turned 15 years has the free disposal of anything earned by his or her own occupation or given as a gift or testamentary legacy to the child in question, as set out in the Royal Order on the entry into force for Greenland of the Danish Legal Capacity Act. Children cannot undertake debt obligations.

### **13. Freedom of association**

454. The constitutional freedom of association applies to all irrespective of their age. Please refer to Denmark's first periodic report of 1993, section V.F about this subject. However, the Freedom of Association Act referred to in that paragraph has not been put into force for Greenland.

### **14. Freedom of religion**

455. Section 67 of the Constitution on freedom of religion applies to all irrespective of their age. Please refer to Denmark's first periodic report of 1993, section V.E. It may also be reported that persons below 18 years of age cannot themselves join a religious community against their parents' wish.

### **15. The sale of alcohol and tobacco**

456. According to Landsting Regulations No. 11 of 11 November 2000 on the sale and serving of alcoholic beverages, it is prohibited in Greenland to sell or serve alcohol to persons below the age of 18 years. There is no similar age limit for the sale of tobacco.

## **16. Sentencing to imprisonment and deprivation of liberty in general**

457. Children below 15 years must not be arrested, placed in a detention cell or in prison. The Criminal Code for Greenland stipulates moreover that children must not be sentenced to detention in a secure institution. However, the Administration of Justice Act for Greenland leaves a possibility to ask the court for permission to “isolate” young persons below 18 years during an investigation period. For young persons below 18 years kept in isolation, exchange of letters and visits are permitted to a certain extent. When interviewed by the police young persons below 18 years have the right to be accompanied by a representative according to Circular No. 86 of 11 November 2002 issued by the Chief of Police for Greenland concerning interviews and examinations of children. The representative may be a social authority official or another support person who is trusted by the young person.

## **17. Treatment of asylum-seeking children**

458. Please refer to section IX.A concerning Danish asylum legislation, which has been put into force for Greenland by a Royal Order.

## **18. Matters to be raised before public authorities**

459. Persons below the age of 18 have no independent competence to file complaints about or apply for compensation from any public authority without the consent of their parents or guardian.

### **C. General principles (arts. 2, 3, 6 and 12)**

#### **1. Non-discrimination (art. 2)**

460. The principle of non-discrimination of children is set out in the current Landsting Regulations, No. 9 of 30 October 1992 on Assistance to Children and Young Persons. In connection with Greenland’s accession to the Convention on the Rights of the Child the legislation on assistance to children and young persons was revised to incorporate relevant recommendations concerning the protection of children from discrimination and children’s right to be heard before they are placed in alternative care and in connection with the annual review of such placements.

461. According to the existing Landsting Regulations on Assistance to Children and Young Persons, such assistance has to be provided irrespective of the child’s or the young person’s or his or her parents’ social status, colour, race, religion, gender, language, political opinion, disability or other status. Support has to be provided on a uniform basis to all children and young people as required.

462. According to the Home Rule Order No. 43 of 18 December 2001 on Supervision of Social Work, the Ministry of Social Affairs supervises the local authorities’ compliance with social legislation and the rules of administrative law in general. One of the goals of the supervision is to ensure uniform social services to all children irrespective of the local authority district in which they live. Due to differences in education levels between staff in urban and remote district authorities, the extent and nature of certain social services, including educational

counselling and guidance services, may to some extent vary from one local authority to another. Social block grants are paid from the Greenland Treasury to the local authorities, aimed to compensate to some degree for the fact that some local authorities are in a weaker financial situation than other local authorities. However, the block grants cannot fully eliminate the problem that financially weak local authorities may have greater difficulties in allocating the funds required, for example to place children and young persons at national residential institutions, than the more prosperous local authorities.

463. In 2001-2002, PAARISA, the prevention unit of the Ministry of Health (see section X.F), produced a number of TV spots on the equality of men and women, addressed to both adults and children, calling attention to the fact that both parents are equally responsible for the upbringing and financial support of the children of the family.

464. The Ministry of Social Affairs, which operates the national residential institutions for children and young people and children and adults with extensive disabilities, keeps continuous registers of all children and young people placed at residential institutions. Otherwise, only relatively few statistical data are available to illustrate the principle of non-discrimination against children.

465. The Greenland school system (*Den Grønlandske Folkeskole*) is to some extent influenced by social and ethnic differences due to the linguistic division between the Danish and the Greenlandic language. Many children speak only one of the languages and, until a few years ago, the schools were divided into Greenlandic- and Danish-speaking classes, while an integration scheme has now been introduced, so that Greenlandic-speaking and Danish-speaking children are in the same class. Dismantling the social and ethnic barriers between Greenlandic-speaking and Danish-speaking children is a major element in the effort to implement article 2 of the Convention. It should also be noted that despite limited resources a steadily increasing number of books in the Greenland language, both fact and fiction, are being published for use by children and young people.

**(a) Children with disabilities**

466. Please refer to section X.F.1, concerning equal opportunities for disabled children.

**(b) Street children**

467. There are no street children in Greenland in the sense of children who sleep on the streets or work on the streets to make a living for themselves. A group of children suffering under serious neglect and difficult conditions in their homes have, however, created an increasing need for the local authorities to place them in alternative care. Moreover, the children of a number of families spend the night with relatives or friends and thus often lead an insecure and restless life.

**(c) Bullying**

468. Under local authority auspices several schools have held anti-bullying feature days, and a few local authorities have organized conflict resolution courses for teachers.

## **2. The best interests of the child shall be a primary consideration (art. 3)**

469. That the interests of the child must be a primary consideration is stated expressly in the existing Landsting Regulations on Assistance to Children and Young Persons. To take account of the parents' rights over the child, current legislation is, however, also administered on the basis of a minimum intervention principle, and the authorities take an overview of the relations between the child, the parents and the family. Thus, the attention is not focused one-sidedly on the child's interests, as the assistance system is meant to create all-inclusive solutions that take account of the background to the child's problems and the resources available.

470. As mentioned in section X.A.2, new Regulations on Assistance to Children and Young Persons were adopted at the Landsting's spring session 2003. The object of the new Regulations is ensuring that the child is put first in considerations of support and assistance. According to the Regulations the overall needs of the family should be taken into account but must not overshadow the child's own needs, which are frequently a result of neglect by the parents. The starting point should therefore be the child or young person's need for a secure upbringing. The new Landsting Regulations will enter into force on 1 July 2003.

471. The wish to apply a needs-based principle and put less emphasis on the minimum intervention principle has emerged from the experience gained by local authority social committees and social departments in applying the legislation that was previously in force. This change of the legislation has also been called for by the Landsting and the Social Reform Commission appointed for the period 1995 to 1997.

472. In social planning and development policy, the interests of the child are protected primarily through a number of social initiatives both at central and local authority levels, for example to expand day-care services and set up other day centres for children. In the housing area, residential construction is continued in order to constantly adjust the size of new homes to the present-day situation of families in Greenland.

473. The principle of the best interests of the child is also emphasized in the training of future social workers and teachers, and courses are offered to the staff of centres and institutions with a special responsibility for children.

474. Projects and pilot schemes account for an important part of the measures taken to improve the situation of children and young people in Greenland. Thus, in the reporting period family counselling and day centres for children have been established on a pilot basis in five local authorities, and one-day centre has now become permanent. Projects and action plans have also been developed to ensure an extraordinary effort in two remote local authority districts in the period 2001-2003. This initiative is designed to help protect neglected and abused children and young persons in the two local authority districts.

### **Adoption allowance**

475. According to Landsting Regulations No. 2 of 3 March 1994 on the Payment of Child Maintenance, etc. and Adoption Allowances, parents who adopt a child anonymously receive an

allowance to cover their necessary travelling and accommodation expenses in connection with their home-taking of an adoptive child. This allowance improves the parents' possibility to care adequately for the child immediately after the adoption.

### **3. The child's right to life (art. 6)**

#### **(a) Infant mortality**

476. The infant mortality rate is declining steadily. In 2002, the mortality rate was 14 children aged below 1 year per 1,000 live-born children, corresponding to the level in Denmark 25 years ago. A newborn boy child can expect an average life of 61.7 years, while the average life expectancy of a newborn girl is 67.9 years. In order to reduce the high rate of infant mortality, steps to reorganize the childbirth area were initiated in 2000. For this purpose an obstetric management team with responsibility for the whole country was established at the Queen Ingrid Hospital in Nuuk, consisting of an obstetrician in charge and a midwife, and referral procedures were prepared along with professional guidelines for the obstetric units of the country's small hospitals. This reorganization also comprised extensive training and continuing education activity for health-care staff, including a course on ultrasound diagnosis for district physicians, and upgrading of the equipment available at certain hospitals.

477. According to Landsting Regulations No. 15 of 6 November 1997 on Health Services, etc., the Greenland health-care system offers free prophylactic health checks to pregnant women and also free birth help at hospitals.

478. The prophylactic pregnancy health checks include guidance on healthy habits, recommendations to stop smoking and warnings against alcohol use during pregnancy, and also include examinations for a number of diseases, including HIV, venereal diseases and rhesus immunization. In this connection a new standardized maternity and birth record-sheet has been introduced. It is endeavoured to provide childbirth instruction to pregnant women in connection with individual prophylactic checks or to groups of pregnant women in bigger districts.

479. As part of the health monitoring of the birth area, all births, deaths and malformations are reported to the Medical Officer of Health for Greenland. The trend of the child mortality rate is monitored by a professional quality control group, which reviews patient records and other relevant data in order to uncover error sources of a more systematic nature. In addition, Greenland takes part in the NOMESCO cooperation, whose purpose is to collect medical statistics from the Nordic countries, including the home rule areas of Aaland, the Faeroe Islands and Greenland.

480. Greenland has for several years had problems in recruiting and retaining midwives and birth-trained health assistants. The programme for birth-trained health assistants was originally established in order to provide normal birth help in remote villages and at the small coastal hospitals, but it has been discontinued because it was found outdated on several points. A nurse training programme in Greenland now offers education and practical training focused on pregnancy and childbirth. The offer of professional midwife assistance has only been accepted to a limited extent, however.

**(b) General prevention and health promotion**

481. Please refer to section X.F.2 concerning general health promotion and access to health services as well as sections X.G.1, X.G.2 and X.G.3 on the access to education and leisure and cultural services.

482. The special prevention adviser programme referred to in section X.H.4 (a), which comprises general health measures of a preventive nature, was set up in 1997. The funding is arranged so that the Home Rule Authorities pay half the payroll costs of a local authority adviser, while the local authority concerned pays the other half. Under the programme, 15 of the country's 18 local authority districts have one or more prevention advisers, who cooperate with the local authorities as well as the Home Rule Authorities on a variety of local prevention activities, relating for example to smoking, drug and alcohol abuse, sexual education and gang crime.

483. Many local authorities have established so-called SSPK cooperation between the social service, the school system, the police and the Prison and Probation Service. The prevention advisers, who have a cross-service function in the local community, may also be involved.

484. Under the auspices of the Home Rule Authorities, an inter-ministry fund *Inuuneq Nakuuneq* (A Better Life) has been established. Based on applications received, the fund distributes money three times a year to local initiatives and projects designed to create better opportunities for children and young people and give them greater confidence.

485. Finally, Greenland is part of several international surveys, including the "Child Cohort" and ESPAD, aimed to monitor the state of health of children and young people.

**(c) Suicide**

486. The suicide rate in Greenland is high, particularly among adolescents: 35 children committed suicide in the period 1998-2002. This rate should be seen in the context of Greenland's relatively modest population of about 55,000 inhabitants. The figures are from the Medical Officer of Health, who registers all deaths and causes of death.

487. In the reporting period the problem has attracted rising attention and public debate. Thus, the prevention of suicide is one of 12 prevention policy goals adopted by the Greenland Executive for the period 1999-2003. For details about these goals please refer to section X.F.

488. Several theme days have been organized on the subject of suicide and steps have been taken to draft a national strategy for suicide prevention. Measures to prevent suicide among children and young people are taken at many levels, and the Home Rule Authorities have launched several major campaigns, including a national course programme designed to train local resource persons. The resource programme is accompanied by a telephone counselling service to relatives of suicidal persons established in 1998, manned by psychologists from the psychiatric unit of the Queen Ingrid Hospital in Nuuk.

489. Other initiatives include the child helpline described in section X.H.4 (a), which provides counselling also to suicidal children and young people, and a special initiative in local authority districts with a special risk, under which advisers have travelled to towns with current suicide

problems to assist the local authorities and resource persons in organizing preventive work. The advisers also take part in setting up network groups and holding courses for relevant professionals in local communities. In addition, the Home Rule Authorities, cooperating with a number of artists, has issued a CD and a music video containing songs on the theme of choosing life.

490. Particularly in the education area, local authorities have started several initiatives, for example the local authority of Nuuk, the biggest in the country, which has published education material for the oldest children in its schools. The material provides guidance to the children on how to handle conflict and gives recommendations on what they should do if they become aware that a friend contemplates suicide. The material has subsequently been passed over to the Home Rule Authorities and is currently being adapted for use all over Greenland.

**(d) The school system (*Folkeskolen*)**

491. Please refer to section X.G.1 about the new Schools Act (*Folkeskoleloven*), which came into force in 2002. Of particular relevance for the realization of article 6 of the Convention is the new subject, “personal development”, which is aimed to strengthen pupils’ own self-esteem and teach them to take co-responsibility for their own development and education in a targeted fashion and make an effort to understand themselves and others.

**4. Respect for the child’s views (art. 12)**

**(a) Consent to treatment**

492. According to Landsting Regulations No. 6 of 31 May 2001 on the Legal Rights of Patients, a child patient who has turned 15 years may give his or her own informed consent to treatment. The holder of custody has access to the same information as the patient about his or her health state and treatment prospects and must be involved in the decision-making process of the child patient. A patient who has turned 15 years is also entitled to access to documents in public files and may give consent to the disclosure of health information. The rules are essentially the same as those of the Danish Act on the Legal Rights of Patients. Therefore, please refer to the description of these rules in section III.A.1.

**(b) Hearing of the child in matters of assistance measures**

493. In the social area, the Landsting Regulations on Assistance to Children and Young Persons prescribe that children above 10 years of age have the right to an interview before a decision is made on assistance measures according to the rules of social legislation. In respect of children aged below 10 years, the child’s views on the proposed measures must be stated in the case file to the extent that it is justified, taking account of the child’s maturity and the nature of the case. The views of the child or young person must also be taken into account in the consideration of a complaint filed to the Social Appeals Board (Det Sociale Ankenævn).

**(c) Hearing of the child when matters of custody are decided**

494. The Legal Capacity Act prescribes that a child who has turned 12 years has to be heard before a decision is made in matters of custody or access to the child.

**(d) Hearing of the child in matters of adoption**

495. Where a child who is the subject of an application for adoption has turned 12 years, the child's consent should be obtained before the adoption. See also section X.B.9 above.

**(e) Respect for the child's views at school**

496. It is stated in the Schools Act that each school must establish a parental board on which the pupils have two representatives with voting rights elected by and among the pupils of the school. Each school must also appoint a pupils' council.

**(f) The United Nations Day of the Child**

497. The United Nations Day of the Child, held each year on 1 June, is used by children in day-care centres and schools and by the Minister of Social Affairs as an opportunity to raise the awareness of the population in Greenland of the rights of the child. The respect for the child's views is also incorporated in the curricula and study plans of education programmes concerned with children and young people.

**D. Civil and political rights (arts. 7, 8, 13-17 and 37 (a))**

**1. The child's right to identity, including nationality, a name and family (art. 7)**

498. In respect of the recognition and protection of the child's nationality, please refer to Denmark's first periodic report of 1993, section V.A.

**2. The child's right to retain his or her identity, including nationality, a name and family (art. 8)**

**(a) Hearing of the child if his or her name is changed**

499. According to the Names Act, any change of a child's name requires consent from the child, if the child has turned 12 years.

**3. Freedom of expression (art. 13)**

500. Please refer to Denmark's first periodic report of 1993, section V.C.

**Youth Parliament**

501. In 2003, a Youth Parliament session was held at the Landsting, in which also young people below 18 years took part. In the reporting period there has also been a Danish Youth Parliament session (see section V.C.2), in which two school pupils from Qaqortoq participated. This initiative gave young people an opportunity to try the democratic possibilities normally available only to persons above 18 years of age, and was an obvious opportunity for the young people who participated to present problems and proposals related primarily to children.



#### **4. The child's right to freedom of thought, conscience and religion (art. 14)**

502. Please refer to Denmark's first periodic report of 1993, section V.E, as well as section X.B.14 of this present report.

#### **5. The child's right to freedom of association (art. 15)**

503. Please refer to Denmark's first periodic report of 1993, section V.F, with respect to sections 78 and 79 of the Constitution.

504. The members of the following associations, which work for a democratic society, are primarily children: Sorlak (the Youth Council of Greenland), the Greenland Scouts Corps, the youth chapters of the political parties, Sukorseq (the Association of After-school Clubs), K.I.K. (the Students' Union), Savaatillit Inuusuttut Peqatigiit (the Sheep Keepers' Youth Chapter), Sanningasup Tungujortup Inuusuttai (the Youth Chapter of the Blue Cross), NAIP-inuusuttai (the Youth Amateur Theatre Association) and Inuit Youth International. In addition, there are many local associations whose members include children and young people. Several associations receive grants from the Greenland Treasury towards their operation and activities.

#### **6. The child's right to privacy and family (art. 16)**

505. Please refer to Denmark's first report of 1993, section V.G, with respect to the description of section 72 of the Danish Constitution, which covers Greenland as well.

#### **7. The child's access to information (art. 17)**

506. Children's books and books that have children and young people as their target group are published continuously, as well as the number of books published in Greenlandic is rising. Radio and TV broadcasting can be received largely everywhere in Greenland and is used commonly, however with timing differences for East Greenland, and children and young people have access to the Internet to a wide extent.

#### **8. The child's right to protection from torture or other degrading treatment (art. 37(a))**

507. Capital punishment or corporal punishment does not exist in Greenland. According to the Criminal Code for Greenland, Consolidation Act No. 288 of 2 July 1963 as later amended, the general penalties applied are fines, sentences for care and treatment, detention in an open institution or a secure institution in Greenland or Denmark, special care for young offenders, special care for mentally-ill offenders and forfeiture of rights. Please note that the justice service is governed from Denmark.

508. Denmark has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which applies to Greenland as well.

509. Royal Order No. 306 of 14 May 1993 on the entry into force for Greenland of the Legal Capacity Act stipulates that parents are responsible to their child, also in the form of joint responsibility for the upbringing and care of the child and the duty to protect the child from physical or mental violence or other forms of degrading treatment.

**E. The right to family and alternative care  
(arts. 5, 9-11, 19-21, 25, 27 (4) and 39)**

**1. Respect for the rights and duties of the child's parents (art. 5)**

510. A survey of the housing situation and family structures in Greenland shows that on 1 January 2002 there were 21,713 households in Greenland, equal to a national average of 2.6 persons per household, whereas the corresponding average in villages was 3.1 persons per household; 12,328 households, or 57 per cent, had no children, while a few households had up to 12 or more members.

**(a) Duty to provide care and financial support of a child, custody**

511. Women and men share the responsibility for the upbringing, support and care of their joint children and have a mutual financial responsibility for each other's and their joint children. According to the Legal Capacity Act, the holder of custody must care for the child and may make decisions about the child's personal situation based on the child's interests and needs. In case of divorce or legal separation, both parents have the right to apply for custody of and rights of access to their joint children.

**(b) Public help, the local authority's duty to protect the living conditions of children and young persons**

512. Under the Landsting Regulations on Assistance to Children and Young Persons, local authorities have an obligation to secure appropriate living conditions for children and young persons and to supervise such conditions. In addition, they have a duty to support parents in relation to the upbringing of and care for their children.

**(c) Training for parental issues**

513. A parental training project, "Paarinnga", was established in 1992, and after a four-year period it was made permanent, based in Sisimiut. The training programme is meant primarily for family care staff. For the training programme, the Danish textbook by the psychologist Bent Hougaard, *The Whip or the Carrot*, has been translated into Greenlandic. A preliminary parental training programme was launched in Nuuk in 2002, planned to serve as a pilot project for other local authorities. Unlike the Paarinnga project, it is aimed directly at parents. Moreover, a campaign on the rights of the child, "The child in focus", was launched as a follow-up to the Greenland Year of the Child 2000 and in preparation of the new legislation on assistance to children and young persons referred to above. The target group of the campaign includes parents.

514. From 2001, budget funds have been provided to improve social workers' qualifications and strengthen family case work. This allocation was prompted by the Landsting's consideration in 2000 of a proposal for the treatment of parents whose children are placed in alternative care.

## **2. Separation of a child from his or her parents (art. 9)**

515. The Landsting Regulations on Assistance to Children and Young Persons stipulate that children and young persons should not be separated from their parents unless it is necessary for the best interests of the child or young person. The principle is that other forms of help to the home must have been exhausted before a child is placed in alternative care. The decision to place a child in care is made by the social committee of the local authority at the recommendation of its cross-service committee, which includes members with child and family expertise. A decision to place a child in care may be appealed by the holder of custody or the child's guardian to the Social Appeals Board. The decision of the Social Appeals Board may be brought before the High Court of Greenland.

516. According to Landsting Act No. 1 of 15 April 2003 on Assistance to Children and Young Persons, the hearing of the child must be ensured, if the child is more than 10 years old, before the social committee decides to place the child in care. Also, the holder of custody or the person who has de facto care of the child must be heard.

### **(a) Contact with parents while placed in care**

517. According to the Landsting Regulations on Assistance to Children and Young Persons, the child or young person has the right to maintain contact with his or her parents unless it is contrary to the best interests of the child or young person. The social committee is responsible for ensuring that the contact between the child and his or her parents is maintained and creating a possibility to return the child to the home, except if it is contrary to the best interests of the child.

## **3. Family reunification (art. 10)**

518. Please refer to section VI.D.

## **4. Child abductions, etc. (art. 11)**

519. Please refer to section X.H.5.

## **5. Parental responsibility and assistance to parents (arts. 18 (1) and (2))**

520. According to Royal Order No. 306 of 14 May 1993 on the entry into force for Greenland of the Legal Capacity Act, parents are responsible to their child and have a common responsibility for the upbringing of and care for the child and a duty to protect the child from physical or mental violence or other forms of degrading treatment. In addition, the parents' responsibilities, including their financial responsibility for their child, with due consideration of the best interests of the child, are laid down in Act No. 197 of 16 June 1962 for Greenland on the Legal Rights of Children.

### **Support to parents**

521. The Landsting Regulations on Assistance to Children and Young Persons specify several possibilities to provide support to parents and children in connection with the child's upbringing. It is moreover stated in the explanatory notes to the Landsting Regulations on Day-care Centres, Childminders, etc. that the Regulations recognize the principles of the Convention on the Rights

of the Child, by which children and young persons should receive support in forming their own views in their development into independent persons. In addition, it is stated that all children have the right to enjoy the benefits of day-care services.

522. Parents who are unable to provide for themselves and their child due to unemployment or sickness have a right to financial support from the local authority under Landsting Regulations No. 10 of 11 November 1982 on Public Help.

#### **6. Protection of the child from physical or mental violence, abuse, etc. (art. 19)**

523. Please refer to sections X.C.1 (c) and X.H.4. It may also be reported that for the period 1999-2003 the Greenland Executive adopted the following political goal: "Children's right to upbringing in security and harmony must be protected. Neglect of children - including sexual abuse - must be prevented."

524. The Greenland Home Rule Authorities have designated week 18 as an alcohol-free week in Greenland. Every year a range of activities for children and their families are therefore held in that week. The activities are aimed for instance to counter the massive alcohol abuse in parts of the population, which frequently results in maltreatment of the children of the families affected.

525. In cooperation with the local prevention advisers, the Home Rule Authorities have also provided support to "Stop Violence" campaigns and establishment of voluntary local guards, consisting of adults who seek out the places where young people hang out at weekends in order to ensure that parties and the like take place under safe conditions.

#### **7. Placement in care, etc. (art. 20)**

526. In case temporary or permanent placement in alternative care is necessary, the Landsting Regulations on Assistance to Children and Young Persons specify a number of measures that contribute to the protection of the child or young person, including authority responsibilities, educational measures and financial support. If the situation in a child's home makes placement in alternative care necessary, the Landsting Regulations allow placement in a residential institution, day-and-night care or foster care with the child's biological relatives (the "stock family"). Rules and care plans to be used by the place of care will be prepared, and an inspection visit to the place of care has to be carried out at least once a year.

527. Refer also to section X.C.2 for information about the new Landsting Regulations on Assistance to Children and Young Persons.

528. No statistics are compiled of the number of placements in alternative care or their duration, but under Landsting Regulations No. 2 of 23 May 2000, the residential institutions are obliged to prepare an annual report on their activities. A similar reporting duty does not apply to placement in foster care organized by the local authorities.

529. The Annual Report 2001 of the Residential Institutions shows that 196 children were placed in residential institutions for children and young persons in that year. Fifty placements lasted 30 days or less. The age distribution of the children is shown in table 24. Two residential institutions have reported that their average periods of placement are 791 and 834 days, respectively.

**Table 24**

**Number of children and adults placed in residential institutions  
in 2001 shown by age at the time of placement**

| Age             | 0-2<br>years | 3-6<br>years | 7-10<br>years | 11-14<br>years | 15-17<br>years | 17-18<br>years | Adults | Total |
|-----------------|--------------|--------------|---------------|----------------|----------------|----------------|--------|-------|
| Admissions      | 21           | 22           | 44            | 36             | 40             | 13             | 20     | 196   |
| % of admissions | 10.7         | 11.2         | 22.4          | 18.4           | 20.4           | 6.6            | 10.2   | 100   |

*Source:* Annual Report of the Residential Institutions.

530. Children with extensive disabilities may be accommodated at three residential institutions, one of which also accommodates adults with extensive disabilities. As shown by table 25, a total of 18 children with extensive disabilities were placed at the institutions.

**Table 25**

**Number of children with extensive disabilities placed in residential  
institutions in 2001 shown by age at the time of placement**

| Age        | 0-2<br>years | 3-6<br>years | 7-10<br>years | 11-14<br>years | 15-17<br>years | 17-18<br>years | Total |
|------------|--------------|--------------|---------------|----------------|----------------|----------------|-------|
| Admissions | 0            | 4            | 8             | 3              | 2              | 1              | 18    |

*Source:* Annual Report of the Residential Institutions.

531. Factual information about the duration of placements of persons with extensive disabilities in residential institutions is not available. Apart from relief placements, most placements are normally of a long-term nature, however.

**(a) Procedures for placement in care, including examinations**

532. The local authority social committee is the competent authority in relation to decisions to place a child in care. Before the authorities decide to place a child in care, all other measures to help the child must have been exhausted. The placement must be necessary for the child's best interests and as far as possible decided in understanding with the holder of custody.

533. Before making the decision to place a child in care, the local authority has to make an in-depth examination of the child's situation, involving all relevant bodies, including the school and health service, and, as mentioned, the child and his or her parents have to be heard.

**(b) Waiting lists for care in residential institutions**

534. Upon request from a cooperation group consisting of KANUKOKA (the Association of Local Authorities) and the Ministry of Social Affairs, KANUKOKA carried out a study in 2002 looking into the need for residential institution capacity. The background was that, due to a shortage of places available, several local authorities have been unable to place children

in residential institutions. The study, comprising 11 of the 18 local authority districts in Greenland, showed that 70 children and young persons were awaiting placement in a residential institution in the districts studied. At the national level it is therefore estimated that between 90 and 100 children are awaiting placement in a residential care institution. The study also pinpointed a special need for psychosocial treatment homes, institutions for unruly boys, family treatment centres, institutions with specific educational services and sheltered residence facilities for children who have no treatment-dependent behavioural problems, but whose parents have alcohol problems for example.

535. National residential institutions for children and young persons are funded by local authorities and operated by the Ministry of Social Affairs. The national residential institutions for children with extensive disabilities are funded by the Greenland Treasury and operated by the Ministry of Social Affairs. Two clinical psychologists provide treatment services and supervise and instruct the staff of the particular institutions. An educational adviser is also attached to the institutions.

536. In the light of the current shortage of care places for children and young persons in difficulties, the new Landsting Regulations on Assistance to Children and Young Persons include authority for local authorities to set up their own residential institutions. In addition, the Regulations include provisions on professional foster care, while the existing provisions on ordinary foster care have been maintained. The new measures are designed to mitigate the problem of the shortage of care places in Greenland and add new types of placement services.

537. Finally, it may be mentioned that plans to cut down the waiting lists for residential care institutions include the establishment of two new institutions, an observation and treatment home for 14 children aged 4-14 years and an institution for young persons to be set up in a residential compound.

## **8. Adoption (art. 21)**

538. The Greenland adoption laws correspond essentially to the Danish. Over the years, however, the legislation has been changed in Denmark, but not in Greenland. Therefore, please refer to the description of the original Danish legislation in Denmark's first report of 1993, section VI.G. Release of children in Greenland for anonymous adoption to third countries does not take place. However, children from third countries are adopted in Greenland to a modest extent. In that case, applicants for adoption have to be approved for adoption according to the general rules of the adoption legislation.

## **9. Periodic review of placements in care (art. 25)**

539. Under Landsting Regulations No. 12 of 15 April 2003 on Assistance to Children and Young Persons, reasonable consideration must be given to the child's rightful claim for treatment when placed in alternative care. The issue of too early return of children, before the objective of the placement has been attained, may be brought before the Social Appeals Board and in the last instance the High Court. As an integral part of the new Landsting Regulations on Assistance to Children and Young Persons, permission has been introduced for the relevant

residential institution to submit objections to a Child Expert Committee, if it finds that a child has been returned contrary to his or her best interests. The amended Order also includes a provision under which a child may only be returned when the objective of the care placement has been attained.

540. One year after a decision to place a child in alternative care, the local authority social committee must consider whether the measure should be continued. This will ensure periodic evaluation of decisions to place children in care.

541. According to Landsting Regulations No. 14 of 1 November 1982 on cross-service cooperation in social proceedings, all local authorities have to appoint a cross-service cooperation committee with representatives of the local health service, school service and social service. The committee may also include representatives of the police, the Prison and Probation Service and the employment office. The committee has to consider and assess cases concerning children and young people, as required. Under new Landsting Regulations on Assistance to Children and Young Persons, cases to determine whether to place a child in alternative care must be submitted for comments to the cross-service cooperation committee of the responsible local authority.

542. In addition, a central child expert committee has to be appointed, consisting of a lawyer, a psychologist, a social worker, a socio-educational worker and a health visitor, who must all have special insight into the needs of children and young people. The committee has to submit opinions in matters concerned with the discharge of children from residential institutions, if there is contradiction between the report from the residential institution and the recommendation of the local authority council.

543. When a child is placed in care, the supervisory authority is responsible for protecting the child's best interests. Foster care is supervised by the local authority, while placements in residential institutions are supervised by the Residential Institution Division of the Ministry of Social Affairs.

544. When a child has been placed in alternative care, it may turn out to be difficult in practice to meet the requirement for yearly reporting even though, including in these cases, the report is necessary in order to consider a request from the parents to take the child home before the end of the planned treatment period.

#### **10. Child maintenance (art. 27 (4))**

545. Under the Legal Capacity Act, both parents have the right, in the case of their legal separation or divorce, to apply for custody of and rights of access to the joint children they may have. Moreover, it follows from Act No. 197 of 16 June 1962 for Greenland on Children's Legal Rights that both parents have financial responsibility for the child taking into account the parents' circumstances and the child's interests. If one parent does not fulfil this responsibility for the child (after the end of cohabitation, separation or divorce), that parent may be ordered to pay maintenance towards the care of the child. The rules that apply to disbursement and recovery of child maintenance payments in Greenland correspond essentially to the Danish rules. Therefore, please refer to the description of the rules in section VI.J.1.

546. As of 1 April 2000, the annual maintenance amount was DKr 9,096. About 1,100 children and young persons for whom no private maintenance obligation has been imposed receive maintenance from public funds.

547. According to Landsting Regulations No. 10 of 1 November 1982 on Public Help, the local authorities have to provide counselling both on the possibility of obtaining a decision on help to provide financially for children according to Act No. 197 of 16 June 1962 for Greenland on Children's Legal Rights and on advance payment according to Landsting Regulations No. 2 of 3 March 1994 on Payment of Child Maintenance, etc. An application for a decision on determination of child maintenance has to be filed with the district court or the High Commissioner.

548. The regional offices of the Ministry of Social Affairs provide consulting services to local authorities and supervise their casework and compliance with current legislation in general.

### **11. Physical and psychological recovery and social reintegration (art. 39)**

549. Please refer to sections X.H.4 and X.E.6. It may also be mentioned that the children and young persons placed in national residential institutions are primarily children who have suffered neglect, including maltreatment or sexual abuse. One of the purposes of placement is to ensure physical and psychological recovery and social reintegration.

### **F. Health and welfare (arts. 18 (3), 23-26, 27 (1) and (3))**

550. To strengthen the preventive effort in the social and health area, the Prevention Policy Council was established in 1996, and in 1997, the Greenland Executive decided to re-establish PAARISA as a separate office of the Ministry of Health. PAARISA's objective is to coordinate, implement and develop health promoting and prophylactic measures and ensure the realization of the goals of the executive for the area of prevention policy. In 1998, PAARISA's work was concentrated on issues primarily in health-care areas, including childcare with special focus on sexually abused children, health in villages and remote districts, information about abuse of alcohol, cannabis and tobacco, self-care, musculo-skeletal disorders, as well as the composition, responsibility and competence of local authority health boards.

551. At a later point, the Greenland Executive adopted 12 prevention policy goals for the period 1999-2003, one of them being that children's right to a healthy and harmonious childhood must be protected and that neglect of children, including sexual abuse, and children's suicide must be prevented.

### **1. Physically and mentally disabled children (art. 23)**

552. At its autumn session 1996, the Greenland Landsting expressed its support for the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities. According to Landsting Regulations No. 7 of 3 November 1994 on Assistance to Persons with Extensive Disabilities, it is possible to offer children with extensive disabilities help in order to give them a life that is as normal as possible.



553. The Treasury pays the expenditure for assistance measures under the Landsting Regulations on Assistance to Persons with Extensive Disabilities. Therefore, the decision to grant this type of assistance is made by the Ministry of Social Affairs on recommendation from the responsible local authority. Since 2000, many local authorities have been operating a pilot scheme, under which the competence to grant help under the Landsting Regulations on Assistance to Persons with Extensive Disabilities has been delegated to the local authorities concerned. Delegation on a permanent basis of the authority to grant assistance will, however, require an alteration of the Landsting Regulations.

554. Statistics showing the proportion of total disability expenditure for children and young persons are not available.

555. A condition for assistance under the Landsting Regulations on Assistance to Persons with Extensive Disabilities is that the person concerned has a permanent or long-lasting major functional impairment and that this disability involves significant additional expenses. Where these criteria are met, the support is provided irrespective of income.

556. The measure granted will frequently include a support person, whose primary job is to train the disabled person to handle as many daily functions as possible, either by doing them together with the disabled person or instructing him or her on how to cope. Thus, many children and young persons with extensive disabilities have been given a support person to enable them to take part in the daily activities of their day-care centre or school.

557. Some children and young persons with extensive disabilities are placed in residential institutions (see section X.E.9). One residential institution for disabled children is Uiluiit, the School Home for the Deaf. The Home Rule Authorities also operate a national school for children and young persons with retarded mental and physical development, Ado Lynge Atuarfia, which accommodates young persons aged 14-21 years. In addition, Ado Lynge Atuarfia has an observation unit for children aged 4-10 years. After a stay of about three weeks at the school, they return to schooling in the responsible local authority district.

558. Due to a shortage of treatment capacity in Greenland, some children and young persons with extensive disabilities are placed in Denmark.

559. The Ministry of Social Affairs has two regional offices for South/East Greenland and North Greenland, respectively. One of their tasks is to supervise local authorities' compliance with the legislation for the disability area and provide counselling to local authorities on how to ensure compliance. At least twice a year, the regional offices make official trips and inspection visits to the local authorities.

560. The school system (*Folkeskolen*) offers supplementary special education and other socio-educational assistance to disabled children whose needs are not covered by regular special education. Supplementary special education is assigned to pupils by their schools. The activity has to be approved by the Educational Psychological Counselling Unit, whereupon the Treasury refunds the local authority's expenditure on the activity. In the budget for 2002, Dkr 42 million were allocated to supplementary special education in the school system.

## **2. The child's standard of health (art. 24)**

561. According to Landsting Regulations No. 15 of 6 November 1997 on Health Service Benefits, all children and young people below 18 years of age must be offered free, prophylactic health checks. The extent of and requirements for these health checks have to be determined by the Greenland Executive. Until they have been issued, the guidelines of the Danish Board of Health are applied.

562. Children below the age of compulsory education must be offered free health care under section 11 of the Landsting Regulations, including:

- (a) General health guidance to parents on the child's physical and mental development, including information on prophylactic and health promoting measures;
- (b) Observation of the child's health state and individualized guidance to parents, including establishment of contact with medical, social or educational expertise;
- (c) Special support and guidance in cooperation with medical, social and educational experts to parents whose child has special health-care needs.

563. Children of the age of compulsory education must be offered free school health care under section 12 of the Landsting Regulations, including:

- (a) General prophylactic and health promoting measures to children, parents and school staff, including information on disease prevention and hygiene;
- (b) Observation of the child's health state and individualized guidance to parents, including establishment of contact with medical, social and educational expertise;
- (c) Special guidance and support in cooperation with medical, social and educational experts to parents whose child has special health-care needs.

564. Finally, section 13 of the Landsting Regulations prescribe that all children and young persons below the age of 18 years have to be offered vaccination against certain diseases. For this purpose, the Medical Officer of Health for Greenland has defined vaccination programmes that largely follow the Danish guidelines. However, vaccination against tuberculosis is offered a few days after a child's birth. Vaccinations are free of charge. The quality of the vaccines, which are procured from the Danish State Serum Institute, is of international standard.

565. Like other residents of Greenland, children and young people have the right to free medical aid, including specialist treatment, hospital treatment, prescription medicine, physiotherapy and technical aids that replace, support or adjust malformed or missing limbs. Reimbursement of spectacles is provided where they are required to be of a certain strength. Children and young people also have the right to free dental care. Like everyone else, children have the right to free medically prescribed transport from village to town and from district hospitals to the national hospital, the Queen Ingrid Hospital in Nuuk or, alternatively, other hospitals outside the country. Free transport includes a parent who accompanies a sick child.

566. In addition, the Home Rule Authorities have prepared a set of draft regulations on health-promoting programmes for children and young people that specify the scope and nature of the particular health benefits. It is also aimed, through cross-professional cooperation, to contribute to providing a healthy upbringing and good potential for a sound adult life for all children and young people. The draft regulations are currently in the consultation phase.

567. The annual report of the Medical Officer of Health for 2001 showed that the number of births has declined from 1,049 births in 1996 to 887 births in 2000, but rose again to 939 births in 2001. The birth rate fell correspondingly, from 75 in 1996 to 62.7 in 2000 per 1,000 women aged 15-49 years, whereas it rose again to 66.3 in 2001. The number of births in the age group below 20 years was 8 per cent of all births in 1996, rising to 11 per cent in 1999 and 17 per cent in 2000, whereupon it fell to 16 per cent in 2001.

568. In addition, the annual report of the Medical Officer of Health for 2001 showed that, generally, the number of abortions fluctuates, but at a relatively high level. In 1998, the number of registered abortions was 915, rising in 2000 to 944 but dropping again in 2001 to 812. The number of juvenile abortions is low compared to the adult abortion rate. In 2001, the abortion rate was 143 per 1,000 women aged 16-17 years, and for girls aged 14-15 years the rate was 42. In 2001, the average abortion rate for Greenland was five times higher than the Danish rate. Not much knowledge is available about why women in Greenland become pregnant against their wish and opt for abortion to a far higher degree than women in Denmark.

569. The infant mortality rate dropped significantly from 1961 to 2002. In 1961 the post-neonatal mortality rate (between 28 days and 1 year) per 1,000 births was 38.2 for boys and 33.8 for girls. In 1998, the mortality rate had dropped to 5.8 for boys and 4.2 for girls, and in 2002 the mortality rate was 6.4 for boys and 4.3 for girls.

570. The infant mortality rate (before 1 year of age) in 1961 was 74.1 per 1,000 live births for boys and 61.8 for girls. In 1968, the infant mortality rate had fallen to 35.0 for boys and 21.2 for girls. In 2001, the infant mortality rate had dropped further to 8.5 for boys and 12.8 for girls.

571. Due to the transition from manual to electronic data registration, no statistics are currently available for all health-care benefits. However, they are expected to be presented in the annual report of the health service for 2002, due to be out by the end of 2003.

**(a) Most frequent diseases among children**

572. Upper respiratory tract infections are very frequent in Greenland. They are to some degree due to the climate but presumably caused primarily by poor standards of indoor climate in homes, since about 80 per cent of adults smoke tobacco. In association with this trend there is a similarly high prevalence of middle-ear diseases, which may ultimately lead to permanent hearing loss and decreased learning abilities at school. The effort in future should thus consist of a sustained campaign pressure to change the tobacco habits of the adult population. Over the years, several focused campaigns have been launched against smoking by pregnant women and in homes as well as campaigns offering help to quit the habit of smoking.

573. Psychosocial diseases in children occur or are registered increasingly. It is sought to counter this problem through more intensive cross-professional cooperation. The health service has also made an agreement for child psychiatric consulting services. In addition to trips to the district health services every year, the agreement includes counselling visits to the authorities of Greenland as well as the psychiatric unit of the National Hospital in Nuuk.

574. Allergic and skin disorders are also rising, caused by both poor indoor climate in residential houses, air pollution from tobacco smoke and the low air humidity that follows from the cold climate.

575. Infectious hepatitis in young people is reported at a prevalence of 8-20 per cent in urban communities, generally caused by blood-borne sexual transmission. It is being considered whether to establish a vaccination programme to combat the disease. At present, free vaccination is offered to the infected person's household members, sexual partners, etc. In addition, pregnant women are screened for the disease to ensure that newborn babies can be offered vaccination.

576. Meningitis is diagnosed frequently in children and young people, primarily meningococcus-induced, after HIB vaccination was included in the child vaccination programme.

577. Tuberculosis exists in a few local communities. Generally, the disease develops more rapidly and severely in children and young persons than in adults. Tuberculosis vaccination has therefore been reintroduced in Greenland, and it is given to babies a few days after they are born. The Greenland health service has established a special tuberculosis team that can be called in to assist in tracing infection sources and ensure diagnosis and treatment in local communities.

578. The prevalence of venereal diseases such as gonorrhoea, syphilis and chlamydiosis is still high in Greenland, particularly gonorrhoea and chlamydiosis. Syphilis has been virtually eradicated but will remain under observation for some time yet. Many cases of gonorrhoea and chlamydiosis are reported in children and young persons aged 14-24 years. The problem is serious, since chlamydiosis in particular leads to symptom-free abdominal infections that may later result in extrauterine pregnancies or sterility due to occlusion of the fallopian tubes. The problem gives rise to concern, because it is a reflection of unsafe sex, meaning that the conditions for spreading HIV are also present in the same age group. The area is the target of many prophylactic measures and campaigns. In general, it may be reported that free contraceptives, including condoms, are distributed in connection with medical consultations. Examinations for and treatment of venereal diseases is free of charge. Focused training of native health-care staff to take charge of the venereal area has been carried out in order to overcome language barriers in relation to young people.

579. To date, only two cases of congenital HIV infection have been registered in Greenland. HIV status screening is offered in connection with maternity examinations. The health service offers modern antiviral combinatory therapy to persons with aggressive HIV and AIDS in outbreak. Only sporadic infection of young people has been registered, as the infection reservoir seems to be restricted to middle-aged persons, particularly in the capital, Nuuk, and the second largest town, Sisimiut. The transmission of the infection is heterosexual. Intravenous transmission has not been registered in Greenland to date.

**(b) Paediatric speciality and travelling team of specialists**

580. The paediatric speciality is not represented at the Greenland National Hospital, but an agreement has been made with the National Hospital in Copenhagen, under which travelling paediatricians visit all district health service units every year. Similarly, a team of specialists in paediatric orthopaedics, assisted by a physiotherapist, an orthopaedic shoemaker and a bandage maker, travels to all health districts to visit children and young persons with multiple disabilities placed at institutions. A travel scheme has also been established for eye specialists, ear-nose-throat specialists and audiologists, who have no permanent unit at the National Hospital. This ensures that all health districts are served every year. In towns that have no direct access to opticians, the health service has organized annual optician's visits usually taking place with the eye specialist's visits.

**(c) Representation of the health service in towns and settlements**

581. Greenland is divided into 16 health districts, with hospitals of varying size that can provide birth help and surgical procedures. However, their core services are primary medical and nursing care. The largest villages have nursing stations operated by a nurse and health assistants. In the small villages the population is served by health assistants, and in the smallest settlements by medicine store managers. All settlements have access to telephone lines, and interpreting services are provided to the extent required.

582. The health service outside the capital, Nuuk, has distributed a health-care handbook to all households in the Greenland or the Danish language aimed to raise the general standard of health knowledge and self-care.

**(d) Child immunization programmes**

583. Since 2001, all child vaccinations have been reported to the Medical Officer of Health, although precise data will only be available later. In general, the coverage rate of vaccinations against tuberculosis (BCG), diphtheria, pertussis, tetanus, measles (Morbilli), polio and haemophilus influenza is very high (95-98 per cent), whereas the coverage rate of oral polio vaccinations is somewhat lower. The rate of vaccinations against rubella is estimated to be 80 per cent.

584. In Greenland, there are a high number of carriers of infectious hepatitis (hepatitis B). The disease is either transmitted at birth from the mother to the child or later in life by sexual blood-transmitted infection. Vaccination guidelines have been prepared, and blood screening has been introduced, for instance of pregnant women, in order to ensure vaccination of newborn babies. An extension of the general vaccination programme to include hepatitis B has been recommended by the Medical Officer of Health and is currently being assessed by the administrative authorities.

585. The prevalence of infectious meningitis is high in Greenland, but has been reduced after the introduction of vaccination against haemophilus influenza type B.

**(e) Prevention of disease and malnutrition**

586. Since 1978, there has been bacteriological control of drinking water in all towns in Greenland and, to a more modest extent, the water supply to villages. The control is conducted by the laboratories of the health service and reported to the central national authorities, including the office of the Medical Officer of Health. Water-borne infections do not occur in Greenland. Due to the risk of rupture of the distribution lines, chlorination of drinking water has been introduced in the towns. Eighty-three per cent of the population have access to drinking water all year round, 16 per cent have access to drinking water from public tapping points, while 1 per cent of the population only has occasional access to drinking water in the summer season, or they depend on melting ice.

587. The Veterinary Department of the Ministry of Business ensures that Greenland has a system for controlling both indigenously produced food and imported food. As imported food has been subjected to veterinary control in Denmark to a significant extent before it is shipped, the food supply is estimated to be of high quality, and food-borne infections are very rare. Undernourishment is seen extremely rarely in children in Greenland, but wrong nutrition is estimated to be frequent - usually due to a substandard diet, including soft drinks, potato chips and fast food as well as irregular meals in the homes. School meal programmes have been introduced in several districts and are popular. On a preliminary basis, a Nutrition Council for Greenland has been established.

**(f) Action in the area of environmental medicine**

588. Air and sea currents carry pollutants from the industrialized world on the Northern Hemisphere towards the polar region. The substances, which include lead, mercury, cadmium, DDT, persistent organic pollutants, organic chlorines, etc. are accumulated in the marine food chain and ultimately end up in humans who depend on marine food. Thus, very high concentrations of these substances have been found in the local population, in particular on the eastern coast of Greenland and in North Greenland, where fish, whales, seals, polar bears, etc. account for the greater part of basic nutrition. Substantial concentrations have also been found in the milk of lactating women, which may pose a dilemma in connection with the counselling on breastfeeding and striking a balance between the benefits and drawbacks of breast milk.

589. Because the substances affect the development of the nervous system and the brain and the functioning of the immune system or have hormone-like effects, the situation is a cause of great concern. Annual examinations are carried out to track any occurrence of harmful effects, and monitoring activities have been planned for many years ahead. Greenland-Denmark is responsible for the human health part of the Arctic Monitoring and Assessment Programme, AMAP. The monitoring activities, funded through the Danish Ministry of the Environment, are carried out in a circumpolar cooperation project involving Alaska, Canada, Russia, Iceland and the Scandinavian countries.

### **3. Social security (art. 26)**

590. The access to financial assistance according to social security legislation is specified in the Circulars of the Ministry of Social Affairs on cash benefits. In addition, families may receive child allowances according to the Landsting Regulations on Public Pensions and the Landsting Regulations on Maternity Leave, etc., and benefits can be claimed in connection with pregnancy, childbirth and adoption. Moreover, Landsting Regulations No. 11 of 31 October 1996 on the Family Allowance contain the rules on the family allowance based on the parents' annual income. The family allowance is intended to contribute to securing uniform living conditions for all children. Child maintenance under Landsting Regulations No. 2 of 3 March 1994 on the Payment of Child Maintenance and Adoption Allowances is also paid at uniform rates, aimed to secure low-income parents who provide for children and young persons.

591. Child allowances are also paid to parents on permanent transfer income such as disability pensions or old-age pensions. Parents who receive transfer income on a temporary basis according to the Landsting Regulations on Public Help receive benefits based on a specific assessment, which takes account of their financial responsibility for their children.

### **4. The child's right to childcare services (art. 18 (3))**

592. Greenland provides a variety of day-care services for children, including children of working parents, regulated by Landsting Regulations No. 7 of 21 May 2002 on Day-care Centres, Childminders, etc., which entered into force on 1 January 2003 as the result of a separation of the provisions concerning placement in day-care services previously contained in the Landsting Regulations on Assistance to Children and Young Persons. This separation was motivated by the recognition that day care is a general service to families with children, not caused by any social problems.

593. The objective of day-care services set out in the Landsting Regulations on Day-care Centres, Childminders, etc. is to support the development of children and young persons in the best possible way in cooperation and understanding with their parents, for example by assisting versatile development of boys and girls, so that the children's opportunities for an inclusive life are strengthened and their self-esteem protected. Day-care services are also aimed to promote the child's development, health, creative talents and skills through activities that help stimulate the child's imagination, creativity and linguistic development and support the child's emotional life and give children experience in co-determination, co-responsibility and independence.

594. The day-care services comprise crèches and registered childminders, offered to children aged 0-2 years, age-integrated centres offered to children aged 0-6 years, kindergartens and registered childminders offered to children aged 3-6 years and after-school centres offered to children aged 7-15 years. The distribution of the various types of day-care services among local authorities in Greenland is shown in table 26.

595. A day-care centre may have no more than four groups of children, each accommodating 24 children at a maximum. The groups have to be composed taking account as far as possible of an equal distribution of boys and girls, without any consideration of the children's religion, culture, nationality or social or ethnic origin.

**Table 26**

**Survey of day-care centres in local authorities in Greenland**

|                                  |   |
|----------------------------------|---|
| Nanortalik Local Authority       | 1 nursery school, 2 crèches and 1 age-integrated day-care centre  |
| Qaqortoq Local Authority         | 4 age-integrated day-care centres, 1 nursery school   |
| Narsaq Local Authority           | 2 kindergartens, 1 day nursery  |
| Paamiut Local Authority          | 1 nursery school, 1 day nursery, 1 after-school centre, a number of childminders and 1 age-integrated day-care centre in the village of Arsuk   |
| Nuuk Local Authority             | 5 crèches, 9 childminders, 12 age-integrated day-care centres and 6 after-school centres  |
| Maniitsoq Local Authority        | 5 day-care centres, 1 after-school centre and 1 “child parking” facility in the village of Atammik and 1 “child parking” facility in the village of Kangaamiut  |
| Sisimiut Local Authority         | 9 day-care centres, 6 registered childminders and 1 “child parking” facility in the village of Sarfannguaq, 3 registered childminders in the village of Itelleq and 1 day-care centre in the village of Kangerlussuaq             |
| Kangaatsiaq Local Authority      | 1 age-integrated day-care centre and 1 childminder  |
| Aasiaat Local Authority          | 2 crèches, 2 kindergartens, 1 age-integrated day-care centre  |
| Qasigiannugit Local Authority    | 2 kindergartens, 1 day nursery  |
| Qeqertarsuaq Local Authority     | 1 nursery school  |
| Ilulissat Local Authority        | 3 crèches, 3 kindergartens, 2 age-integrated day-care centres, 1 after-school centre and 24 places with childminders in the town and 26 places in the villages, i.e. 10 in Qeqertaq, 8 in Saqqaq, 6 in Ilimanaq and 2 in Oqaatsut |
| Uummannaq Local Authority        | 1 age-integrated day-care centre, 1 nursery school and 1 day-care centre in the village of Ikerasak   |
| Upernavik Local Authority        | 1 day-care centre   |
| Ammassalik Local Authority       | 1 nursery school, 1 day nursery, 1 age-integrated centre and 1 playgroup in the village of Isertoq  |
| Ittoqqortoormiit Local Authority | 1 day-care centre   |



596. The public day-care centres are owned and operated by the local authority, which also approves the board of the particular day-care centre. The local authority also charges parental fees, the amount of which is adjusted to the household income. In the childminding area, the local authority sets rules on the number and age of the children a childminder may accommodate in her home.

597. Public day-care services are also used as socio-educational measures to the extent a child needs educational care in connection with general care or development problems or where the parents need support in dealing with a child with a disability.

598. The principal of a day-care centre is required to have taken at least three years of relevant education, and at least half the regular staff must have an educational qualification.

599. The Report on Day-care Services for 2002 shows that, as of 1 January 2001, there were 6,760 children below 6 years in Greenland, while there were a total of 4,309 standard day-care places. The real number of day-care places available was only 3,862, however, because according to the placement rules two places are allocated to each child below 3 years or each disabled child below 6 years. In addition, places for 369 children were provided under the registered childminder schemes. The report shows that the average, national service coverage is 61 per cent, which is an increase relative to previous years. The local authorities in remote districts typically have the lowest coverage, while the biggest local authorities have the highest service coverage. Eighteen per cent of all children in Greenland aged 0-6 years are on a waiting list for a place in a day-care centre or with a childminder.

600. Landsting Regulations No. 7 of 21 May 2002 on Day-care Centres, Childminders, etc. include provisions that set educational goals for the operation of day-care services. The Regulations also prescribe that before its establishment, a day-care centre must have prepared a statute for the board, management and operation of the centre, the standard number of children and staff as well as goals for its educational work. The statute has to be approved by the local authority council and be confirmed by the Minister of Social Affairs.

## **5. The right to an adequate standard of living (art. 27 (1) and (3))**

### **(a) Children's proportion of the total population**

601. As at 1 January 2002, there were 17,379 children below 18 years in Greenland, equivalent to 31 per cent of the population. 13,937 children lived in towns and 3,442 in villages.

602. Table 27 shows that the number of children below the age of 18 years was declining in the period 1998-2002. In 1998 there were 17,779 children below 18 years, while in 2002 there were 17,379. This corresponds to a decline in children's proportional share of the total population from 32 per cent in 1998 to 31 per cent in 2002.

**Table 27**

**Children below 18 years shown by number and percentage of the total population**

|            |        |    |
|------------|--------|----|
| Total 1998 | 17 779 | 32 |
| Boys       | 9 061  | 30 |
| Girls      | 8 718  | 33 |
| Total 1999 | 17 682 | 32 |
| Boys       | 9 001  | 30 |
| Girls      | 8 681  | 33 |
| Total 2000 | 17 589 | 31 |
| Boys       | 8 681  | 29 |
| Girls      | 8 908  | 34 |
| Total 2001 | 17 498 | 31 |
| Boys       | 8 615  | 29 |
| Girls      | 8 883  | 34 |
| Total 2002 | 17 379 | 31 |
| Boys       | 8 806  | 29 |
| Girls      | 8 573  | 33 |

*Source:* Statistics Greenland.

**(b) Population by households and household income, including number of children**

603. On 1 January 2002, there were a total of 21,713 households in Greenland with an average of 2.6 persons in each household. The average size of households in villages was 3.1 persons in each.

**Table 28**

**Number of households and average household income after tax (DKr) in 2000 shown by number of children in the household**

|                                    | Number | Average household income |
|------------------------------------|--------|--------------------------|
| Households with 0 children         | 12 322 | 204 545                  |
| Households with 1 child            | 3 497  | 282 261                  |
| Households with 2 children         | 2 653  | 309 252                  |
| Households with 3 or more children | 2 207  | 296 758                  |

*Source:* Statistics Greenland.

**Table 29**

**Number of households with 2 adults and average household income in 2000 after tax (DKr) shown by number of children in the household**

|   | Number | Average household income |
|---|--------|--------------------------|
| Households with 2 adults and 0 children         | 3 763  | 277 021                  |
| Households with 2 adults and 1 child            | 1 818  | 297 160                  |
| Households with 2 adults and 2 children         | 1 616  | 323 291                  |
| Households with 2 adults and 3 or more children | 1 388  | 287 700                  |

*Source:* Statistics Greenland.

**Table 30**

**Number of households with 1 adult and average household income after tax (DKr) in 2000 shown by number of children in the household**

|  | Number | Average household income |
|--|--------|--------------------------|
| Households with 1 adult and 0 children         | 7 008  | 118 604                  |
| Households with 1 adult and 1 child            | 808    | 119 133                  |
| Households with 1 adult and 2 children         | 434    | 112 981                  |
| Households with 1 adult and 3 or more children | 202    | 109 169                  |
| Households with 1 adult woman and 0 children   | 2 428  | 92 728                   |
| Households with 1 adult woman and 1 child      | 639    | 108 852                  |

*Source:* Statistics Greenland.

604. In tables 28-30, the average household income after tax (disposable income) is shown for a number of different kinds of households broken down by the number of adults and children in the household. As it appears, the average household income after tax (disposable income) is higher in households with two adults and two children than in households with two adults and no children or only one child, while the same trend is not seen for households with two adults and three or more children where, on the contrary, the income is lower than in households with fewer children. Please note that the calculated incomes do not take account of tax-exempt social benefits or the barter economy that plays an important role for households, particularly in remote districts.

**(c) Labour market**

605. Under Home Rule Order No. 37 of 29 December 1995 on Grants to Local Authority Youth Services, local authorities have to provide upgrading occupation services to young people aged 15-24 years who are without the background after their schooling to be integrated in the labour market or enrolled in education, as well as other young people who are out of work. The legislation is in the process of being altered with a view to setting up counselling and guidance centres in local authorities for all groups of jobless and job-seeking persons, including young people. Three local authorities have already set up counselling and guidance centres on a pilot basis.

## **G. Education, leisure and cultural activities (arts. 28, 29 and 31)**

### **1. The child's right to education (art. 28)**

#### **(a) Schools (*Folkeskolen*)**

606. As referred to in section X.A.2, the school system is currently being reformed under the heading *Atuarfitsialak*, "The Good School". At its spring session 2002, the Landsting adopted Landsting Regulations No. 8 of 21 May 2002 on the school system (*Folkeskolen*), which enter into force on 1 August 2003, applying to pupils in the first six school years. A number of follow-up proposals have also been prepared. They are currently awaiting approval by the Greenland Executive.

607. The Regulations stipulate a universal education obligation, but no schooling obligation. Any child who is a resident of Greenland or has to stay there for at least six months thus has a right and obligation to attend education in the school system or other education which lives up to the general education requirements. The age of compulsory education begins at the start of the school year in the calendar year in which the child turns 6 years and ends after the child has received regular education for 9 years. Exemption from education after 8 years requires that a vocational training and education plan is established for the pupil in question. The school system offers children and young people education in a 10-year programme free of charge.

608. According to the Regulations, the education has to be adjusted to match the particular pupil's needs and background. In each subject, the teacher and pupil have to cooperate on an ongoing basis on determining the goals that should be attained, whereupon the pupil's work is planned to take account of these goals. The work forms, methods and selection of subject areas must also be determined in cooperation between teachers and pupils.

609. After consultation with their teachers, pupils have to prepare an action plan, which will be part of continuing reviews and form the basis of their further education and training. Reviews must be based on the pupils' own assessments and their benefit from schooling, and in this connection the action plans prepared by pupils after consultation with their teachers have to be discussed.

610. To accommodate the children from villages who have to finish their schooling in the main town of a local district, pupils' homes and residence facilities are established in connection with the existing schools. Special, accessible boarding schools may moreover admit disabled pupils, who will benefit from a period away from home that will facilitate their further schooling or any rehabilitation they may need. Stays at pupils' homes, residence facilities and accessible boarding schools are free of charge.

611. School pupils in the ninth year or higher who live at home receive a monthly grant for 10 months a year, which amounted to DKr 919.10 per month for the school year 1999/2000. The grant is stepped down in proportion to rising parental income, and will lapse at a certain income threshold. Upper secondary students and students who take single subjects for the

school-leaving exam have the right to apply for education grants from the Greenland Home Rule Authorities. In March 1999, the education grant amounted to DKr 2,000 per month for students living at home and DKr 4,000 for students living away from home. Students with children receive an allowance on top of their education grants.

612. The Greenland College of Education (Ilinnarfissuaq) provides training and continuing education for schoolteachers, including a decentralized teacher training programme. In 1999, about 200 students were enrolled at the college, while in 2002 the number enrolled was about 240. The college of education graduates 35-37 teachers a year.

613. The premises of primary schools are of different standards, and there is a considerable need for renovation and new construction.

614. According to a survey done on 1 October 2002, 642 teachers (including pre-school teachers) conduct their teaching in Greenlandic; 223 teachers teach in Danish, but not Greenlandic. In addition, schools employ 357 untrained teachers (on a fixed-term hourly basis) corresponding to 303 teaching positions. In particular the remote districts have many teachers employed on an hourly basis. In the school year 1999/2000, the average class size was 16 pupils per class in town schools. In the school year 1998/99, the schools had a total of 11,087 pupils, 1,829 of them in the villages, while in the school year 1999/2000, the schools had a total of 11,164 pupils, 1,859 of them in villages.

**(b) Upper secondary education**

615. The upper secondary education programmes in Greenland qualify for access to higher education in Greenland, Denmark and abroad. The upper secondary schools are in Nuuk, Aasiaat and Qaqortoq. Upper secondary schooling is a three-year programme, and being part of the Danish upper secondary education system, it is governed by the Danish Ministry of Education. About 30 per cent of a year of young people commenced upper secondary education in 1998 and 1999; 73 students passed the upper secondary exams in 1998, whereas the number fell to 61 students in 1999, whereupon it rose to 86 in 2000.

616. In the reporting period, specialized upper secondary schooling programmes, for the higher commercial certificate and the higher technical certificate, were introduced in Greenland. The higher commercial programme is provided in Qaqortoq, while the higher technical programme is provided in Sisimiut.

**(c) Vocational training**

617. The STI programmes, introduced in 1990, comprise a range of basic vocational programmes admitting students with the school-leaving certificate. The STI system provides programmes in building and construction, iron and metalwork, the commercial and clerical area, the food area, the social and health area, the graphic basic courses, the service area and the basic electricians' programmes.

**(d) Completion of education**

618. The high dropout rates in education are a special problem in Greenland. The publication from Statistics Greenland, Education Statistics 2002:1, thus shows that about 38 per cent of students never complete their programmes. The dropout rate is highest for basic vocational programmes and lowest for further education programmes. There may be several reasons for the dropout rates, including school fatigue, too low admission requirements for enrolment compared to a higher level required within the programmes, insufficient careers guidance and inadequate command of Danish and English. A common guidance training programme for teachers, counselling teachers, careers officers, labour market advisers, etc. has been established to provide better guidance and counselling to young people seeking training and education.

**2. Aims of education (art. 29)**

619. Landsting Regulations No. 8 of 21 May 2002 on the School System (*Folkeskolen*) stipulate that schools, cooperating with homes, have to contribute to ensuring that pupils acquire all necessary knowledge and skills and develop their own talents and capabilities, and schools must promote the pupils' health, social and emotional development. In addition, schools have to help ensure that pupils are able to create a harmonious and independent life for themselves, and they must promote spiritual freedom and tolerance in pupils and strengthen co-responsibility and cooperation between pupils as well as between teachers and pupils.

620. The school system has to offer a sound and secure learning environment that supports the pupils' ability to think for themselves and take a critical stand, their ability to express their own views, attitudes and feelings, their ability to set targets and handle change and their commitment and creativity.

621. According to the Landsting Regulations, the education provided by the school system must also give pupils an opportunity to acquire useful knowledge, work forms and skills, and allow them to develop their individual talents, prepare for education and work and acquire the command of versatile forms of expression as well as communication skills. In addition, the schools must provide a framework for the daily life and work at schools that motivates pupils to develop their own self-esteem and self-confidence, their cooperative skills, sense of responsibility and respect of other people.

622. In general, the activities of the schools must also provide a basis for ensuring that pupils develop their knowledge about and understanding of their own social identity, culture and values, that they acquire knowledge and develop understanding of other cultures and are introduced to a democratic mindset. Finally, pupils must be made aware of their own democratic rights and obligations as well as developing an understanding of their own responsibility for the development of society and the interaction of society and the natural environment.

**3. Leisure and cultural activities (art. 31)**

623. The Greenland Treasury pays grants to and operates a number of institutions in the cultural and recreational area. For example grants are paid to newspapers, Radio Greenland, TV Greenland, the Greenland Culture House (Katuaq) and several other cultural and recreational

organizations. In addition, the Home Rule Government operates the National Library for Greenland, the National Museum and Archives and other museums. Cultural legislation comprises the library service, the museum service, the archives service, recreational activities and radio and TV broadcasting. The total local authority expenditure on education and culture in 2001 amounted to DKr 160.7 million, of which DKr 54.1 million were allocated to activities aimed at children and young people.

## **H. Special protection measures (arts. 22, 30, 32-35, 37-38 and 40)**

### **1. Refugee children (art. 22)**

624. Please refer to Denmark's first periodic report of 1993, section A.1, and Denmark's second periodic report of 1998, paragraphs 21-25. Please note that the case processing rules concerning unaccompanied refugee children referred to in section IX.A of this present report have not been put into force for Greenland.

### **2. Protection from economic exploitation (art. 32)**

625. Act No. 295 of 4 June 1986 on Health and Safety at Work in Greenland,<sup>6</sup> includes a number of provisions on the working environment of children and young persons. According to the Act, children below the age of 15 years must not be employed in paid work apart from light help work for two hours a day. Young persons between 15 and 18 years must not work more than 10 hours a day and must have a rest period of at least 12 hours in succession every day. The rest period must include the period between 10 p.m. and 5 a.m. unless the young person concerned is employed in the fish processing industry and has turned 16 years. Another applicable instrument is Executive Order for Greenland No. 152 of 18 April 1972 on Young Persons' Hazardous Work.

626. Executive Order No. 400 of 24 June 1986 for Greenland issued by the Ministry of Employment concerning children's admission to light work lays down specific rules on the types of light work that may be carried out by children who have turned 10 years and the types of light work that may be carried out by children who have turned 13 years. In addition, the Executive Order includes rules on the types of work that must not be carried out by children below 15 years, because it is dangerous for their health, safety or development. Moreover it includes specific rules on the maximum permitted daily and weekly working hours of children in the respective age groups.

627. The Act on Health and Safety at Work in Greenland is being revised, including the rules for young persons below 18 years of age. A draft amendment act has been submitted to the Greenland Home Rule Government for consultation.

628. This change of the legislation is expected to lead to a consolidation of the current executive orders, and the content of the new instrument will correspond to that of Danish Executive Order No. 516 of 14 June 1996 on Young Persons' Work. Subsequently, the health and safety at work rules for Greenland will meet the requirements of ILO Convention No. 138 on the Minimum Age for Admission to Employment.

629. According to figures compiled by Statistics Greenland, 2,884 young persons aged 15-19 years were in employment in Greenland in 1999. About 2,000 of them were employed in the private sector and 830 in the public sector. The young people were employed primarily in the retail trade (666), the manufacturing sector (including the fish processing industry) (378), the hotel and catering trade (285), cleaning (101) and hunting and fishing activity (165). For comparison, a total of 17,682 persons below 18 years lived in Greenland in the year in question. The number of young people below 15 years in employment is unknown.

630. In 2001, three occupational accidents affecting young people were reported, but no work-related diseases. In 2001, three cases of illegal child labour were reported to the police. One case was settled by acceptance of a fine out of court, and one case was dismissed. The Working Environment Authority has not received information about the conclusion of the third case.

### **3. Protection from illicit use of narcotic drugs, etc. (art. 33)**

#### **(a) Narcotic drugs**

631. Please refer to Denmark's first periodic report of 1993, section IX.C.2.

632. Greenland has the same rules as Denmark had until 1992. In practice, the most significant difference between legislation in Denmark and Greenland is that a number of narcotic drugs that are subject to control in Denmark are not subject to any control in Greenland. These are the new - typically synthetic - drugs. The Greenland Home Rule Authorities hold the competence to revise the rules, but have not yet taken steps to do so.

#### **(b) Alcohol**

633. Children's access to alcohol and establishments where alcohol is served is regulated by Landsting Act No. 11 of 11 November 2000 on Selling and Serving Alcoholic Beverages. According to section 18 (1) of this Act, selling or serving strong or weak alcoholic beverages to children below 18 years is prohibited.

634. According to section 18 (5) of the Act, persons below 18 years of age must not be given access to restaurants or other establishments serving weak or strong alcoholic beverages after 8 p.m., unless they are accompanied by their parents, a guardian or another person of legal age with a special responsibility for the young person concerned.

### **4. Protection from sexual exploitation and abuse (art. 34)**

#### **(a) Prevention of sexual assaults on children**

635. PAARISA has initiated several measures to meet the prevention policy goals adopted by the Greenland Executive concerning the prevention of sexual abuse of children (see section X.F). Thus, in 1999, a major conference on sexual abuse of children in Greenland was held in cooperation between the Greenland Home Rule Authorities and Save the Child, Denmark.



In 2001, as a direct result of the conference, the Home Rule Authorities established a national anonymous telephone counselling service, "The Child Helpline", on which children may receive advice and counselling from an adult with a training background in the child and family welfare area. Another initiative was the publication of three small books for children aged 3-18 years, providing information adjusted to the age groups on the consequences of sexual contact between children and adults and children's right to say no and their possibility to seek help.

636. At the local level, a number of special prevention advisers carry out information work and take part in cross-service cooperation with local authorities. A few advisers are also in charge of therapy groups for sexually abused children and young persons.

637. In the period 2001-2003, extraordinary initiatives were also taken in two remote local authority districts, Ittoqqortoormiit and Qaanaaq. An action plan has been prepared for each district aimed to implement special measures for neglected and abused children and young persons, also involving the children's parents. The overall project management regarding Ittoqqortoormiit is handled by a special committee, whose members are representatives of the Home Rule Authorities, the Chief of Police for Greenland, the National Alcohol and Drugs Council, the mayor of Ittoqqortoormitt and a number of members appointed by the local council. Funding of about DKr 1 million a year has been allocated to the projects in the two remote districts.

638. Other measures that will be implemented in 2003 include the project, "My body is my own", which consists of the publication of education material and a theatre tour aimed to communicate children's right to their own bodies, and the project, "Youth welfare", based on a nationwide study of sexual experience with adults gained by tenth-year school pupils, which seeks to map out the extent and degree of sexual abuse with a view to underpinning the planning of future preventive activities. It is also planned to publish a leaflet on safe chat on the Internet to be used by schools, clubs and libraries.

639. In the reporting period, the progress in implementing the Convention on the Rights of the Child has been characterized by the break-up of several taboos, resulting for example in intense public debate on the sexual abuse of children and young persons. During the same period, there was an increase in the number of reported sexual offences, which is immediately worrying, but may, on the other hand, be seen as a reflection of greater awareness and rejection, also by the victims.

**(b) Educational measures**

640. The educational staff of the residential institutions for children and young persons in Greenland is offered a three-year modular continuing education course on analysis and treatment of serious neglect, including in the form of sexual and violent assaults. The course can accommodate 20 participants at a time. The first group commenced the course in June 1999, and the next will start the course in November 2003.

641. A modular continuing education course for local authority caseworkers has also been established. It is a three-year course, and the first class of 32 staff members is expected to complete the course in 2003. The objectives of the course are to empower the caseworkers

professionally and personally, and enable them to take early action, with greater assurance, in relation to families in which neglect is a threat to the welfare of children and young persons, to make targeted efforts to prepare the return of children placed in care to their families and to carry out work with sexually abused children and young persons. The Home Rule Authorities estimate that this course provides the participants with the necessary knowledge and methods for this type of work, thereby upgrading local casework to help neglected and sexually abused children and young persons.

642. Based on a recommendation from a task force appointed by the Justice Commission for Greenland, the Greenland police service has directed special attention to the handling of cases concerned with sexual offences against children. Consequently, in the autumn of 2002, a targeted training programme was completed by 20 police officers with special qualifications for and interest in dealing with this type of case. The main purpose of this training programme was to enable the participants to conduct gentle and objective interviews of children and young persons who are victims of sexual offences. Subsequently, it is the intention to have such cases dealt with only by police officers who have taken this training programme.

**(c) Interviewing children in cases concerned with sexual offences**

643. It has also been made possible to conduct video interviews of children, which the charged offender and the offender's lawyer may attend elsewhere. The new rules were introduced by Circular No. 86 of 11 November 2002 issued by the Chief of Police for Greenland on interviews and examinations of children who have suffered sexual assaults and also by Instructions II No. 21 given by the Chief of Police. The video equipment is portable and can thus be used for interviews anywhere in Greenland. The object of this form of interviewing is to avoid exposing the child to the experience of having to make statements both to the police and before the court in one or more subsequent trials. If required, the video recording can be submitted in evidence on a par with a statement given in court.

644. In practice, when receiving a report of sexual abuse of a child, the police will contact the child to assess whether the child is capable of being interviewed. This will also allow the child to become familiar with the police officer and make the child feel more secure at the subsequent interview. During the first contact, a support person for the child will be present. This may be either a parent or a social authority officer. The support person will also be present to assist the child at the interview.

645. The interview will be carried out at a place that takes account of the child's interests to the widest possible extent. It is sought to make the interview as brief and gentle as possible, and it must not last more than one hour. After the interview the further care of the child will be handled by the professional system, most frequently the social authorities in cooperation with the health authorities.

**5. Protection from abduction, sale, etc. (art. 35)**

646. Abduction or sale of or traffic in children is extremely rare in Greenland. In 1994 and 1995, there were, however, two cases of abduction of children by one of the parents. In both cases, the parents found a solution, however, so that the children could be returned.

Therefore, the Home Rule Authorities have not yet felt there were grounds to accede to the Hague Convention on the Civil Aspects of International Child Abduction of 25 October 1980 or the Council of Europe Convention of 1980 on the Recognition and Enforcement of Decisions Concerning Custody of Children. Denmark therefore maintains a provisional reservation to the two Conventions in respect of Greenland. It is expected, however, that the Danish authorities will submit a number of acts to the Greenland Landsting by the end of 2003, including an act on international enforcement of decisions relating to custody, etc. for their entry into force for Greenland at a later point. If so, Greenland will have to accede to the two Conventions at the same time.

#### **6. Protection of the child in connection with armed conflicts (art. 38)**

647. Please refer to Denmark's first periodic report of 1993, section XI.B, and the present report, section X.B.5.

#### **7. Children in criminal justice (arts. 37 (b)-(d) and 40)**

648. According to the Criminal Code, children below 15 years of age cannot be subjected to any measures of criminal justice, and consequently they are not prosecuted. If children and young persons below 15 years are apprehended while committing a criminal offence, the police contact the social authorities, who will take steps under social legislation. Otherwise, children are subject to the same rules of criminal procedure as adults.

649. Please refer to section X.D.8 for the forms of punishment applied in Greenland. It should be noted in this connection that the Criminal Code for Greenland includes provisions on special measures against young offenders. If an offender is less than 18 years when sentenced, the court may pass a conditional sentence ordering that the convicted offender must be placed in juvenile care. A probation period for a child or young person cannot exceed three years. The court may also sentence young offenders to a fine.

650. When young offenders who are below 18 years are charged, a guardian will be appointed to attend interviews. This may be either a parent or a social authority officer. Likewise, a guardian is assigned to witnesses under 15 years of age.

651. Offenders below 18 years of age must not be sentenced to placement in an institution, unless special circumstances make such a placement required.

652. On 1 October 2002, a total of 184 persons were under supervision by the Prison and Probation Service. Thirty-two of them were aged 15-19 years. Updated statistics on children and young persons placed in other types of care are not available.

#### **8. Article 30 - Children's right to their own culture, religion and language**

653. Please refer to section X.C.1 concerning the integration of Greenlandic- and Danish-speaking children in schools and section D.7 on the rising number of books in the Greenland language.

### Notes

<sup>1</sup> Committee on the Rights of the Child, concluding observations: Denmark, (CRC/C/15/Add.151), 10 July 2001.

<sup>2</sup> "Child abductions" - Report of a task force of the Ministry of Justice, 2003.

<sup>3</sup> See the "Report on reinforced action against sexual abuse of children" by the Inter-Ministerial Task Force, July 2000; "Sexual Abuse of Children in Denmark" by Karin Helweg-Larsen, National Institute of Public Health, 2000; "Youth Welfare in the Year 2002 - a study focused on sexual assaults in childhood" by Karin Helweg-Larsen and Helmer Bøving Larsen, National Institute of Public Health, 2002; "Criminal Prosecution of Sexual Abuse of Children", report No. 1420/2002 published by a working group under the Ministry of Justice.

<sup>4</sup> See note 3. See also "Young Sexual Offenders", the Institute of Social Research 2002 by Mimi Strange; "A study of Sexual Offences against Children and Young People in Sports", the National Institute of Public Health by Karin Helweg-Larsen, 2002; "Young People in Prostitution and Legislation" (evaluation by the PRO centre of section 223 of the Criminal Code) by Dan E. Christensen, 2002; "Young People and Prostitution - a Neglected Problem" (study by the PRO centre from 2003) by Dan E. Christensen; "Sexual Offences against Persons with a Disability", Social Development Centre, by Elsebeth Kirk Muff, 2001; "Children and the Internet" by Save the Child, to be published April 2003.

<sup>5</sup> The figures are from page 23 of "Criminal Prosecution of Sexual Abuse of Children", report No. 1420/2002 submitted by a working group under the Ministry of Justice.

<sup>6</sup> The health and safety at work area has not been transferred to Greenland. This means that Danish legislation applies to Greenland. The Danish Minister of Employment is the superior administrative authority in relation to health and safety at work issues in Greenland, and the Working Environment Authority for Greenland is one of several Danish regional inspectorates.

**List of annexes**

On the Incorporation of Human Rights Conventions in Danish Law (Report No. 1407 by the Incorporation Committee, summary in English), Copenhagen, 2001

The Children Act (Act No. 460 of 7 June 2001)

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